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Presidential Documents

Title 3—

The President

Memorandum of February 20, 2018

Application of the Definition of Machinegun to ''Bump Fire'' Stocks and Other Similar Devices

Memorandum for the Attorney General

After the deadly mass murder in Las Vegas, Nevada, on October 1, 2017, I asked my Administration to fully review how the Bureau of Alcohol, Tobacco, Firearms and Explosives regulates bump fire stocks and similar devices.

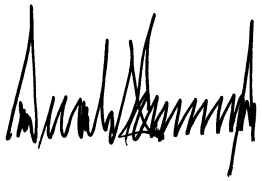
Although the Obama Administration repeatedly concluded that particular bump stock type devices were lawful to purchase and possess, I sought further clarification of the law restricting fully automatic machineguns.

Accordingly, following established legal protocols, the Department of Justice started the process of promulgating a Federal regulation interpreting the definition of ''machinegun'' under Federal law to clarify whether certain bump stock type devices should be illegal. The Advanced Notice of Proposed Rulemaking was published in the Federal Register on December 26, 2017. Public comment concluded on January 25, 2018, with the Department of Justice receiving over 100,000 comments.

Today, I am directing the Department of Justice to dedicate all available resources to complete the review of the comments received, and, as expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns.

Although I desire swift and decisive action, I remain committed to the rule of law and to the procedures the law prescribes. Doing this the right way will ensure that the resulting regulation is workable and effective and leaves no loopholes for criminals to exploit. I would ask that you keep me regularly apprised of your progress.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, February 20, 2018

[FR Doc. 2018–03868
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Rules and Regulations

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

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

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 46

[Docket ID OCC–2017–0021]

RIN 1557–AE28

Annual Stress Test—Technical and Conforming Changes

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: On October 27, 2017, the Office of the Comptroller of the Currency (OCC) published a proposed rule that would have made several revisions to its stress testing regulation. The OCC is now adopting the proposed rule as final. The final rule changes the range of possible ''as-of'' dates used in the global market shock component to conform to changes already made by the Board of Governors of the Federal Reserve System (Board) to its stress testing regulations. The final rule also changes the transition process for covered institutions with $50 billion or more in assets. Under the final rule, a covered institution that becomes an over $50 billion covered institution, as that term is defined in the OCC stress testing regulation, before September 30 will become subject to the requirements applicable to an over $50 billion covered institution beginning on January 1 of the second calendar year after the covered institution becomes an over $50 billion covered institution, and a covered institution that becomes an over $50 billion covered institution after September 30 will become subject to the requirements applicable to an over $50 billion covered institution beginning on January 1 of the third calendar year after the covered institution becomes an over $50 billion covered institution. The final rule also makes certain technical changes to clarify the requirements of the OCC's stress testing regulation.

DATES: The rule is effective March 26, 2018.

FOR FURTHER INFORMATION CONTACT: Hein Bogaard, Lead Economic Expert, International Analysis and Banking Condition, (202) 649–5450; Andrew Tschirhart, Financial Analyst, Large Bank Supervision, (202) 649–6210; Kari Falkenborg, Senior Financial Analyst, Midsize and Community Bank Supervision, (312) 917–5000; Henry Barkhausen, Counsel, or Ron Shimabukuro, Senior Counsel, Legislative and Regulatory Activities Division, (202) 649–5490; for persons who are deaf or hearing impaired, TTY, (202) 649–5597.

SUPPLEMENTARY INFORMATION:

I. Background

Section 165(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act [1] (''Dodd-Frank Act'') requires two types of stress tests. Section 165(i)(1) requires the Board to conduct annual stress tests of holding companies with $50 billion or more in assets (''supervisory stress tests''). Section 165(i)(2) requires the federal banking agencies to issue regulations requiring financial companies with more than $10 billion in assets to conduct annual stress tests themselves (''company-run stress tests''). In October 2012, the OCC, the Board, and the Federal Deposit Insurance Corporation issued final rules implementing the company-run stress tests.

The Dodd-Frank Act requires that the OCC and other federal primary financial regulatory agencies issue consistent and comparable regulations to implement the statutory stress testing requirement. In order to fulfill this requirement and minimize regulatory burden, the OCC has worked to ensure that its stress testing regulation remains consistent and comparable to the regulations enacted by other regulatory agencies, including the Board.

II. Description of the Final Rule

A. New Range of Possible As-Of Dates for Trading and Counterparty Scenario Component

Under 12 CFR 46.5(c) the OCC may require a covered institution with significant trading activities to include trading and counterparty components in its adverse and severely adverse scenarios. The trading and counterparty position data to be used in this component is as of a date between January 1 and March 1 of a calendar year. On February 3, 2017, the Board issued a final rule that extended this range to run from October 1 of the calendar year preceding the year of the stress test to March 1 of the calendar year of the stress test.[2] The proposed rule would have made this same change to the OCC's stress testing regulation. The OCC received no comments on this change and is adopting the change as proposed. Extending this range will increase the OCC's flexibility to choose an appropriate as-of date. The OCC continues to coordinate its stress testing program with the Board in order to minimize regulatory burden.

B. New Applicability Transition and Terminology for Covered Institutions With $50 Billion or More in Assets

The proposed rule would have changed the term ''over $50 billion covered institution'' to ''$50 billion or over covered institution.'' The change would not have altered the scope of this defined term and would not change the substantive requirements of the regulation. The OCC did not receive any comments on this change and is adopting the change as proposed. The new defined term will be a more precise description of the entities included within this category, which includes all national banks and federal savings associations ''with average total consolidated assets . . . that are not less than $50 billion.'' [3] While the final rule will change the defined term ''over $50 billion covered institution'' to ''$50 billion or over covered institution,'' this supplementary information section will continue to use the defined term ''over $50 billion covered institution'' since that is the term used in the current regulatory text.

The proposed rule would also have changed the transition process for covered institutions that become an ''over $50 billion covered institution.'' On February 3, 2017, the Board issued a final rule that would provide additional time for bank holding companies that cross the $50 billion

[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] 82 FR 9308 (February 3, 2017).

[3] 12 CFR 46.2.

asset threshold close to the April 5 submission date.[4] The proposed rule would have made a parallel amendment to the OCC's stress testing regulation. The OCC did not receive any comments addressing this change and is adopting the change as proposed. Under the final rule, a national bank or federal savings association that becomes an over $50 billion covered institution in the fourth quarter of a calendar year [5] will not be subject to the stress testing requirements applicable to over $50 billion covered institutions until the third year after it crosses the asset threshold. For example, if a national bank or federal savings association became an over $50 billion covered institution on September 15, 2017, the institution would be expected to comply with the requirements applicable to over $50 billion covered institutions beginning in 2019 and file the OCC DFAST–14A in April 2019. If a national bank or federal savings association became an over $50 billion covered institution on October 15, 2017, the institution would be required to comply with the stress testing requirements applicable to over $50 billion covered institutions beginning in 2020 and file the OCC DFAST–14A in April 2020.

The stress testing timeline and transition process for national banks or federal savings associations which become $10 to $50 billion covered institutions remain unchanged. A national bank or federal savings association that becomes a $10 to $50 billion covered institution on or before March 31 of a given year would be required to conduct its first stress test in the next calendar year. For example, a national bank or federal savings association that becomes a $10 to $50 billion covered institution as of March 31, 2017, would be required to conduct its first stress test in the stress testing cycle beginning January 1, 2018. A national bank or federal savings association that becomes a $10 to $50 billion covered institution after March 31 of a given year would be required to conduct its first stress test in the second calendar year after the date the national bank or federal savings association becomes a covered institution. For example, a national bank or federal savings association that becomes a $10 to $50 billion covered institution on June 30, 2017 would be required to conduct its first stress test in the stress testing cycle beginning January 1, 2019.

C. Remove Obsolete Transition Language

In 2014 the OCC, in coordination with the Board and Federal Deposit Insurance Corporation, shifted the dates of the annual stress testing cycle by approximately three months.[6] The OCC's stress testing regulation continues to include transition language to facilitate this schedule shift. The transition to the new schedule is now complete, and the final rule removes this obsolete transition language.

III. Comments

The OCC received three comments on the proposed rule from individuals. Two of the comments did not address the contents of the proposed rule or stress testing. One comment mentioned stress testing but was very brief and did not make any specific recommendations. Accordingly, the OCC is adopting the final rule as proposed.

IV. Regulatory Analysis

Paperwork Reduction Act

Under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501–3520), the OCC may not conduct or sponsor, and a person is not required to respond to, an information collection unless the information collection displays a valid Office of Management and Budget (OMB) control number. This final rule amends 12 CFR part 46, which has an approved information collection under the PRA (OMB Control No. 1557–0319). The amendments do not introduce any new collections of information, nor do they amend 12 CFR part 46 in a way that modifies the collection of information that OMB has approved. Therefore, this final rule does not require a PRA submission to OMB.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires generally that, in connection with a final rule, an agency prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities. However, the regulatory flexibility analysis otherwise required under the RFA is not required if an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (defined in regulations promulgated by the Small Business Administration (SBA) to include banking organizations with total assets of less than or equal to $550 million) and publishes its certification and a brief explanatory statement in the **Federal Register** together with the rule.

As discussed in the **SUPPLEMENTARY INFORMATION** section, the final rule will only affect institutions with more than $10 billion in total assets. Therefore, the rule will not affect any small entities. As such, pursuant to section 605(b) of the RFA, the OCC certifies that this final rule would not have a significant economic impact on a substantial number of small entities because no small national banks or federal savings associations would be affected by the final rule. Accordingly, a regulatory flexibility analysis is not required.

Unfunded Mandates Reform Act

The OCC has analyzed the final rule under the factors in the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532). Under this analysis, the OCC considered whether the final rule includes a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year (adjusted annually for inflation). The OCC has determined that this final rule will not result in expenditures by state, local, and tribal governments, or the private sector, of $100 million or more in any one year. Accordingly, this final rule is not subject to section 202 of the UMRA.

Riegle Community Development and Regulatory Improvement Act of 1994

The Riegle Community Development and Regulatory Improvement Act of 1994 (RCDRIA) requires that each federal banking agency, in determining the effective date and administrative compliance requirements for new regulations that impose additional reporting, disclosure, or other requirements on insured depository institutions, consider, consistent with principles of safety and soundness and the public interest, any administrative burdens that such regulations would place on depository institutions, including small depository institutions, and customers of depository institutions, as well as the benefits of such regulations. In addition, new regulations and amendments to regulations that impose additional reporting, disclosure, or other new requirements on insured depository institutions generally must take effect on the first day of a calendar quarter that begins on or after the date on which the regulations are published in final form.[7] The final rule would not impose

[4] 82 FR 9308 (February 3, 2017).

[5] An institution becomes an over $50 billion covered institution when its average total consolidated assets, as reported on the covered institution's Call Reports, for the four most recent consecutive quarters, equals $50 billion or more. 12 CFR 46.3(a).

[6] 79 FR 71630 (December 3, 2014).

[7] 12 U.S.C. 4802.

additional reporting, disclosure, or other requirements; therefore the requirements of the RCDRIA do not apply.

Plain Language

Section 722 of the Gramm-Leach-Bliley Act requires the federal banking agencies to use plain language in all proposed and final rules published after January 1, 2000. The OCC has sought to present the final rule in a simple and straightforward manner. The OCC did not receive any comments on its use of plain language.

List of Subjects in 12 CFR Part 46

Banking, Banks, Capital, Disclosures, National banks, Recordkeeping, Risk, Savings associations, Stress test.

Authority and Issuance

For the reasons set forth in the preamble, the OCC amends 12 CFR part 46 as follows:

PART 46—ANNUAL STRESS TEST

■ 1. The authority citation for part 46 continues to read as follows:

Authority: 12 U.S.C. 93a; 1463(a)(2); 5365(i)(2); and 5412(b)(2)(B).

■ 2. Section 46.2 is amended by:
■ a. Removing the phrase ''an over $50 billion covered institution'' and adding the phrase ''a $50 billion or over covered institution'' in its place in the definition of ''covered institution''; and
■ b. Removing the definition of ''over $50 billion covered institution'' and adding the definition for ''$50 billion or over covered institution'' in alphabetical order.

The addition reads as follows:

§ 46.2 Definitions.

* * * * *

$50 billion or over covered institution means a national bank or Federal savings association with average total consolidated assets, calculated as required under this part, that are not less than $50 billion.

* * * * *

■ 3. Section 46.3 is amended by:
■ a. Removing paragraph (b);
■ b. Redesignating paragraphs (c) through (e) as paragraphs (b) through (d), respectively;
■ c. Revising newly redesignated paragraphs (b) and (c); and
■ d. Removing the phrase ''an over $50 billion covered institution'' and adding the phrase ''a $50 billion or over covered institution'' in its place wherever it appears in newly redesignated paragraph (d).

The revisions read as follows:

§ 46.3 Applicability.

* * * * *

(b) *Covered institutions that become subject to stress testing requirements.* A national bank or Federal savings association that becomes a $10 to $50 billion covered institution on or before March 31 of a given year shall conduct its first annual stress test under this part in the next calendar year after the date the national bank or Federal savings association becomes a $10 to $50 billion covered institution, unless that time is extended by the OCC in writing. A national bank or Federal savings association that becomes a $10 to $50 billion covered institution after March 31 of a given year shall conduct its first annual stress test under this part in the second calendar year after the calendar year in which the national bank or Federal savings association becomes a $10 to $50 billion covered institution, unless that time is extended by the OCC in writing.

(c) *Ceasing to be a covered institution or changing categories.* (1) A covered institution shall remain subject to the stress test requirements based on its applicable category, as defined in § 46.2, unless and until total consolidated assets of the covered institution falls below the relevant size threshold for each of four consecutive quarters as reported by the covered institution's most recent Call Reports. The calculation shall be effective on the ''as of'' date of the fourth consecutive Call Report.

(2) Notwithstanding paragraph (c)(1) of this section, a national bank or Federal savings association that becomes a $50 billion or over covered institution, whether by migrating from being a $10 to $50 billion covered institution or by directly becoming a $50 billion or over covered institution, after September 30 of a calendar year must comply with the requirements applicable to a $50 billion or over covered institution beginning on January 1 of the third calendar year after the national bank or Federal savings association becomes a $50 billion or over covered institution, unless that time is extended by the OCC in writing. A national bank or Federal savings association that becomes a $50 billion or over covered institution on or before September 30 of a calendar year must comply with the requirements applicable to a $50 billion or over covered institution beginning on January 1 of the second calendar year after the national bank or Federal savings association becomes a $50 billion or over covered institution, unless that time is extended by the OCC in writing.

* * * * *

■ 4. Revise § 46.5 to read as follows:

§ 46.5 Annual stress test.

Each covered institution must conduct the annual stress test under this part subject to the following requirements:

(a) *Financial data.* A covered institution must use financial data as of December 31 of the previous calendar year.

(b) *Scenarios provided by the OCC.* In conducting the stress test under this part, each covered institution must use the scenarios provided by the OCC. The scenarios provided by the OCC will reflect a minimum of three sets of economic and financial conditions, including baseline, adverse, and severely adverse scenarios. The OCC will provide a description of the scenarios required to be used by each covered institution no later than February 15 of that calendar year.

(c) *Significant trading activities.* The OCC may require a covered institution with significant trading activities, as determined by the OCC, to include trading and counterparty components in its adverse and severely adverse scenarios. The trading and counterparty position data to be used in this component will be as of a date between October 1 of the previous calendar year and March 1 of that calendar year in which the stress test is performed, and the OCC will communicate a description of the component to the covered institution no later than March 1 of that calendar year.

(d) *Use of stress test results.* The board of directors and senior management of each covered institution must consider the results of the stress tests conducted under this section in the normal course of business, including but not limited to the covered institution's capital planning, assessment of capital adequacy, and risk management practices.

■ 5. Section 46.7 is amended by revising paragraphs (a) and (b) to read as follows:

§ 46.7 Reports to the Office of the Comptroller of the Currency and the Federal Reserve Board.

(a) *$10 to $50 billion covered institution.* A $10 to $50 billion covered institution must report to the OCC and to the Board of Governors of the Federal Reserve System, on or before July 31, the results of the stress test in the manner and form specified by the OCC.

(b) *$50 billion or over covered institution.* A $50 billion or over covered institution must report to the

OCC and to the Board of Governors of the Federal Reserve System, on or before April 5, the results of the stress test in the manner and form specified by the OCC.

* * * * *

■ 6. Section 46.8 is amended by revising paragraph (a) to read as follows:

§ 46.8 Publication of disclosures.

(a) *Publication date.* (1) *$50 billion or over covered institution.* A $50 billion or over covered institution must publish a summary of the results of its annual stress test in the period starting June 15 and ending July 15 provided:

(i) Unless the OCC determines otherwise, if the $50 billion or over covered institution is a consolidated subsidiary of a bank holding company or savings and loan holding company subject to supervisory stress tests conducted by the Board of Governors of the Federal Reserve System pursuant to 12 CFR part 252, then within the June 15 to July 15 period such covered institution may not publish the required summary of its annual stress test earlier than the date that the Board of Governors of the Federal Reserve System publishes the supervisory stress test results of the covered bank's parent holding company.

(ii) If the Board of Governors of the Federal Reserve System publishes the supervisory stress test results of the covered institution's parent holding company prior to June 15, then such covered institution may publish its stress test results prior to June 15, but no later than July 15, through actual publication by the covered institution or through publication by the parent holding company pursuant to paragraph (b) of this section.

(2) *$10 to $50 billion covered institution.* A $10 to $50 billion covered institution must publish a summary of the results of its annual stress test in the period starting October 15 and ending October 31.

* * * * *

Dated: February 13, 2018.

Joseph Otting,

Comptroller of the Currency.

[FR Doc. 2018–03687 Filed 2–22–18; 8:45 am]

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 741

RIN 3133–AE77

Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The NCUA Board (Board) is adopting amendments to its share insurance requirements rule to provide stakeholders with greater transparency regarding the calculation of each eligible financial institution's pro rata share of a declared equity distribution from the National Credit Union Share Insurance Fund (NCUSIF). The Board is also adopting a temporary provision to govern all NCUSIF equity distributions related to the Corporate System Resolution Program (CSRP), a special purpose program established by the Board to stabilize the corporate credit union system following the 2007–2009 financial crisis. Furthermore, the Board is making technical and conforming amendments to other aspects of the share insurance requirements rule to account for these changes.

DATES: This rule is effective March 26, 2018, except for the addition of § 741.13, which is effective from March 26, 2018, until December 31, 2022.

FOR FURTHER INFORMATION CONTACT: Benjamin M. Litchfield, Staff Attorney, Office of General Counsel, at (703) 518–6540; or Steve Farrar, Supervisory Financial Analyst, Office of Examination and Insurance, at (703) 518–6360. You may also contact them at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

SUPPLEMENTARY INFORMATION:

I. Background
II. Summary of the Proposed Rule
III. Summary of Comments to the Proposed Rule
IV. Section-by-Section Analysis
V. Technical and Conforming Amendments
VI. Regulatory Procedures

I. Background

The NCUA is the chartering and supervisory authority for federal credit unions (FCUs) and the federal supervisory authority for federally insured credit unions (FICUs).[1] In addition to its chartering and supervisory responsibilities, the Board also administers the NCUSIF, a revolving fund within the U.S. Treasury that provides federal share insurance coverage to more than 106 million credit union members for member accounts held at FICUs and provides assistance in connection with the liquidation or threatened liquidation of FICUs in troubled condition.[2]

The Federal Credit Union Act (FCU Act) requires each FICU to pay and maintain a capitalization deposit with the NCUSIF equal to one percent of the FICU's insured shares to capitalize the NCUSIF.[3] The amount of the FICU's required capitalization deposit is adjusted annually for a FICU with less than $50 million in assets and semiannually for a FICU with $50 million in assets or more.[4] A FICU that terminates federal share insurance coverage is entitled to have its capitalization deposit returned within a reasonable time.[5]

The FCU Act also requires each FICU to pay a federal share insurance premium equal to a percentage of the FICU's insured shares to ensure that the NCUSIF has sufficient reserves to pay potential share insurance claims by credit union members and to provide assistance in connection with the

[1] The NCUA's authority to charter federal credit unions is contained in Title I of the FCU Act (12 U.S.C. 1752–1775), and its various authorities as federal share insurer are contained in Title II of the FCU Act (12 U.S.C. 1781–1790e). Title III of the FCU Act (12 U.S.C. 1795–1795k) governs the Board's responsibilities overseeing the NCUA Central Liquidity Facility, a federal instrumentality that provides liquidity for member credit unions.

[2] 12 U.S.C. 1783.

[3] *Id.* at 1782(c)(1)(A)(i).

[4] *Id.* at 1782(c)(1)(A)(iii)(I)–(II) (''The amount of each insured credit union's deposit shall be adjusted as follows, in accordance with procedures determined by the Board, to reflect changes in the credit union's insured shares: (I) Annually, in the case of an insured credit union with total assets of not more than $50,000,000; and (II) semi-annually, in the case of an insured credit union with total assets of $50,000,000 or more.''). Because the statutory text can be read to require the Board to adjust the capitalization deposit of a FICU with exactly $50,000,000 in assets both annually and semi-annually, the Board interprets the phrase ''not more than'' to mean ''less than'' to give full effect to Congress' intended meaning of this phrase. *See Griffin* v. *Oceanic Contractors, Inc.,* 458 U.S. 564, 571 (1982) (if the meaning of the statutory provision is clear from its text, the sole responsibility of a federal agency is to enforce the statute according to its terms unless literal application of the statute ''will produce a result demonstrably at odds with the intention of its drafters.'').

[5] *Id.* at 1782(c)(1)(B)(i). A FICU may terminate federal share insurance coverage by converting to, or merging into, a non-federally insured credit union or a non-credit union financial institution such as a mutual savings bank. If permitted under applicable state law, a federally insured, state-chartered credit union may also convert to private share insurance. *See* 12 CFR 708b (NCUA's regulation governing mergers and conversions to private share insurance). A FICU may also terminate federal share insurance coverage through voluntary or involuntary liquidation.

liquidation or threatened liquidation of FICUs in troubled condition.[6] The Board may assess a federal share insurance premium no more than twice in a calendar year and not in an amount more than necessary to restore the NCUSIF's equity ratio to 1.3 percent.[7]

Furthermore, the FCU Act requires the Board to make a pro rata distribution of NCUSIF equity to FICUs ''after each calendar year if, as of the end of the calendar year,'' there are no outstanding loans or interest owed to the U.S. Treasury and the NCUSIF meets certain financial performance benchmarks.[8] When those financial conditions are present, the FCU Act requires the Board to make the maximum possible equity distribution that does not reduce the NCUSIF's equity ratio below its normal operating level or the available assets ratio below one percent.[9]

Section 741.4 of the NCUA's share insurance requirements rule implements these requirements.[10] The Board originally adopted it on October 17, 1984 following the passage of the Deficit Reduction Act of 1984,[11] which amended the FCU Act to require pro rata distributions of NCUSIF equity under certain financial conditions.[12] The Board subsequently amended § 741.4 following the passage of the Credit Union Membership Access Act of 1998 [13] and the Helping Families Save Their Homes Act of 2009 [14] to address changes made to the FCU Act by each of these laws.[15] With respect to equity distributions from the NCUSIF, § 741.4 governs the form of a declared equity distribution (*i.e.,* a waiver of insurance premiums, premium rebates, or a dividend directly from the NCUSIF) and the scope of financial institutions (referred to collectively herein as ''eligible financial institutions'') eligible to receive the declared equity distribution.[16]

II. Summary of the Proposed Rule

On July 20, 2017, the Board issued a notice of proposed rulemaking soliciting public comment on proposed amendments to § 741.4 to provide stakeholders with greater transparency regarding the calculation of an eligible financial institution's pro rata share of a declared equity distribution.[17] As part of the proposed rulemaking, the Board also sought to adopt a temporary provision for equity distributions related to the CSRP.[18]

The proposed rule amended § 741.4 in several respects. First, the proposed rule amended § 741.4(e) to adopt a calculation methodology for determining each FICU's pro rata share of a declared equity distribution based on either an eligible financial institution's quarterly average amount of insured shares or its year-end insured shares balance as then reported in the financial institution's year-end Call Report. Second, the proposed rule amended § 741.4(j)(1)(ii) to eliminate the ability of a FICU terminating federal share insurance coverage during the calendar year from receiving an equity distribution for that calendar year.

To accommodate these changes, the proposed rule also made technical and conforming amendments to the definitions in § 741.4(b) and the provisions governing conversion to federal share insurance in § 741.4(i). Appendix A to part 741, which provides examples of partial year federal share insurance premium assessments and equity distributions under § 741.4, was removed in favor of developing a more user-friendly and readily updated set of examples to be posted on the NCUA's public website.

The proposed rule also sought to add a temporary provision, § 741.13, to govern equity distributions related to the CSRP. Because the CSRP involved a series of corporate assessments to capitalize the TCCUSF, the temporary provision required any equity distribution related to the CSRP to take the form of a rebate of past corporate assessments paid on either a First-In, First-Out (FIFO) or Last-In, First-Out (LIFO) basis to repay those eligible financial institutions that were required to pay a corporate assessment.

Finally, the proposed rule requested comment on ways to improve the NCUA's current process for assessing and collecting federal share insurance premiums to provide stakeholders with greater transparency. While not part of this rulemaking, the Board noted its intention to address the assessment and collection of federal share insurance premiums in a separate rulemaking based in part on stakeholder comments. One possible improvement that the Board was considering was calculating federal share insurance premiums similarly to equity distributions.

III. Summary of the Comments to the Proposed Rule

The Board received 50 comments from various stakeholders including FICUs, national credit union trade associations, state credit union trade associations, a professional trade association for state credit union supervisors, and a natural person. Commenters overwhelmingly supported the Board's initiative to provide FICUs with greater transparency and offered general support for the proposed rule.

Commenters almost uniformly supported the Board's *four-quarter average* method for calculating an eligible financial institution's pro rata share of a declared equity distribution under § 741.4(e). One commenter wrote in support of the *year-end insured share balance* method, but did not offer any substantive arguments in support of that approach. Another commenter wrote in support of the current *average daily balance* method, reasoning that the current approach more appropriately treats an equity distribution as a dividend on the NCUSIF capitalization

[6] *Id.* at 1782(c)(2)(A).

[7] *Id.* at 1782(c)(2)(B). The ''equity ratio'' is the amount of NCUSIF capitalization, including FICU NCUSIF capitalization deposits and retained earnings of the NCUSIF (net of direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made) divided by the aggregate amount of insured FICU shares. *Id.* at 1782(h)(2).

[8] *Id.* at 1782(c)(3)(A). The FCU Act requires the Board to make a pro rata equity distribution from the NCUSIF to FICUs for each year where, at the end of the year, the following circumstances are present: (1) The NCUSIF has no outstanding loans from the U.S. Treasury and any outstanding interest on those loans has been repaid; (2) the NCUSIF's equity ratio exceeds the normal operating level set by the Board; and (3) the NCUSIF's available assets ratio exceeds 1 percent. The ''normal operating level'' is currently set at 1.39. The ''available assets ratio'' is the total of cash plus market value of unencumbered investments (less direct liabilities and contingent liabilities for which no provision for loss has been made) divided by the aggregate amount of insured FICU shares. *Id.* at 1782(h)(1).

[9] *Id.* at 1782(c)(3)(B)(i)–(ii).

[10] 12 CFR 741.4.

[11] Public Law 98–369, Div. B., Title VIII, sec. 2804, 98 Stat. 494, 1204 (July 18, 1984).

[12] Capitalization of the National Credit Union Share Insurance Fund, 49 FR 40561 (Oct. 17, 1984).

[13] Public Law 105–219, sec. 302(a), 112 Stat. 913, 933 (Aug. 7, 1998).

[14] Public Law 111–22, sec. 204(e)–(f), 123 Stat. 1632, 1650–51 (May 20, 2009).

[15] National Credit Union Share Insurance Fund Premium and One Percent Deposit, 74 FR 63277 (Dec. 3, 2009).

[16] Under certain circumstances, a FICU that terminates federal share insurance coverage (including through merger with a privately insured credit union) and a financial institution that converts to federal share insurance coverage (including through merger with a FICU) may receive a prorated share of an equity distribution. *See* 12 CFR 741.4(i), (j).

[17] Requirements for Insurance; National Credit Union Share Insurance Fund Equity Distributions, 82 FR 35705 (Aug. 1, 2017).

[18] The CSRP was a special purpose initiative to stabilize the corporate credit union system funded principally through advances from the Temporary Corporate Credit Union Stabilization Fund (TCCUSF). The TCCUSF was a temporary revolving fund within the U.S. Treasury created to address problems in the corporate credit union system that arose as part of the recent financial crisis. On September 28, 2017, the Board announced the closure of the TCCUSF and the winding down of the CSRP. *See* Closing the Temporary Corporate Credit Union Stabilization Fund and Setting the Share Insurance Fund Normal Operating Level, 82 FR 46298 (Oct. 4, 2017).

deposit and does not reward FICUs that aggressively grow insured share balances which can increase the overall risk to the NCUSIF.

Commenters were more evenly divided on the Board's proposed changes to § 741.4(j)(1)(ii), which prohibited the payment of an equity distribution to a FICU that terminates federal share insurance coverage during the calendar year for which an equity distribution is declared. However, neither commenters in favor of the proposed changes nor commenters opposed to the proposed changes offered substantive arguments in support of their respective positions. Commenters in favor of the proposed changes echoed the Board's reasoning from the proposed rule and commenters opposed to the proposed changes generalized about fairness to FICUs that terminate federal share insurance coverage.

Commenters were likewise divided on whether an equity distribution related to the CSRP should take the form of a rebate of past corporate assessments paid on a LIFO or FIFO basis or using the *quarterly average* or *year-end* method, whichever was adopted in § 741.4(e). Of the commenters that indicated a preference for rebates of past corporate assessments on a LIFO or FIFO basis, an overwhelming majority favored the LIFO approach. Other commenters indicated a preference for an *aggregate assessments paid* approach, recommended by a national credit union trade association, which was neither a logical outgrowth of the LIFO or FIFO methods nor the *quarterly average* or *year-end* methods. Under the *aggregate assessments paid* approach, each FICU would have received an equity distribution based on the percentage of corporate assessments paid by that FICU over the life of the CSRP as a percentage of the aggregate corporate assessments paid by all FICUs over the life of the CSRP. The Board did not receive specific comments on any other aspect of the proposed rule, including the technical and conforming amendments proposed to § 741.4(b) and (i) or the elimination of Appendix A to part 741.

For the reasons set out in more detail below, the Board is adopting the *four-quarter average* method for calculating an eligible financial institution's pro rata share of an equity distribution. Additionally, the Board is adopting several new definitions to clarify provisions of the share insurance requirements rule. The Board is not adopting the change to the share insurance requirements rule that would have eliminated the ability of a FICU that terminated federal share insurance to receive an equity distribution for that calendar year. Instead, the Board is adopting a modified version of that provision that is more consistent with the *four-quarter average* method. Furthermore, the Board is also adopting a modified version of the temporary rule for equity distributions related to the CSRP that is more consistent with the *four-quarter average* method. All other changes are adopted as proposed.

IV. Section-by-Section Analysis

Section 741.4(e) Distribution of NCUSIF Equity Not Related to the CSRP

The Board has historically used a number of different calculation methodologies to determine an eligible financial institution's pro rata share of a declared equity distribution made in the normal course of business not related to the CSRP.[19] Rather than leaving the calculation methodology to the discretion of the Board, proposed § 741.4(e) sought to provide stakeholders with greater transparency by establishing a set calculation methodology for all such declared equity distributions. After considering a number of possible approaches, the Board requested public comment on two alternative calculation methodologies: (1) The use of an eligible financial institution's quarterly average insured share balance as then reported over the calendar year in four quarterly Call Reports and (2) the use of an eligible financial institution's year-end insured share balance as then reported in its December 31 Call Report.

Under the *four-quarter average* approach, an eligible financial institution's pro rata share of a declared equity distribution would be based on its quarterly average insured share balance as then reported over the calendar year in four quarterly Call Reports. To account for mergers between FICUs during the calendar year, the Board proposed to treat a continuing FICU's quarterly average insured share balance as including insured shares reported by a merging FICU during reporting periods before the completion of the merger. The Board proposed to apply similar rules to mergers between a FICU and a non-FICU financial institution (such as a bank or privately insured credit union), except that the non-FICU financial institution would be treated as having no insured shares during reporting periods for which it did not carry federal share insurance coverage.

Under the *year-end* approach, an eligible financial institution's pro rata share of a declared equity distribution would be based on its year-end insured share balance as then reported in its December 31 Call Report. This year-end insured share balance naturally included any FICU merger activity that took place during the calendar year. For any merger between a FICU and a non-FICU financial institution (such as a bank or privately insured credit union), the Board proposed to retain the current rule set out in § 741.4(i)(2)(iii), which allows a FICU to receive an equity distribution based on its year-end insured share balance as then reported in its December 31 Call Report inclusive of any shares acquired by merging non-FICU financial institutions throughout the calendar year.

Of the two approaches, the Board noted that it favors the *four-quarter average* approach because it adjusts for seasonal fluctuations in insured share levels.[20] Adjusting for seasonable fluctuations allows the NCUA to make an equity distribution based on the actual average size of the eligible financial institution over the calendar year rather than at some arbitrary point in time. This is particularly important to provide fairness to smaller or community-based FICUs that may maintain relatively high insured share balances during the calendar year but may experience a larger than normal decrease in insured share balances at the end of the year as consumers liquidate Christmas club and other types of special savings accounts during the holiday season. Additionally, this approach is based on quarterly Call Report data, eliminating the need for additional paperwork burden on FICUs.

However, in the proposed rule, the Board also recognized the benefits of the *year-end* approach because it harmonizes the calculation methodology for an equity distribution with the methods for calculating the NCUSIF's equity and available assets ratios, and the dollar amount of a federal share insurance premium or distribution. In addition, the use of the *year-end* approach eliminates the need to create special rules for FICU mergers or terminations of federal share insurance coverage during the calendar year. Accordingly, the Board sought public comment on both approaches with the understanding that the Board would consider adopting one of the two approaches, with or without appropriate modifications, based, in part, on the persuasiveness of the comments. The Board also sought public comment on a

[19] *See e.g.,* 49 FR 40564 (Oct. 17, 1984) (adopting the year-end insured share balance method).

[20] *See* 82 FR at 35707 (Aug. 1, 2017).

number of issues related to each calculation methodology, including whether the look-back period under the *four-quarter average* approach should be extended to include insured share balances from previous years.

Commenters overwhelmingly favored the *four-quarter average* approach because it adjusted for seasonal fluctuations in insured share growth. However, many of these commenters largely echoed the Board's own justification for using the *four-quarter average* approach without any additional substantive arguments in favor of that position. One commenter wrote in support of the *year-end* approach, but did not offer any substantive arguments in favor of that position. Another commenter wrote in support of the Board's current policy of applying a daily distribution rate to each FICU's average daily capitalization deposit balance. This commenter raised concerns that either approach adopted by the Board would encourage eligible financial institutions to aggressively grow insured shares to receive larger equity distributions. This commenter also argued that the average daily balance method is preferable because it correctly treats an equity distribution as a dividend on a FICU's capitalization deposit.

On balance, the Board believes that accounting for seasonal fluctuations in insured share growth is a significant benefit to eligible financial institutions that outweighs the administrative convenience offered by the *year-end* approach. Furthermore, the Board disagrees with the commenter's argument that this calculation methodology encourages eligible financial institutions to aggressively grow insured shares to receive larger equity distributions. Any growth in insured shares would result in corresponding decreases to the NCUSIF's equity and available assets ratios which, if the resulting changes are large enough, could trigger a smaller equity distribution or the imposition of a federal share insurance premium. The Board believes that these potential negative outcomes sufficiently mitigate any incentive for an eligible financial institution to aggressively grow insured shares. Accordingly, the Board is adopting the *four-quarter average* approach in the final rule with some minor clarifications.

The *four-quarter average* approach relies on the use of quarterly Call Report data to determine an eligible financial institution's pro rata share of an equity distribution. Implicit in this concept is the idea that a financial institution that does not file a quarterly Call Report as a FICU for at least one reporting period in the calendar year for which the Board declares an equity distribution will not be entitled to receive a portion of that distribution nor would that FICU's insured shares be used to calculate the aggregate average amount of insured shares. For example, a FICU that files a December 31 Call Report in January 2018, but does not file a March 31 Call Report for the first quarter of 2018, would not be eligible to receive an equity distribution declared for calendar year 2018. While the Board believes that this principle is clear from a careful reading of the preamble and regulatory text set out in the proposed rule, it is adopting a provision in the final rule to ensure the reader understands the Board's intent.

The Board is also adopting a provision in the final rule to explicitly address mergers between FICUs. In the preamble and regulatory text set out in the proposed rule, the Board addressed mergers between FICUs at some length. To avoid any confusion, the final rule clarifies that a FICU that merges with another FICU that has filed at least one Call Report for a reporting period in the calendar year for which the Board declares an equity distribution shall receive an amount equivalent to what the continuing FICU and the merging FICU would have received but for the consummation of the merger. For purposes of calculating the continuing FICU's average amount of insured shares, any insured shares previously reported during that calendar year by the merging FICU on its quarterly Call Reports filed prior to the consummation of the merger shall be combined with the insured shares reported on the continuing FICU's quarterly Call Reports for purposes of calculating the continuing FICU's equity distribution.

Furthermore, the Board is adopting a provision in the final rule to explicitly address purchase and assumption transactions. In response to the proposed rule, several commenters asked about how the *four-quarter average* approach would apply to purchase and assumption transactions where a FICU acquires all of the insured shares of another FICU. While the Board also believes that this principle should be clear from a careful reading of the preamble and regulatory text set out in the proposed rule, it is adopting a provision in the final rule to make it as transparent as possible how the Board will address these transactions. Under the final rule, a FICU that acquires all of the insured shares of another FICU that files at least one Call Report for a reporting period in the calendar year for which the Board declares an equity distribution, shall receive an amount equivalent to what the acquiring FICU and the selling FICU would have received but for the consummation of the purchase and assumption transaction.

In all other respects, the Board is adopting the *four-quarter average* approach as proposed. Because the Board did not receive substantive comments on the appropriate look-back period for the *four-quarter average* approach, the Board is adopting a four-quarter look-back period.

Section 741.4(j) Conversion From, or Termination of, Federal Share Insurance

For 25 years, the Board did not allow a FICU that terminated federal share insurance coverage to receive an equity distribution as a matter of right. Rather, § 741.4 permitted a FICU to leave a ''nominal sum'' on deposit with the NCUISIF until the next equity distribution to be eligible to receive ''a prorated share of the distribution.'' [21] In 2009, however, the Board broadened § 741.4 to allow a FICU that terminated federal share insurance coverage to receive a pro rata equity distribution, but only for the calendar year in which the FICU terminated coverage. The Board made this policy change as a matter of administrative convenience to avoid potentially lengthy recordkeeping requirements imposed under the prior rule.[22] Under this provision, which is codified in the current share insurance requirements rule as § 741.4(j)(1)(ii), the Board makes a prorated distribution to an insured credit union that terminates federal share insurance coverage during the calendar year for which the Board declares a pro rata distribution based on the number of full calendar months for which the insured credit union is federally insured.[23]

Proposed § 741.4(j)(1)(ii) sought to eliminate the ability of a FICU that terminated federal share insurance coverage before the declaration date of an equity distribution to receive any portion of that distribution. The Board reasoned that this approach would be more consistent with general corporate practice regarding the payment of shareholder dividends. Furthermore, the Board believed that this approach would be more equitable to FICUs that remain federally insured throughout the calendar year because they bear the risk of a federal share insurance premium

[21] *See e.g.,* 12 CFR 741.5(i) (1985); 12 CFR 741.4(j) (1996).

[22] *See* National Credit Union Share Insurance Fund Premium and One Percent Deposit, 74 FR 63277 (Dec. 3, 2009).

[23] 12 CFR 741.4(j)(1)(ii).

and are required to maintain the required capitalization deposit, while a FICU that terminates federal share insurance coverage does not. A FICU that terminates federal share insurance coverage before the assessment of a federal share insurance premium is not required to pay that premium. Under current § 741.4(j)(1)(ii), however, that former FICU may still receive an equity distribution.

Commenters were evenly split on whether the Board should adopt the proposed change to § 741.4(j)(1)(ii) or retain the current rule. Having considered the arguments advanced by the commenters, the Board believes that it is not appropriate to finalize this proposed change at this time. Instead, the Board believes that it would be beneficial to study this issue further, and it may revisit amendments to § 741.4(j)(1)(ii) in a future rulemaking. However, the Board is finalizing technical changes to § 741.4(j)(1)(ii) to make this provision more consistent with the *four-quarter average* method adopted in § 741.4(e). Section 741.4(j)(1)(ii) will be eliminated and codified as new § 741.4(e)(4)(i)(C).

Additionally, new § 741.4(e)(4)(i)(C) will calculate the prorated distribution of a FICU that terminated federal share insurance coverage by applying the general *four-quarter average* approach set out in § 741.4(e), including the requirement that the FICU must file a Call Report for at least one reporting period in the calendar year for which the Board has declared a distribution to receive a prorated equity distribution, with one exception. For reporting periods where the FICU did not maintain federal share insurance coverage, it will be treated as having no insured shares in that period. This has the same practical effect as the current process of multiplying the FICU's last reported insured share balance by a modified premium/distribution ratio, but is computationally simpler.

Section 741.13 NCUSIF Equity Distributions Related to the CSRP

The Board proposed to adopt a temporary provision governing any equity distributions resulting from the CSRP. Under this temporary provision, any equity distribution related to the CSRP was to take the form of a series of equity distributions repaying any corporate assessments against FICUs on either a FIFO or a LIFO basis. The Board also solicited public comment on whether it should instead use either the *four-quarter average* or *year-end* approach with appropriate modifications to account for the unique nature of the CSRP.

Under the proposed FIFO approach, the Board would have made an equity distribution to each FICU up to the total dollar amount of corporate assessments paid by that FICU during the relevant assessment period beginning with the first assessment period in 2009.

Under the proposed LIFO approach, the Board would have made an equity distribution to each FICU up to the total dollar amount of premiums paid by that FICU during the relevant assessment period beginning with the last assessment period in 2013. Of the two approaches, the Board favored the LIFO method because it ensured that FICUs received equity distributions for their most recent corporate assessments first, which generally were larger assessments, with smaller assessments that took place at the start of the CSRP being repaid over time as the NCUA-guaranteed securities issued as part of the CSRP matured.

Under either the proposed FIFO or LIFO approach, any payments owed to a FICU that had merged into another FICU would have been paid to the continuing FICU. Moreover, any payments owed to a liquidated FICU with an open liquidation estate or a closed liquidation estate still within its applicable look-back period would have been made to the liquidation estate and distributed ratably to the FICU's creditors in accordance with part 709 of the NCUA's rules.[24] Given the payment priority set out in part 709, the Board anticipated that a majority of these creditors would be members with uninsured share balances rather than general creditors of the liquidation estate.

Furthermore, because any equity distribution related to the CSRP would go first towards repaying FICUs that paid corporate assessments, a FICU that had not paid a corporate assessment would not have been entitled to receive an equity distribution related to the CSRP unless all such corporate assessments are first repaid in full. Additionally, a FICU that terminated federal share insurance coverage before the payment date for an equity distribution related to the CSRP would not have been entitled to a distribution for the reasons stated above in the discussion of proposed changes to § 741.4(j)(1)(ii).

Of the commenters that indicated a preference for either the proposed FIFO or LIFO approach, an overwhelming majority favored the LIFO approach. Other commenters indicated a preference for an *aggregate assessments paid* approach recommended by a national credit union trade association. Under the *aggregate assessments paid* approach, each FICU would have received an equity distribution based on the percentage of corporate assessments paid by that FICU over the life of the CSRP as a percentage of the aggregate corporate assessments paid by all FICUs over the life of the CSRP. That approach is neither a logical outgrowth of the FIFO or LIFO methods nor a logical outgrowth of the *four-quarter average* or *year-end* methods and, thus, is outside the scope of this rulemaking.

While FIFO and LIFO would have been a way to closely link what a FICU paid in corporate assessments to what it received in equity distributions related to the CSRP, the Board acknowledges that over the past 9 years, several hundred FICUs have terminated federal share insurance at various times; there have been many FICU mergers and liquidations; and the NCUA has approved several new charters. Each of these transactions makes the calculation of each eligible financial institution's pro rata share of an equity distribution more complex. Additionally, the Board has acknowledged that FIFO and LIFO may not be completely compatible with the FCU Act requirement to make a distribution on a ''pro rata'' basis.

Instead, the Board believes that adopting a modified version of the *four-quarter average* method is the most appropriate approach. In the proposed rule, the Board solicited comment on whether a four-quarter look-back period, or some longer look-back period such as six or eight quarters, was preferable under the *four-quarter average* method. Given the unique nature of the CSRP, the Board strongly believes that a longer look-back period, which tracks the period of time in which corporate assessments were being made, is appropriate for CSRP-related equity distributions because it captures share insurance activity that took place during that time.

Accordingly, the Board is adopting a modified version of the *four-quarter average* approach for CSRP-related equity distributions that includes five separate look-back periods tied directly to the beginning of the CSRP that correspond to each calendar year for which the Board may declare an equity distribution related to the CSRP. For calendar year 2017 equity distributions, the Board will apply a 36-quarter look-back period. For calendar year 2018 equity distributions, the Board will apply a 40-quarter look-back period. For calendar year 2019 equity distributions, the Board will apply a 44-quarter look-back period. For calendar year 2020 equity distributions, the Board will

[24] 12 CFR part 709.

apply a 48-quarter look-back period. Finally, for calendar year 2021 equity distributions, the Board will apply a 52-quarter look-back period. Applying five separate look-back periods ensures that the Board adequately accounts for share insurance activity that took place during the CSRP.

Consistent with the *four-quarter average* approach, an eligible financial institution must file at least one quarterly Call Report as a FICU for a reporting period in the calendar year for which the Board declares an equity distribution to receive a pro rata share of that distribution. Otherwise, that financial institution will not receive an equity distribution for that calendar year nor will its insured shares be used to calculate the aggregate average amount of insured shares used to determine each eligible financial institution's pro rata share of the distribution. Furthermore, a FICU that terminated federal share insurance coverage must file at least one quarterly Call Report as a FICU for a reporting period in the applicable calendar year to receive a prorated equity distribution.

V. Technical and Conforming Amendments

In addition to the proposed changes to the share insurance requirements rule governing the calculation of an eligible financial institution's pro rata share of an equity distribution and the treatment of a FICU that terminated federal share insurance coverage, the Board proposed to make technical and conforming amendments to other aspects of § 741.4 and to Appendix A of Part 741. Commenters did not address these technical and conforming amendments. Accordingly, the Board is adopting these amendments largely as proposed with one exception. The Board is making a technical change to the aspect of the share insurance requirements rule governing newly chartered FICUs that was not previously proposed. This change will relocate regulatory text governing equity distributions to newly chartered FICUs from § 741.4(g) to § 741.4(e). Because the change is technical in nature, and does not change the substance of the rule, the Board believes that public comment on the change to this aspect of the share insurance requirements rule is unnecessary and therefore has good cause to waive the notice and comment requirements of the Administrative Procedure Act (APA).[25]

Section 741.4(b) Definitions

To provide stakeholders with greater transparency, the Board is amending § 741.4(b) to include definitions of ''aggregate amount of insured shares'', ''aggregate average amount of insured shares'', ''average amount of insured shares'', ''federally insured credit union'', ''financial institution'', ''insured depository institution'', and ''NCUSIF equity distribution'' in the final rule. Furthermore, the Board is revising definitions of ''available assets ratio'', ''equity ratio'', ''insured shares'', and ''reporting period''.

Section 741.4(g) New Charters

For greater readability and to improve ease of use throughout § 741.4, the Board is removing the language from § 741.4(g) addressing equity distributions for newly chartered FICUs and codifying it as new § 741.4(e)(4)(i)(A). The Board is also making technical amendments to this provision to provide for greater consistency with the *four-quarter average* method adopted above. Under current § 741.4(g), a newly chartered FICU may not receive a pro rata share of a declared equity distribution unless it is has funded its capitalization deposit.[26] Under new § 741.4(e)(4)(i)(A), a newly chartered FICU may not receive a pro rata share of a declared equity distribution unless it has filed a quarterly Call Report for at least one reporting period in the calendar year for which the Board declares the distribution. In all other respects, current § 741.4(g) remains unchanged.

Section 741.4(i) Conversion to Federal Insurance

The Board is also making conforming amendments to § 741.4(i)(1)(v) and (i)(2)(iii) to reflect the adoption of the *four-quarter average* method for calculating an eligible financial institution's pro rata share of an equity distribution not related to the CSRP. First, the Board is removing § 741.4(i)(1)(v) and (i)(2)(iii) and codifying those provisions as new § 741.4(e)(4)(i)(B). Section 741.4(i)(1)(v) currently allows a financial institution that converts to federal share insurance coverage during the calendar year to receive a prorated equity distribution based on the number of full calendar months for which the financial institution was a FICU.[27] New § 741.4(e)(4)(i)(B) largely retains this aspect of the current rule. However, rather than the current process of multiplying the FICU's year-end insured share balance by premium/distribution ratio, new § 741.4(e)(4)(i)(B) will treat the FICU as having no insured shares for the applicable reporting periods for which the financial institution did not carry federal share insurance coverage. This has the same practical effect as the current process, but is computationally simpler. Furthermore, a FICU that does not file at least one quarterly Call Report for reporting periods of the calendar year for which the Board declares the distribution shall not receive an equity distribution.

Section 741.4(i)(2)(iii) addresses an equity distribution to a FICU that merges with a financial institution that is not federally insured by the NCUA where the FICU is the surviving entity.[28] If the Board declares an equity distribution for the calendar year in which such a merger takes place, the continuing FICU is entitled to receive an equity distribution based on its year-end insured share balance. New § 741.4(e)(4)(i)(B) differs slightly from § 741.4(i)(2)(iii). Under the final rule, only the insured shares attributable to the continuing FICU as reported on quarterly Call Reports at that time shall be used to determine the average amount of insured shares for reporting periods preceding the date of the merger. This approach harmonizes new § 741.4(e)(4)(i)(B) with new § 741.4(e)(4)(i)(A) and (C) respectively.

Appendix A to Part 741—Examples of Partial Year NCUSIF Assessment and Distribution Calculations Under § 741.4

The Board also proposed to remove Appendix A to part 741 from the NCUA's regulations and replace it with examples and frequently asked questions to be published on NCUA's public website.[29] Appendix A provides examples of partial year NCUSIF assessment and distribution calculations under various factual scenarios. While the Board recognizes that examples of how the NCUA makes these calculations may be useful to stakeholders, including those examples in an appendix to part 741 makes it difficult for the NCUA to update, amend, or revise the examples to provide stakeholders with additional clarity. Accordingly, the Board is removing Appendix A and replacing it with information on the NCUA's website which can be updated easily and as frequently as necessary to provide stakeholders with more clear,

[25] 5 U.S.C. 553(b)(B) (allowing waiver of public comment requirement when an agency for good cause finds such procedures ''unnecessary''). *See Administrative Procedure Act: Legislative History,* S. Doc. No. 248 79–258 (1946), at 200 (''''Unnecessary' means unnecessary as far as the public is concerned, as would be the case if a minor or merely technical amendment in which the public is not particularly interested were involved.'').

[26] 12 CFR 741.4(g).

[27] 12 CFR 741.4(i)(1)(v).

[28] 12 CFR 741.4(i)(2)(iii).

[29] 12 CFR 741, App. A.

relevant, and timely examples regarding the calculation of partial year NCUSIF assessments and distributions.

VI. Regulatory Procedures

Regulatory Flexibility Act

The Regulatory Flexibility Act requires the NCUA to prepare an analysis to describe any significant economic impact a regulation may have on a substantial number of small entities (primarily those under $100 million in assets).[30] This rule has no economic impact on small credit unions because it only impacts internal NCUA procedures that are used infrequently. Accordingly, NCUA certifies the final rule will not have a significant economic impact on a substantial number of small credit unions.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121) (SBREFA) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where the NCUA issues a final rule as defined by Section 551 of the Administrative Procedure Act. The NCUA does not believe this final rule is a ''major rule'' within the meaning of the relevant sections of SBREFA. As required by SBREFA, the NCUA has filed the appropriate reports so that this final rule may be reviewed.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (PRA) applies to rulemakings in which an agency creates a new information collection requirement or amends an existing information collection requirement.[31] For the purposes of the PRA, an information collection requirement may take the form of a reporting, recordkeeping, or third-party disclosure requirement. The final rule does not contain a new information collection requirement or amend an existing information collection requirement that requires approval by OMB under the Paperwork Reduction Act (44 U.S.C. Chap. 35).

Assessment of Federal Regulations and Policies on Families.

The NCUA has determined that this final rule will not affect family well-being within the meaning of section 654 of the Treasury and General Government Appropriations Act, 1999.[32]

Executive Order 13132

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their actions on state and local interests.[33] The NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order to adhere to fundamental federalism principles. The final rule 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. The NCUA has therefore determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

List of Subjects in 12 CFR Part 741

Bank deposit insurance, Credit unions, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on February 15, 2018.

Gerard Poliquin,

Secretary of the Board.

For the reasons discussed above, the Board amends 12 CFR part 741 as follows:

PART 741—REQUIREMENTS FOR INSURANCE

■ 1. The authority citation for part 741 continues to read as follows:

Authority: 12 U.S.C. 1757, 1766(a), 1781–1790, and 1790d; 31 U.S.C. 3717.

■ 2. Amend § 741.4:
■ a. In paragraph (b), by:
■ i. Adding definitions in alphabetical order for ''aggregate amount of insured shares'' and ''aggregate average amount of insured shares'';
■ ii. Revising the definition for ''available assets ratio'';
■ iii. Adding definitions in alphabetical order for ''average amount of insured shares'' and ''Board'';
■ iv. Revising the definition of ''equity ratio'';
■ v. Adding definitions in alphabetical order definitions for ''federally insured credit union'', ''financial institution'', and ''insured depository institution'';
■ vi. Revising the definition of ''insured shares'';
■ vii. Adding definitions in alphabetical order for ''NCUSIF'' and ''NCUSIF equity distribution''; and
■ viii. Revising the definition of ''reporting period''.
■ b. Revising paragraphs (e) and (g);
■ c. Removing paragraphs (i)(1)(v) and (i)(2)(iii);
■ d. Revising paragraph (j)(1)(ii); and
■ e. Removing paragraph (j)(1)(iii).

The revisions and additions to read as follows:

§ 741.4 Insurance premium and one percent deposit.

* * * * *

(b) * * *

Aggregate amount of insured shares means the sum of all insured shares reported by federally insured credit unions in calendar year-end Call Reports from the calendar year for which the Board declares an NCUSIF equity distribution pursuant to paragraph (e) of this section.

Aggregate average amount of insured shares means the sum of the average amount of insured shares as then reported by all financial institutions eligible to receive an NCUSIF equity distribution under subparagraph (e)(1) of this section in quarterly Call Reports over the calendar year for which the Board declares an NCUSIF equity distribution divided by the number of reporting periods in that calendar year.

Available assets ratio means the ratio of:

(i) The amount determined by subtracting—

(A) Direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made from

(B) The sum of cash and the market value of unencumbered investments authorized under § 203 of the Federal Credit Union Act (12 U.S.C. 1783), to

(ii) The aggregate amount of insured shares in all federally insured credit unions.

Average amount of insured shares means the sum of insured shares as then reported by a financial institution eligible to receive an NCUSIF equity distribution under subparagraph (e)(1) of this section over the calendar year for which the Board declares an NCUSIF equity distribution divided by the number of reporting periods in that calendar year.

Board means the NCUA Board or any individual or group of individuals with the delegated authority to act on behalf of the Board to implement the requirements of this section.

Federally insured credit union means a federal or state-chartered credit union that maintains federal share insurance coverage from the NCUSIF.

Financial institution means a federally insured credit union, non-federally insured credit union, or an insured depository institution, including a liquidation or receivership estate of any such credit union or depository institution.

[30] 5 U.S.C. 603(a).

[31] 44 U.S.C. 3507(d); 5 CFR 1320.

[32] Public Law 105–277, sec. 654, 112 Stat. 2681, 2681–581 (1998).

[33] 64 FR 43255 (Aug. 4, 1999).

Insured depository institution means any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation pursuant to the Federal Deposit Insurance Act (12 U.S.C. 1811 *et seq.*).

Insured shares means the total amount of a federally insured credit union's share, share draft and share certificate accounts, or their equivalent under state law (which may include deposit accounts), authorized to be issued to members, other credit unions, public units, or nonmembers (where permitted under the Act or equivalent state law), but does not include amounts in excess of insurance coverage as provided in part 745 of this chapter.

* * * * *

National Credit Union Share Insurance Fund or *NCUSIF* refers to a revolving fund established by Congress within the U.S. Treasury to provide federal share insurance coverage to federally insured credit union members and to offset the NCUA's administrative expenses associated with the conservatorship and liquidation of federally insured credit unions.

NCUSIF equity distribution means a distribution of excess equity from the NCUSIF to financial institutions eligible to receive a pro rata share of that distribution pursuant to the requirements of § 202 of the Federal Credit Union Act (12 U.S.C. 1782) and the special rules set out in subparagraph (e)(5) of this section.

NCUSIF equity ratio means the ratio of:

(i) The amount determined by subtracting—

(A) Direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made from

(B) The sum of all one percent deposits made by federally insured credit unions pursuant to § 741.4 of this chapter and the retained earnings balance of the NCUSIF, to

(ii) The aggregate amount of insured shares in all federally insured credit unions.

* * * * *

Reporting period means span of time covered by a set of financial statements. For purposes of paragraph (c) of this section, *reporting period* refers to a calendar year for federally insured credit unions with total assets of less than $50,000,000 and refers to a semiannual period for federally insured credit unions with total assets of $50,000,000 or more. For all other provisions of this section, *reporting period* refers to the span of time covered by a quarterly Call Report.

* * * * *

(e) *NCUSIF equity distribution.* Except as otherwise provided for by federal law or regulation, the following procedures shall apply to any NCUSIF equity distribution declared by the Board:

(1) *Eligibility for an NCUSIF equity distribution.* The Board shall make an NCUSIF equity distribution to any financial institution that files at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares the NCUSIF equity distribution.

(2) *Requirement to make an NCUSIF equity distribution.* The Board shall make an NCUSIF equity distribution on a pro rata basis to financial institutions after each calendar year if, as of the end of the calendar year:

(i) Any loans to the NCUSIF from the Federal Government, and any interest on those loans, have been repaid;

(ii) The NCUSIF's equity ratio exceeds the normal operating level; and

(iii) The NCUSIF's available assets ratio exceeds one percent.

(3) *Amount of NCUSIF equity distribution.* The Board shall make the maximum possible NCUSIF equity distribution that does not:

(i) Reduce the NCUSIF's equity ratio below the normal operating level; and

(ii) Reduce the NCUSIF's available assets ratio below one percent.

(4) *Form of NCUSIF equity distribution.* The Board shall have the discretion to determine the form of an NCUSIF equity distribution including a waiver of federal share insurance premiums, a rebate of federal share insurance premiums, a dividend, or any combination thereof.

(5) *Calculation of pro rata share of NCUSIF equity distribution.* The Board shall determine a financial institution's pro rata share of an NCUSIF equity distribution by dividing the dollar amount of the declared NCUSIF equity distribution by the aggregate average amount of insured shares for that calendar year and then multiplying by a financial institution's average amount of insured shares.

(i) *Special rules.* The following special rules shall apply to newly chartered federally insured credit unions, financial institutions that convert to federal share insurance coverage from the NCUSIF, financial institutions that terminate federal share insurance coverage from the NCUSIF, mergers between federally insured credit unions, and purchase and assumption transactions:

(A) *New charters.* A newly chartered federally insured credit union that obtains federal share insurance coverage from the NCUSIF during the calendar year shall not receive an NCUSIF equity distribution for that calendar year unless the federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board has declared a distribution. For purposes of calculating the newly chartered federally insured credit union's average amount of insured shares, the federally insured credit union shall be treated as having no insured shares for reporting periods preceding the first reporting period in which the federally insured credit union files its first quarterly Call Report.

(B) *Conversion to federal share insurance.* A financial institution that converts to federal share insurance coverage from the NCUSIF during the calendar year for which the Board declares an NCUSIF equity distribution (including through merger into a federally insured credit union) shall receive a prorated NCUSIF equity distribution for that calendar year provided that the financial institution has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the applicable calendar year. For purposes of calculating the financial institution's average amount of insured shares, the financial institution shall be treated as having no insured shares for reporting periods preceding the date of conversion to federal share insurance coverage. In cases of conversion through merger, only the insured shares attributable to the continuing federally insured credit union shall be used to determine the average amount of insured shares for reporting periods preceding the date of conversion.

(C) *Conversion from, or termination of, federal share insurance.* A financial institution that terminates federal share insurance coverage from the NCUSIF during the calendar year for which the Board declares an NCUSIF equity distribution (including through a conversion to, or merger into, a non-federally insured credit union or an insured depository institution) shall receive a prorated NCUSIF equity distribution for that calendar year provided that the financial institution has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the applicable calendar year. For purposes of calculating the financial institution's average amount of insured shares, the financial institution shall be treated as having no insured shares for reporting periods following the date of termination of federal share insurance coverage. For purposes of this

subparagraph, a financial institution that terminates federal share insurance coverage from the NCUSIF through liquidation will be treated as terminating federal share insurance coverage during the calendar year when it enters liquidation.

(D) *Mergers between federally insured credit unions.* A federally insured credit union that merges with a federally insured credit union shall receive an equity distribution equivalent to what the continuing federally insured credit union and the merging federally insured credit union would have received separately but for the consummation of the merger provided that the merging federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares the distribution. For purposes of calculating the continuing federally insured credit union's average amount of insured shares, any insured shares previously reported by the merging federally insured credit union on its quarterly Call Reports filed prior to the consummation of the merger during that calendar year for which the Board declares the distribution shall be combined with the insured shares reported on the continuing federally insured credit union's quarterly Call Reports.

(E) *Purchase and assumption transactions.* A federally insured credit union that acquires all of the insured shares of another federally insured credit union in the calendar year for which the Board declares an NCUSIF equity distribution shall receive an amount equivalent to what the acquiring federally insured credit union and the selling federally insured credit union would have received but for the consummation of the purchase and assumption transaction provided that the selling federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares an NCUSIF equity distribution. For purposes of calculating the acquiring federally insured credit union's average amount of insured shares, any insured shares previously reported during that calendar year for which the Board declares an NCUSIF equity distribution by the selling federally insured credit union on its quarterly Call Reports filed prior to the consummation of the purchase and assumption transaction shall be combined with the insured shares reported on the acquiring federally insured credit union's quarterly Call Reports.

* * * * *

(g) *New charters.* A newly-chartered credit union that obtains share insurance coverage from the NCUSIF during the calendar year in which it has obtained its charter will not be required to pay for insurance for that calendar year. The credit union will fund its one percent deposit on a date to be determined by the NCUA Board in the following calendar year.

* * * * *

(j) * * *

(1) * * *

(ii) If the NCUSIF assesses a premium in the calendar year of conversion or merger on or before the day in which the conversion or merger is completed, pay a prorated premium based on the financial institution's insured shares as of the last day of the most recently ended reporting period preceding the conversion or merger multiplied by the ratio of the amount of full calendar months for which the financial institution maintained federal share insurance coverage from the NCUSIF to the number of full calendar months for the entire calendar year. If the financial institution has previously paid a premium based on this same assessment that exceeds this amount, the financial institution will receive a refund of the difference following the completion of the conversion or merger.

* * * * *

■ 3. Effective March 26, 2018, until December 31, 2022, add § 741.13 to subpart A to read as follows:

§ 741.13 NCUSIF equity distribution related to the Corporate System Resolution Program.

(a) *Definitions.* For purposes of this section, the following definitions apply:

(1) *Aggregate amount of insured shares* means the sum of all insured shares reported by federally insured credit unions in calendar year-end Call Reports from the calendar year for which the Board declares an NCUSIF equity distribution pursuant to paragraph (b) of this section.

(2) *Aggregate average amount of insured shares* means the sum of the average amount of insured shares as then reported by all financial institutions eligible to receive an NCUSIF equity distribution under subparagraph (b)(1) of this section in quarterly Call Reports over a given time horizon divided by the number of reporting periods in that time horizon.

(3) *Available assets ratio* means the ratio of:

(i) The amount determined by subtracting—

(A) Direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made from

(B) The sum of cash and the market value of unencumbered investments authorized under section 203 of the Federal Credit Union Act (12 U.S.C. 1783), to

(ii) The aggregate amount of insured shares in all federally insured credit unions.

(4) *Average amount of insured shares* means the sum of insured shares as then reported by a financial institution eligible to receive an NCUSIF equity distribution under subparagraph (b)(1) of this section over a given time horizon divided by the number of reporting periods in that time horizon.

(5) *Board* means the NCUA Board or any individual or group of individuals with the delegated authority to act on behalf of the Board to implement the requirements of this section.

(6) *Corporate System Resolution Program* refers to a special program established by the Board to stabilize the corporate credit union system.

(7) *Federally insured credit union* means a federal or state-chartered credit union that maintains federal share insurance coverage from the NCUSIF.

(8) *Financial institution* means a federally insured credit union, non-federally insured credit union, or an insured depository institution, including a liquidation or receivership estate of any such credit union or depository institution.

(9) *Insured depository institution* means any bank or savings association the deposits of which are insured by the Federal Deposit Insurance Corporation pursuant to the Federal Deposit Insurance Act (12 U.S.C. 1811 *et seq.*).

(10) *Insured shares* means the total amount of a federally insured credit union's share, share draft and share certificate accounts, or their equivalent under state law (which may include deposit accounts), authorized to be issued to members, other credit unions, public units, or nonmembers (where permitted under the Act or equivalent state law), but does not include amounts in excess of insurance coverage as provided in part 745 of this chapter.

(11) *National Credit Union Share Insurance Fund* or *NCUSIF* refers to a revolving fund established by Congress within the U.S. Treasury to provide federal share insurance coverage to federally insured credit union members and to offset the NCUA's administrative expenses associated with the conservatorship and liquidation of federally insured credit unions.

(12) *NCUSIF equity distribution* means a distribution of excess equity

from the NCUSIF to financial institutions eligible to receive a pro rata share of that distribution pursuant to the requirements of section 202 of the Federal Credit Union Act (12 U.S.C. 1782) and the special rules set out in paragraph (b)(5) of this section.

(13) *NCUSIF equity ratio* means the ratio of:

(i) The amount determined by subtracting—

(A) Direct liabilities of the NCUSIF and contingent liabilities for which no provision for losses has been made from

(B) The sum of all one percent deposits made by federally insured credit unions pursuant to § 741.4 of this chapter and the retained earnings balance of the NCUSIF, to

(ii) The aggregate amount of insured shares in all federally insured credit unions.

(14) *Normal operating level* means an NCUSIF equity ratio not less than 1.2 percent and not more than 1.5 percent, as established by action of the Board.

(b) *NCUSIF equity distributions related to the Corporate System Resolution Program.* Notwithstanding § 741.4 of this chapter, the following procedures shall apply to any NCUSIF equity distribution declared for calendar years 2017 through 2021:

(1) *Eligibility for an NCUSIF equity distribution.* The Board shall make an NCUSIF equity distribution to any financial institution that files at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares the NCUSIF equity distribution.

(2) *Requirement to make an NCUSIF equity distribution.* The Board shall make an NCUSIF equity distribution on a pro rata basis to financial institutions after each calendar year if, as of the end of the calendar year:

(i) Any loans to the NCUSIF from the federal government, and any interest on those loans, have been repaid;

(ii) The NCUSIF's equity ratio exceeds the normal operating level; and

(iii) The NCUSIF's available assets ratio exceeds one percent.

(3) *Amount of NCUSIF equity distribution.* The Board shall make the maximum possible NCUSIF equity distribution that does not:

(i) Reduce the NCUSIF's equity ratio below the normal operating level; and

(ii) Reduce the NCUSIF's available assets ratio below one percent.

(4) *Form of NCUSIF equity distribution.* The Board shall have the discretion to determine the form of an NCUSIF equity distribution including a waiver of federal share insurance premiums, a rebate of federal share insurance premiums, a dividend, or any combination thereof.

(5) *Calculation of pro rata share of NCUSIF equity distribution.* The Board shall determine a financial institution's pro rata share of an NCUSIF equity distribution by dividing the dollar amount of the declared NCUSIF equity distribution by the aggregate average amount of insured shares for that given time horizon and then multiplying by a financial institution's average amount of insured shares.

(i) *Time horizons.* When calculating the average amount of insured shares and the aggregate average amount of insured shares for an NCUSIF equity distribution, the following time horizons shall apply:

(A) *NCUSIF equity distribution for 2017.* The average amount of insured shares and aggregate average amount of insured shares for an NCUSIF equity distribution declared for calendar year 2017 shall be based on information from quarterly Call Reports from the preceding 36 quarters, including the calendar year-end Call Report for 2017.

(B) *NCUSIF equity distribution for 2018.* The average amount of insured shares and aggregate average amount of insured shares for an NCUSIF equity distribution declared for calendar year 2018 shall be based on information from quarterly Call Reports from the preceding 40 quarters, including the calendar year-end Call Report for 2018.

(C) *NCUSIF equity distribution for 2019.* The average amount of insured shares and aggregate average amount of insured shares for an NCUSIF equity distribution declared for calendar year 2019 shall be based on information from quarterly Call Reports from the preceding 44 quarters, including the calendar year-end Call Report for 2019.

(D) *NCUSIF equity distribution for 2020.* The average amount of insured shares and aggregate average amount of insured shares for an NCUSIF equity distribution declared for calendar year 2020 shall be based on information from quarterly Call Reports from the preceding 48 quarters, including the calendar year-end Call Report for 2020.

(E) *NCUSIF equity distribution for 2021.* The average amount of insured shares and aggregate average amount of insured shares for an NCUSIF equity distribution declared for calendar year 2021 shall be based on information from quarterly Call Reports from the preceding 52 quarters, including the calendar year-end Call Report for 2021.

(ii) *Special rules.* The following special rules shall apply to newly-chartered federally insured credit unions, financial institutions that convert to federal share insurance coverage from the NCUSIF, financial institutions that terminate federal share insurance coverage from the NCUSIF, mergers between federally insured credit unions, and purchase and assumption transactions:

(A) *New charters.* A newly chartered federally insured credit union that obtains federal share insurance coverage from the NCUSIF during the calendar year shall not receive an NCUSIF equity distribution for that calendar year unless the federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year. For purposes of calculating the newly chartered federally insured credit union's average amount of insured shares, the federally insured credit union shall be treated as having no insured shares for reporting periods preceding the first reporting period in which the federally insured credit union files its first quarterly Call Report.

(B) *Conversion to federal share insurance.* A financial institution that converts to federal share insurance coverage from the NCUSIF during the calendar year for which the Board declares an NCUSIF equity distribution (including through merger into a federally insured credit union) shall receive a prorated NCUSIF equity distribution for that calendar year provided that the financial institution has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year. For purposes of calculating the financial institution's average amount of insured shares, the financial institution shall be treated as having no insured shares for reporting periods preceding the date of conversion to federal share insurance coverage. In cases of conversion through merger, only the insured shares attributable to the continuing federally insured credit union shall be used to determine the average amount of insured shares for reporting periods preceding the date of conversion.

(C) *Conversion from, or termination of, federal share insurance.* A financial institution that terminates federal share insurance coverage from the NCUSIF during the calendar year for which the Board declares an NCUSIF equity distribution (including through a conversion to, or merger into, a non-federally insured credit union or an insured depository institution) shall receive a prorated NCUSIF equity distribution for that calendar year provided that the financial institution has filed at least one quarterly Call Report as a federally insured credit

union for a reporting period in the calendar year. For purposes of calculating the financial institution's average amount of insured shares, the financial institution shall be treated as having no insured shares for reporting periods following the date of termination of federal share insurance coverage. For purposes of this subparagraph, a financial institution that terminates federal share insurance coverage from the NCUSIF through liquidation will be treated as terminating federal share insurance coverage during the calendar year when it enters liquidation.

(D) *Mergers between federally insured credit unions.* A continuing federally insured credit union that merges with a federally insured credit union shall receive an equity distribution equivalent to what the continuing federally insured credit union and the merging federally insured credit union would have received separately but for the consummation of the merger provided that the merging federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares the distribution. For purposes of calculating the continuing federally insured credit union's average amount of insured shares, any insured shares previously reported by the merging federally insured credit union on its quarterly Call Reports filed prior to the consummation of the merger during that calendar year for which the Board declares the distribution shall be combined with the insured shares reported on the continuing federally insured credit union's quarterly Call Reports.

(E) *Purchase and assumption transactions.* A federally insured credit union that acquires all of the insured shares of another federally insured credit union in the calendar year for which the Board declares an NCUSIF equity distribution shall receive an amount equivalent to what the acquiring federally insured credit union and the selling federally insured credit union would have received but for the consummation of the purchase and assumption transaction provided that the selling federally insured credit union has filed at least one quarterly Call Report as a federally insured credit union for a reporting period in the calendar year for which the Board declares an NCUSIF equity distribution. For purposes of calculating the acquiring federally insured credit union's average amount of insured shares, any insured shares previously reported during that calendar year for which the Board declares an NCUSIF equity distribution by the selling federally insured credit union on its quarterly Call Reports filed prior to the consummation of the purchase and assumption transaction shall be combined with the insured shares reported on the acquiring federally insured credit union's quarterly Call Reports.

(c) *Expiration.* This section shall expire and no longer be applicable after December 31, 2022.

Appendix A to Part 71 [Removed]

■ 4. Remove Appendix A to part 741.

Appendices B and C to Part 71 [Redesignated as as Appendices A and B to Part 71]

■ 5. Redesignate appendix B and appendix C as appendix A and appendix B, respectively.

[FR Doc. 2018–03622 Filed 2–22–18; 8:45 am]

BILLING CODE 7535–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0774; Product Identifier 2017–NM–036–AD; Amendment 39–19201; AD 2018–04–06]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–12–05, which applied to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. AD 2012–12–05 required repetitive inspections for cracking under the stop fittings and intercostal flanges and for cracking of the intercostal web, attachment clips, stringer splice channels, frame, reinforcement angle, shear web, frame outer chord and inner chord; a one-time inspection to detect missing fasteners; repetitive inspections of the cargo barrier net fitting for cracking; repetitive inspections for cracking of the stringer S–15L aft intercostal; and repair or corrective action if necessary. For certain airplanes, this AD adds new repetitive inspections of certain areas of the frame inner chord, and applicable on-condition actions. This AD was prompted by reports of additional cracking in locations not covered by the inspections in AD 2012–12–05. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of July 23, 2012 (77 FR 36139, June 18, 2012).

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of September 9, 2009 (74 FR 38901, August 5, 2009).

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; telephone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0774.

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–2017–0774; 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: Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–12–05, Amendment 39–17084 (77 FR 36139, June 18, 2012) (''AD 2012–12–05''). AD 2012–12–05 applied to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on August 15, 2017 (82 FR 38637). The NPRM was prompted by reports of additional cracking in locations not covered by the inspections in AD 2012–12–05. The NPRM proposed to continue to require repetitive inspections for cracking under the stop fittings and intercostal flanges and for cracking of the intercostal web, attachment clips, stringer splice channels, frame, reinforcement angle, shear web, frame outer chord and inner chord; a one-time inspection to detect missing fasteners; repetitive inspections of the cargo barrier net fitting for cracking; repetitive inspections for cracking of the stringer S–15L aft intercostal; and repair or corrective action if necessary. For certain airplanes, the NPRM also proposed to add new repetitive inspections of certain areas of the frame inner chord, and applicable on-condition actions. We are issuing this AD to detect and correct fatigue cracking of the intercostals on the forward and aft sides of the forward entry door cutout, which could result in loss of the forward entry door and rapid decompression of the airplane.

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.

Support for the NPRM

The Boeing Company supported the NPRM.

Effect of Winglets on Accomplishing the Proposed Actions

Aviation Partners Boeing stated that accomplishing the Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the NPRM.

We agree with the commenter. We have redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE 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.

Request To Add AMOC Language

Southwest Airlines (SWA) asked that a note be added to paragraph (s) of the proposed AD to provide provisions for AMOCs previously approved for AD 2012–12–05. SWA stated that the language in paragraph (s) of the proposed AD does not account for AMOCs previously approved for AD 2012–12–05.

We agree with the commenter's request. We have added paragraphs (s)(5) and (s)(6) to this AD to include approval of AMOCs previously approved for AD 2012–12–05.

Change to Final Rule

We have revised paragraph (r) of this AD to provide credit for the actions specified in paragraphs (i), (j), and (m) of this AD, if those actions were performed before September 9, 2009 (the effective date of AD 2009–16–14, Amendment 39–15987 (74 FR 38901, August 5, 2009)), using Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003.

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

We reviewed Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016. The service information describes procedures for, among other actions, repetitive inspections of the fastener holes in the station (STA) 351.2 frame inner chord at stringer S–17L, and applicable on-condition actions. 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 411 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 for cracking under the stop fittings and intercostal flanges [retained actions from AD 2012–12–05] (411 airplanes).	18 work-hours × $85 per hour = $1,530 per inspection cycle.	$0	$1,530 per inspection cycle.	$628,830 per inspection cycle.
Inspection of areas forward of the aft entry door [retained actions from AD 2012–12–05] (411 airplanes).	2 work-hours × $85 per hour = $170 per inspection cycle.	0	$170 per inspection cycle.	$69,870 per inspection cycle.
Inspection of areas aft of the forward entry door [retained actions from AD 2012–12–05] (411 airplanes).	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle.	$34,935 per inspection cycle.
Inspection for missing fasteners [retained actions from AD 2012–12–05] (411 airplanes).	1 work-hour × $85 per hour = $85	476	$561	$230,571.
Inspection of fastener holes (new action) (160 airplanes).	27 work-hours × $85 per hour = $2,295 per inspection cycle.	0	$2,295 per inspection cycle.	$367,200 per inspection cycle.

We estimate the following costs to do any necessary repairs that are required based on the results of the inspections. We have no way of determining the number of aircraft that might need these repairs:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair of cracking done in accordance with Boeing Alert Service Bulletin 737–53A1240.	24 work-hours × $85 per hour = $2,040	$11,856	$13,896

We have received no definitive data that enables us to provide cost estimates for the other on-condition corrective 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

We have 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 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 removing Airworthiness Directive (AD) 2012–12–05, Amendment 39–17084 (77 FR 36139, June 18, 2012), and adding the following new AD:

2018–04–06 The Boeing Company: Amendment 39–19201; Docket No. FAA–2017–0774; Product Identifier 2017–NM–036–AD.

(a) Effective Date

This AD is effective March 30, 2018.

(b) Affected ADs

This AD replaces AD 2012–12–05, Amendment 39–17084 (77 FR 36139, June 18, 2012) (''AD 2012–12–05'').

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/ebd1cec7b301293e86257cb30045557a/$FILE/ST01219SE.pdf*) does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE 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 cracking of the station (STA) 348.2 frame above the two outboard fasteners attaching the frame inner chord and door stop fittings, and in the outboard chord at stringer S–16L; missing fasteners in the STA 348.2 frame inner chord; and additional cracking in locations not covered by the inspections in AD 2012–12–05. We are issuing this AD to detect and correct fatigue cracking of the intercostals on the forward and aft sides of the forward entry door cutout, which could result in loss of the forward entry door and rapid decompression of the airplane.

(f) Compliance

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

(g) Retained Initial Compliance Time for Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2012–12–05, with no changes. For all Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, as identified in Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007: Before the accumulation of 15,000 total flight cycles, or within 4,500 flight cycles after November 1, 2005 (the effective date of AD 2005–20–03, Amendment 39–14296 (70 FR 56361, September 27, 2005) (''AD 2005–20–03'')), whichever occurs later: Do the inspections required by paragraphs (i) and (j) of this AD.

(h) Retained Initial Compliance Time for Model 737–200C Series Airplanes, With No Changes

This paragraph restates the requirements of paragraph (j) of AD 2012–12–05, with no changes. For all Model 737–200C series airplanes, as identified in Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007: Before the accumulation of 15,000 total flight cycles, or within 4,500 flight cycles after September 9, 2009 (the effective date of AD 2009–16–14, Amendment 39–15987 (74 FR 38901, August 5, 2009) (''AD 2009–16–14'')), whichever occurs later, do the inspection required by paragraph (k) of this AD.

(i) Retained Initial Inspection for Group 1 Configuration Airplanes, With No Changes

This paragraph restates the requirements of paragraph (k) of AD 2012–12–05, with no changes. For Group 1 airplanes identified in Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007: Perform a

detailed inspection for cracking of the intercostal web, attachment clips, and stringer splice channels; and a high frequency eddy current (HFEC) inspection for cracking of the stringer splice channels located forward and aft of the forward entry door; and do all applicable corrective actions before further flight; in accordance with Parts 1 and 2 of the Work Instructions of Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003, or Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or in accordance with Parts 1, 2, 4, and 5 of the Work Instructions of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010. After September 9, 2009 (the effective date of AD 2009–16–14), and until July 23, 2012 (the effective date of AD 2012–12–05), Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010; may be used to accomplish the actions required by this paragraph. As of July 23, 2012, only Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, may be used to accomplish the actions required by this paragraph.

(j) Retained Initial Inspection for Cargo Configuration Airplanes (Forward of the Forward Entry Door), With No Changes

This paragraph restates the requirements of paragraph (l) of AD 2012–12–05, with no changes. For Group 2 cargo airplanes identified in Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007: Perform a detailed inspection for cracking of the intercostal webs and attachment clips located forward of the forward entry door, and do all applicable corrective actions before further flight, in accordance with Part 3 of the Work Instructions of Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003, or Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or in accordance with Part 3 of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010. After September 9, 2009 (the effective date of AD 2009–16–14), and until July 23, 2012 (the effective date of AD 2012–12–05), Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010; may be used to accomplish the actions required by this paragraph. As of July 23, 2012, only Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, may be used to accomplish the actions required by this paragraph.

(k) Retained Initial Inspection for Cargo Configuration Airplanes (Aft of the Forward Entry Door), With No Changes

This paragraph restates the requirements of paragraph (m) of AD 2012–12–05, with no changes. For Group 2 cargo airplanes identified in Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007: Perform a detailed inspection for cracking of the intercostal webs and attachment clips located aft of the forward entry door, and do all applicable corrective actions before further flight, in accordance with Part 4 of the Work Instructions of Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or in accordance with Part 3 of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010. As of July 23, 2012 (the effective date of AD 2012–12–05), only Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, may be used to accomplish the actions required by this paragraph.

(l) Retained Repetitive Inspections, With No Changes

This paragraph restates the requirements of paragraph (n) of AD 2012–12–05, with no changes. Repeat the inspections required by paragraphs (i), (j), and (k) of this AD thereafter at intervals not to exceed 6,000 flight cycles after the previous inspection, or within 3,000 flight cycles after September 9, 2009, whichever occurs later.

(m) Retained Exceptions to Boeing Alert Service Bulletin 737–53–1204, With No Changes

This paragraph restates the requirements of paragraph (o) of AD 2012–12–05, with no changes. Do the actions required by paragraphs (g), (h), (i), (j), (k), and (l) of this AD by accomplishing all the applicable actions specified in the Accomplishment Instructions of Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003; Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010; except as provided by paragraphs (m)(1) and (m)(2) of this AD. After September 9, 2009 (the effective date of AD 2009–16–14), and until July 23, 2012 (the effective date of AD 2012–12–05), Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010; may be used to accomplish the actions required by this paragraph. As of July 23, 2012, only Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, may be used to accomplish the actions required by this paragraph.

(1) Where Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003; Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; or Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010; specifies to contact Boeing for repair instructions: Before further flight, repair using a method approved in accordance with the procedures specified in paragraph (s) of this AD.

(2) Where Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003; or Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; specifies a compliance time relative to the date of a service bulletin, this AD requires compliance relative to September 9, 2009 (the effective date of AD 2009–16–14). Where Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003; or Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007; specifies a compliance time relative to the date of the initial release of a service bulletin, this AD requires compliance relative to November 1, 2005 (the effective date of AD 2005–20–03).

(n) Retained Exceptions to Boeing Alert Service Bulletin 737–53A1204, Revision 2, Dated June 24, 2010, With No Changes

This paragraph restates exceptions to Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, specified in paragraph (r) of AD 2012–12–05, with no changes.

(1) The access and restoration instructions identified in the Work Instructions of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010, are not required by this AD. Operators may perform those actions in accordance with approved maintenance procedures.

(2) The use of Boeing Drawing 65–88700 is not allowed when accomplishing the actions required by this AD in accordance with the Work Instructions of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010.

(o) Retained Initial and Repetitive Inspections of the S–15L Aft Intercostal and Cargo Barrier Net Fitting for Model 737–200C Series Airplanes, With No Changes

This paragraph restates the requirements of paragraph (s) of AD 2012–12–05, with no changes. For Group 2 airplanes identified in Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010: Before the accumulation of 15,000 total flight cycles, or within 4,500 flight cycles after July 23, 2012 (the effective date of AD 2012–12–05), whichever occurs later, do initial detailed and HFEC inspections for cracking of the S–15L aft intercostal between body station (BS) 348.2 and BS 360, and do a detailed inspection of the cargo barrier net fitting at the intercostal, in accordance with Figure 3 of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010. If any cracking is found, before further flight, repair using a method approved in accordance with the procedures specified in paragraph (s) of this AD. Repeat the inspections thereafter at intervals not to exceed 6,000 flight cycles.

(p) Actions for Boeing Alert Service Bulletin 737–53A1240, Revision 2, Dated November 2, 2016, Including New Repetitive Inspections of Certain Fastener Holes

(1) For airplanes identified as Group 1 and Group 3 in Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016: Except as required by paragraph (q) of this AD, at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016.

(2) For airplanes identified as Group 2 in Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016: Within 120 days after the effective date of this AD, do actions to correct the unsafe condition using a method approved in accordance with

the procedures specified in paragraph (s) of this AD.

(q) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016, uses the phrase ''after the Revision 2 date of this service bulletin,'' for purposes of determining compliance with the requirements of this AD, the phrase ''after the effective date of this AD'' must be used.

(2) Where Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016, specifies contacting Boeing, and specifies that action as RC: This AD requires using a method approved in accordance with the procedures specified in paragraph(s) of this AD.

(r) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraphs (i), (j), and (m) of this AD, if those actions were performed before September 9, 2009 (the effective date of AD 2009–16–14, Amendment 39–15987 (74 FR 38901, August 5, 2009)), using Boeing Special Attention Service Bulletin 737–53–1204, dated June 19, 2003.

(2) This paragraph provides credit for the actions specified in paragraph (p) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 737–53A1240, Revision 1, dated June 29, 2010, provided the conditions specified in paragraphs (r)(2)(i) and (r)(2)(ii) of this AD are met and except as provided by paragraph (r)(2)(iii) of this AD. Boeing Alert Service Bulletin 737–53A1240, Revision 1, dated June 29, 2010, was incorporated by reference in AD 2012–12–05.

(i) Note 1 of paragraph 3.A of the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1240, Revision 1, dated June 29, 2010, was disregarded when accomplishing the actions.

(ii) Boeing Drawing 65–88700 was not used when accomplishing the actions in accordance with the Work Instructions of Boeing Alert Service Bulletin 737–53A1240, Revision 1, dated June 29, 2010.

(iii) The access and restoration instructions identified in the Work Instructions of Boeing Alert Service Bulletin 737–53A1240, Revision 1, dated June 29, 2010, are not required. Operators are allowed to perform those actions in accordance with approved maintenance procedures.

(s) 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 (t)(1) 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 (q)(2) of this AD: For service information that contains steps that are labeled as RC, the provisions of paragraphs (s)(4)(i) and (s)(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.

(5) AMOCs approved previously for AD 2012–12–05 are approved as AMOCs for the corresponding provisions of paragraphs (g) through (o) of this AD.

(6) AMOCs approved previously for AD 2012–12–05 are approved as AMOCs for the corresponding provisions of Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016, that are required by paragraph (p)(1) of this AD.

(t) Related Information

(1) For more information about this AD, contact Galib Abumeri, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5324; fax: 562–627–5210; email: *galib.abumeri@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (u)(6) and (u)(7) of this AD.

(u) 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.

(3) The following service information was approved for IBR on March 30, 2018.

(i) Boeing Alert Service Bulletin 737–53A1240, Revision 2, dated November 2, 2016.

(ii) Reserved.

(4) The following service information was approved for IBR on July 23, 2012 (77 FR 36139, June 18, 2012).

(i) Boeing Alert Service Bulletin 737–53A1204, Revision 2, dated June 24, 2010.

(ii) Reserved.

(5) The following service information was approved for IBR on September 9, 2009 (74 FR 38901, August 5, 2009).

(i) Boeing Alert Service Bulletin 737–53A1204, Revision 1, dated March 26, 2007.

(ii) Reserved.

(6) 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; telephone: 562–797–1717; internet: *https://www.myboeingfleet.com.*

(7) You may view this service information at FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(8) 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 February 9, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03434 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1021; Product Identifier 2017–NM–052–AD; Amendment 39–19198; AD 2018–04–03]

RIN 2120–AA64

Airworthiness Directives; Fokker Services B.V. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F28 Mark 0100 airplanes. This AD was prompted by a report that a jammed control cable prevented the full extension of the nose landing gear (LG). This AD requires a general visual inspection of the LG handle teleflex cable conduit connector for the presence of a grease nipple, a maintenance records check of affected airplanes, a detailed inspection for

corrosion and damage of the LG handle teleflex cable, and corrective actions if necessary. This AD also requires revising the maintenance or inspection program, as applicable. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 30, 2018.

ADDRESSES: For service information identified in this final rule, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1021.

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–2017–1021; 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: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3226; fax 206–231–3398.

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 Fokker Services B.V. Model F28 Mark 0100 airplanes. The NPRM published in the **Federal Register** on November 6, 2017 (82 FR 51364) (''the NPRM''). The NPRM was prompted by a report that a jammed control cable prevented the full extension of the nose LG. The NPRM proposed to require a general visual inspection of the LG handle teleflex cable conduit connector for the presence of a grease nipple, a maintenance records check of affected airplanes, and if necessary, a detailed inspection for corrosion and damage of the LG handle teleflex cable, replacement if found, and lubrication. It also proposed to require revising the maintenance or inspection program, as applicable. We are issuing this AD to detect and correct erratic or hard-to-move LG handles, which could lead to the nose LG not being in the fully extended position during landing and consequent damage to the airplane and injury to the flight crew and passengers.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0068, dated April 24, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 0100 airplanes. The MCAI states:

> A report was received of an alledgedly post-SBF100–32–107 (introducing a teleflex cable conduit with a grease nipple and a stainless steel teleflex cable) Fokker 100 aeroplane landing with a nose landing gear (LG) that was not completely in the extended position, in spite of the application by the crew of the relevant normal and abnormal Airplane Flight Manual LG extension procedures. The investigation revealed that the failure of the nose LG to completely extend had been caused by a jammed teleflex cable of the LG control system, which resulted in a hydraulic lock in the nose LG extension/retraction actuator. The investigation also revealed that the teleflex cable conduit connector on the subject aeroplane did not have the grease nipple installed, so that the aeroplane was actually not in the full post-SBF100–32–107 configuration.
>
> Based on an incorrect assumption with regard to full incorporation of SBF100–32–107 (*i.e.* the presence of the grease nipple on the conduit connector), Maintenance Review Board (MRB) task 323100–00–04 (removal, inspection, greasing and reinstallation of teleflex cable), which is only applicable for aeroplanes without the grease nipple, had been removed from the scheduled maintenance programme for the aeroplane. As a result, no detailed inspection or greasing of the teleflex cable had been accomplished on the aeroplane during the last 24,000 flight cycles (FC) or 17 years, leading to a lack of lubricant and excessive wear of the cable. Analysis indicates the possibility of more aeroplanes that do not have the grease nipple on the conduit connector, and where MRB task 323100–00–04 has been inadvertently removed from the scheduled maintenance program.
>
> This condition, if not detected and corrected, could lead to further landings with the nose LG not in the fully extended position, possibly resulting in damage to the aeroplane and injury to occupants.
>
> To address this potential unsafe condition, Fokker Services published SBF100–32–167 (hereafter referred to as 'the SB' in this [EASA] AD) to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time [general visual] inspection of the LG handle teleflex cable conduit connector for the presence of the grease nipple and, depending on findings, [a maintenance records check and] accomplishment of applicable corrective action(s). This [EASA] AD also requires the reporting of findings to Fokker Services, and to ensure that the maintenance [or inspection] programme [as applicable] contains those instructions applicable to the aeroplane configuration.

Required actions also include a detailed inspection for corrosion and damage of the LG handle teleflex cable, replacement of the LG handle teleflex cable if necessary, and lubrication of the LG handle teleflex cable. 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–2017–1021.

Comments

We gave the public the opportunity to participate in developing this final rule. We considered the comment received. The commenter, Peter North, 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

Fokker Services B.V. has issued Fokker Service Bulletin SBF100–32–167, dated December 14, 2016. This service information describes procedures for a one-time inspection of the nose LG control cable; a maintenance records check; detailed inspection, replacement, and lubrication of the LG handle teleflex cable; and

revision of the maintenance program. 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 8 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
Inspection and maintenance or inspection program revision.	4 work-hours × $85 per hour = $340	$0	$340	$2,720
Reporting	1 work-hour × $85 per hour = $85	0	85	680

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Maintenance records check, inspection, replacement, and lubrication.	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

This 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):

2018–04–03 Fokker Services B.V.: Amendment 39–19198; Docket No. FAA–2017–1021; Product Identifier 2017–NM–052–AD.

(a) Effective Date

This AD is effective March 30, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0100 airplanes, certificated in any category, serial numbers 11244 through 11481 inclusive, if maintenance records show that the airplane is in a post-Fokker Service Bulletin SBF100–32–107 configuration.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by a report that lack of maintenance on a control system cable caused a hydraulic lock and difficult operation of the nose landing gear (LG) handle, preventing full extension of the nose LG when landing. We are issuing this AD to detect and correct erratic or hard-to-move LG handles, which could lead to the nose LG not being in the fully extended position during landing and consequent damage to the airplane and injury to the flight crew and passengers.

(f) Compliance

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

(g) Inspection

Within 3 months after the effective date of this AD: Do a general visual inspection of the LG handle teleflex cable conduit connector for the presence of a grease nipple, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–167, dated December 14, 2016.

(h) Maintenance Records Check

If, during the inspection required by paragraph (g) of this AD, a grease nipple is not found installed: Within 3 months after the effective date of this AD, check the maintenance records of the affected airplane for the previous 3 months for reports of an erratic or hard-to-move LG handle, and check the maintenance records to determine the date of the most recent installation, or inspection/lubrication, as applicable, of the LG handle teleflex cable.

(i) Inspection, Replacement, and Lubrication

Based on results of the maintenance records check required by paragraph (h) of this AD: Within the applicable compliance times specified in Table 1 to paragraph (i) of this AD, do a detailed inspection for corrosion and damage of the LG handle teleflex cable, replace the LG handle teleflex cable if any corrosion or damage is found, and lubricate the LG handle teleflex cable, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–167, dated December 14, 2016.

TABLE 1 TO PARAGRAPH (i) OF THIS AD—COMPLIANCE TIMES

Results of maintenance records check	Compliance time
Report(s) of erratic and/or hard-to-move LG handle	Before further flight after accomplishing the check required by paragraph (h) of this AD.
Last installation or inspection/lubrication of the LG handle teleflex cable is not known.	Before further flight after accomplishing the check required by paragraph (h) of this AD.
Last installation or inspection/lubrication of the LG handle teleflex cable is known and the airplane has 18,000 flight cycles or more, or 12 years or more, since the last installation or inspection/lubrication of the LG handle teleflex cable.	Before further flight after accomplishing the check required by paragraph (h) of this AD.
Last installation or inspection/lubrication of the LG handle teleflex cable is known and the airplane has more than 12,000 flight hours, but less than 18,000 flight cycles, since the last installation or inspection/lubrication of the LG handle teleflex cable.	Within 6 months after accomplishing the check required by paragraph (h) of this AD.
Last installation or inspection/lubrication of the LG handle teleflex cable is known and the airplane has 8 years or more but less than 12 years since the last installation or inspection/lubrication of the LG handle teleflex cable.	Within 6 months after accomplishing the check required by paragraph (h) of this AD.

(j) Maintenance or Inspection Program Revision

Within 6 months after the effective date of this AD: Revise the maintenance or inspection program, as applicable, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–167, dated December 14, 2016, to incorporate the applicable tasks and associated thresholds and intervals, based on the airplane configuration (pre- or post-SBF100–32–107) determined in the inspection required by paragraph (g) of this AD.

(k) Reporting

Within 3 months after the effective date of this AD, or within 30 days after doing the inspection required by paragraph (g) or (h) of this AD, whichever occurs later: Report the findings of the inspection specified in paragraph (g) of this AD, and the records check specified in paragraph (h) of this AD, to Fokker Services B.V., in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–32–167, dated December 14, 2016.

(l) 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 (m)(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 Fokker B.V. Service's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(m) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD

2017–0068, dated April 24, 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–2017–1021.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3226; fax 206–231–3398.

(n) Material Incorporated by Reference

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

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

(i) Fokker Service Bulletin SBF100–32–167, dated December 14, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Fokker Services B.V., Technical Services Dept., P.O. Box 1357, 2130 EL Hoofddorp, the Netherlands; telephone +31 (0)88–6280–350; fax +31 (0)88–6280–111; email *technicalservices@fokker.com;* internet *http://www.myfokkerfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

(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 February 9, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03437 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1025; Product Identifier 2017–NM–137–AD; Amendment 39–19199; AD 2018–04–04]

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), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by several incidents of electrical shorting and sparks caused by de-icing fluid leaks between flight deck windshields and side windows. This AD requires water spray tests and general visual inspections for water in the flight deck compartment, and water removal and sealant application if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 30, 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 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–2017–1025.

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–2017–1025; 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: Steven Dzierzynski, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; 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), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on November 17, 2017 (82 FR 54304) (''the NPRM'').

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–28, dated August 23, 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), CL–600–2D15 (Regional Jet Series 705), CL–600–2D24 (Regional Jet Series 900), and CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> Several incidents of electrical shorting and sparks have been reported in the cockpit of CL–600–2C10 and CL–600–2D24 aeroplanes. De-icing fluid can leak between the windshields and side windows, leading to possible damage to the cockpit floodlight wires and electrical connections. If not corrected, this condition may result in a flight compartment fire.
>
> This [Canadian] AD is issued to mandate a water spray test and [general visual] inspection for evidence of fluid ingress into the flight compartment. It also provides mandatory instructions for sealant application if required.

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–2017–1025.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data 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–56–003, Revision A, dated April 13, 2016. This service information describes procedures for doing water spray tests on the flight deck windows, doing general visual inspections for water in the flight deck compartment, removing water, and applying sealant to the flight deck windows. 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 543 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
Spray tests and inspections	2 work-hours × $85 per hour = $170	$0	$170	$92,310

We estimate the following costs to do any necessary water removal and sealant application that would be required based on the results of the inspection. We have no way of determining the number of airplanes that might need this water removal and sealant application:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Water removal and sealant application	4 work-hours × $85 per hour = $340	$308	$648

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):

2018–04–04 Bombardier, Inc.: Amendment 39–19199; Docket No. FAA–2017–1025; Product Identifier 2017–NM–137–AD.

(a) Effective Date

This AD is effective March 30, 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 numbers 10003 through 10342 inclusive.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15367 inclusive.

(3) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 through 19041 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 56, Windows.

(e) Reason

This AD was prompted by several incidents of electrical shorting and sparks caused by de-icing fluid leaks between flight deck windshields and side windows. We are issuing this AD to detect and correct de-icing fluid entering the flight deck, which could damage the flight deck floodlight wires and electrical connections, and ultimately could lead to a fire in the flight deck compartment.

(f) Compliance

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

(g) Left Flight Deck Windshield and Side Window Spray Test, Inspection, Water Removal and Sealant Application

For airplanes on which a left flight deck windshield or a left flight deck side window was replaced as specified in Bombardier Aircraft Maintenance Manual (AMM) task 56–11–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task; or Bombardier AMM task 56–12–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task: At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD, perform a water spray test and do a general visual inspection of the left flight deck windshield and left flight deck side window for evidence of water ingress into the flight deck, in accordance with Part A of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, Revision A, dated April 13, 2016. If water is found in the flight deck compartment: Before further flight, remove the water, and apply sealant on the left flight deck windows in accordance with Part C of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, Revision A, dated April 13, 2016.

(1) For airplanes on which Bombardier in-service ModSum IS67033110181 has not been incorporated: Within 2,500 flight hours after the effective date of this AD.

(2) For airplanes on which Bombardier in-service ModSum IS67033110181 has been incorporated: Within 6,600 flight hours after the effective date of this AD.

(h) Right Flight Deck Windshield and Side Window Spray Test, Inspection, Water Removal and Sealant Application

For airplanes on which a right flight deck windshield or a right flight deck side window was replaced as specified in Bombardier AMM task 56–11–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task; or Bombardier AMM task 56–12–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task: At the applicable time specified in paragraph (h)(1) or (h)(2) of this AD, perform a water spray test and do a general visual inspection of the right flight deck windshield and right flight deck side window for evidence of water ingress into the flight deck, in accordance with Part B of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, Revision A, dated April 13, 2016. If water is found in the flight deck compartment: Before further flight, remove the water, and apply sealant on the right flight deck windows in accordance with Part D of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, Revision A, dated April 13, 2016.

(1) For airplanes on which Bombardier in-service ModSum IS67033110181 has not been incorporated: Within 2,500 flight hours after the effective date of this AD.

(2) For airplanes on which Bombardier in-service ModSum IS67033110181 has been incorporated: Within 6,600 flight hours after the effective date of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (i)(1)(i), (i)(1)(ii), or (i)(1)(iii) of this AD; provided that the left flight deck side window or left flight deck windshield have not been subsequently replaced as specified in Bombardier AMM task 56–11–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task; or Bombardier AMM task 56–12–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task.

(i) Bombardier Alert Service Bulletin A670BA–56–002, dated January 7, 2008.

(ii) Bombardier Alert Service Bulletin A670BA–56–002, Revision A, dated February 26, 2008.

(iii) Part A and Part C, as applicable, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, dated May 28, 2015.

(2) This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using the service information specified in paragraphs (i)(2)(i), (i)(2)(ii), or (i)(2)(iii) of this AD; provided that the right flight deck side window or right flight deck windshield have not been subsequently replaced as specified in Bombardier AMM task 56–11–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task; or Bombardier AMM task 56–12–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task.

(i) Bombardier Alert Service Bulletin A670BA–56–002, dated January 7, 2008.

(ii) Bombardier Alert Service Bulletin A670BA–56–002, Revision A, dated February 26, 2008.

(iii) Part B and Part D, as applicable, of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–56–003, dated May 28, 2015.

(j) Parts Installation Limitations

(1) As of the effective date of this AD, no person may install on any airplane a left or right flight deck windshield as specified in Bombardier AMM task 56–11–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task.

(2) As of the effective date of this AD, no person may install on any airplane a left or right flight deck side window as specified in Bombardier AMM task 56–12–01–400–801, Revision 48, dated March 25, 2015, or any previous revision of that task.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or 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.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–28, dated August 23, 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–2017–1025.

(2) For more information about this AD, contact Steven Dzierzynski, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7367; fax 516–794–5531.

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

(m) 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–56–003, Revision A, dated April 13, 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 February 9, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03438 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9067; Product Identifier 2016–NM–043–AD; Amendment 39–19202; AD 2018–04–07]

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 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation by the manufacturer that identified additional structural elements that qualify as structural significant items (SSIs). This AD requires revising the maintenance or inspection program, as applicable, to include inspections that will give no less than the required damage tolerance rating (DTR) for certain SSI, performing repetitive inspections to detect cracks of all SSIs, and repairing cracked structures if necessary. Additionally, this AD requires all cracks involving an SSI or related structure in close vicinity to the SSI to be reported to Boeing. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 30, 2018.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 30, 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 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–2016–9067.

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–2016–9067; 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 final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, 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: Bill Ashforth, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@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 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62031). The NPRM was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation by the manufacturer that identified additional structural elements that qualify as SSIs. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to include inspections that will give no less than the required DTR for certain SSIs, and repairing any cracked structure. The NPRM proposed to require inspections to detect cracks of all SSI structure, and repair if necessary.

We issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The SNPRM published in the **Federal Register** on November 9, 2017 (82 FR 52015). The SNPRM revised the NPRM by proposing to require reporting in order to ensure the continuing structural airworthiness of The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes with a high number of flight cycles. All cracks involving an SSI or related structure in close vicinity to the SSI must be reported to Boeing in order to evaluate the effectiveness of the supplemental structural inspections.

We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comments received. The Boeing Company, British Airways, and United Airlines supported the SNPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747

Airplanes,'' Revision H, dated September 2013. This service information describes procedures for inspections to detect cracks of all structures identified as SSIs, and includes six new SSIs since the last revision.

We also reviewed Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015. This service information describes procedures for inspections of the wings, fuselage, and empennage SSIs for Model 747–400 LCF airplanes.

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 118 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
Revision of maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$10,030

We have not specified cost estimates for the inspection and repair specified in this AD. Compliance with this AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) (70 FR 5518, February 2, 2005) for certain baseline structure of Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance inspection programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection and repair portions of this AD were accounted for in the regulatory evaluation of the AASFR for airplanes affected by that rule. For airplanes not affected by the AASFR, we have received no definitive data that would enable us to provide cost estimates for the inspection or repair portions of this AD.

We estimate the following costs to do any necessary reporting that would be required based on the results of the inspections in the maintenance inspection program. We have no way of determining the number of aircraft that might need this action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85 per inspection cycle.

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

This 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 and associated appliances 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):

2018–04–07 The Boeing Company: Amendment 39–19202; Docket No. FAA–2016–9067; Product Identifier 2016–NM–043–AD.

(a) Effective Date

This AD is effective March 30, 2018.

(b) Affected ADs

This AD affects AD 2004–07–22 R1, Amendment 39–15326 (73 FR 1052, January 7, 2008; corrected February 14, 2008 (73 FR 8589)) (''AD 2004–07–22 R1'').

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category.

Note 1 to paragraph (c) of this AD: A Model 747–400 LCF airplane is a Model 747–400 series airplane that has been modified from a passenger airplane to a freighter configuration, as specified in Boeing Service Bulletin 747–00–2084.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage; 54, Nacelles/Pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective, and a structural reevaluation by the manufacturer that identified additional structural elements that qualify as structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes.

(f) Compliance

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

(g) Definition of SSI

For the purposes of this AD, an SSI is defined as a principal structural element (PSE). A PSE is a structural element that contributes significantly to the carrying of flight, ground, or pressurization loads, and whose integrity is essential in maintaining the overall structural integrity of the airplane.

(h) Maintenance or Inspection Program Revision for All Airplanes

Prior to reaching the compliance times specified in paragraph (i)(1)(i), (i)(2)(i), (j)(1)(i), or (j)(2)(i) of this AD, as applicable, or within 12 months after the effective date of this AD, whichever occurs later: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in the applicable service information specified in paragraph (h)(1) or (h)(2) of this AD. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application,'' and Section 6.0, ''SSI Discrepancy Reporting'' of Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015; as applicable. Accomplishing the revision required by this paragraph terminates the actions required by paragraphs (f), (g), and (h) of AD 2004–07–22 R1.

(1) For all airplanes except Model 747–400 LCF airplanes: SSIs listed in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013.

(2) For Model 747–400 LCF airplanes: SSIs listed in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and SSIs listed in Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015. For SSIs listed in both Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015; and Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013: Incorporate the SSIs listed in Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015.

(i) Inspections for All Airplanes Except Model 747–400 LCF Airplanes

For all airplanes except Model 747–400 LCF airplanes: Perform inspections to detect cracks of all structure identified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013, at the times specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable, except as required by paragraph (l) of this AD. Once the initial inspection has been performed, in order to remain in compliance with the maintenance or inspection program, as required by paragraph (h) of this AD, repetitive inspections are required at the intervals specified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013. Doing an inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2004–07–22 R1.

(1) For wing structure, except as provided by paragraph (i)(3) of this AD: Inspect at the times specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD, whichever occurs later.

(i) Within the applicable compliance time specified in paragraph (i)(1)(i)(A) or (i)(1)(i)(B) of this AD.

(A) For all Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes: Prior to the accumulation of 20,000 total flight cycles or 100,000 total flight hours, whichever occurs first.

(B) For all Model 747–400, 747–400D, and 747–400F series airplanes: Prior to the accumulation of 20,000 total flight cycles or 115,000 total flight hours, whichever occurs first.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(2) For all structure other than wing structure, except as provided by paragraph (i)(3) of this AD: At the time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(3) For any portion of an SSI that has been replaced with new structure: Inspect at the later of the times specified in paragraphs (i)(3)(i) and (i)(3)(ii) of this AD.

(i) At the time specified in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(ii) Within 10,000 flight cycles after the replacement of the part with a new part.

(j) Inspections for Model 747–400 LCF Airplanes

For Model 747–400 LCF airplanes: Perform inspections to detect cracks of all structure identified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015; at the times specified in paragraph

(j)(1) or (j)(2) of this AD, as applicable, except as required by paragraph (l) of this AD. Once the initial inspection has been performed, in order to remain in compliance with the maintenance or inspection program, as required by paragraph (h) of this AD, repetitive inspections are required at the intervals specified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015. For SSIs listed in both Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015; the SSIs listed in Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015, take precedence (*i.e.,* the SSIs in the latter document prevail). Doing an inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2004–07–22 R1.

(1) For wing structure: Inspect at the times specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles or 115,000 total flight hours, whichever occurs first.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(2) For all structure other than wing structure: At the time specified in paragraph (j)(2)(i) or (j)(2)(ii) of this AD, whichever occurs later.

(i) At the earlier of the times specified in paragraphs (j)(2)(i)(A) and (j)(2)(i)(B) of this AD.

(A) Prior to the accumulation of 20,000 total flight cycles.

(B) Within the applicable initial compliance time specified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015. For SSIs are listed in both Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; and Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015; the SSIs listed in Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015, take precedence (*i.e.,* the SSIs in the latter document prevail).

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(k) Repair

If any cracked structure is found during any inspection required by paragraph (i) or (j) of this AD, repair before further flight using an FAA-approved method.

(l) Compliance Time Clarification

For compliance times identified in paragraphs (i) and (j) of this AD that specify total flight cycles and total flight hours, and the SSI is a removable structural component, those compliance times must be measured on the SSI since its first installation on any airplane, regardless of what the airframe as a whole has accumulated. If the total flight cycles and total flight hours on the SSI are not available or cannot be determined, use the airframe total flight cycles and total flight hours for the compliance times identified in paragraphs (i) and (j) of this AD.

(m) No Alternative Inspections and Inspection Intervals

After accomplishing the revision required by paragraph (h) of this AD, no alternative inspections or inspection intervals may be used unless the alternative inspection or inspection interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p) of this AD.

(n) Terminating Action for AD 2004–07–22 R1

Accomplishing the revision required by paragraph (h) of this AD and all of the initial inspections required by paragraph (i) or (j) of this AD, as applicable, terminates all requirements of AD 2004–07–22 R1.

(o) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 1 hour per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(p) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2004–07–22 R1 are approved as AMOCs for the corresponding provisions of paragraphs (h), (i), (j), and (k) of this AD for the SSIs identified in the AMOC, except for any SSI that has an expanded inspection area identified in Boeing Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013; or Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015, as applicable.

(q) Related Information

For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6432; fax: 425–917–6590; email: *bill.ashforth@faa.gov.*

(r) 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 Document D6–35022, ''Supplemental Structural Inspection Document for Model 747 Airplanes,'' Revision H, dated September 2013.

(ii) Boeing Document D6–35022–1, ''747–400 LCF Supplemental Structural Inspection Document—Appendix A,'' dated November 2015.

(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.* 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.

(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 February 9, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03429 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 3, 4, 5, 15, 18, 19, 23, 30, 38, 39, 41, 50, 150, 151, 155, and 166

RIN 3038–AE70

Definitions

AGENCY: Commodity Futures Trading Commission.

ACTION: Interim final rule; request for comment.

SUMMARY: The Commodity Futures Trading Commission (the ''Commission'') is amending its primary definitions regulation to make it more user-friendly both to industry and the public. Specifically, the Commission is amending the primary definitions regulation to replace the complex and confusing lettering system with a simple alphabetical list; and replacing all existing cross references to any definition within the primary definitions regulation with a general reference to the revised alphabetical list, rather than to a specific lettered paragraph.

DATES:

Effective Date: This rule is effective February 23, 2018.

Comment date: Comments must be received on or before March 26, 2018.

ADDRESSES: You may submit comments, identified by RIN 3038–AE70, by one of the following methods:

- *CFTC Website: https://comments.cftc.gov.* Follow the instructions to Submit Comments through the website.
- *Mail:* Send comments to Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Center, 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 *https://comments.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.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://comments.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 rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the FOIA.

FOR FURTHER INFORMATION CONTACT: Matthew B. Kulkin, Director, (202) 418–5213, *mkulkin@cftc.gov;* Frank Fisanich, Chief Counsel, (202) 418–5949, *ffisanich@cftc.gov;* Andrew Chapin, Associate Chief Counsel, (202) 418–5465, *achapin@cftc.gov;* Scott Lee, Special Counsel, (202) 418–5090, *slee@cftc.gov;* or C. Barry McCarty, Special Counsel, (202) 418–6627, *cmccarty@cftc.gov;* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, 1155 21st Street NW, Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Interim Final Rule

Section 1a of the Commodity Exchange Act (''CEA'')[2] sets forth defined terms referenced throughout the statute. These terms are alphabetized and numbered, currently beginning with ''(1) Alternative Trading System'' and ending with ''(51) Trading Facility.'' Whenever defined terms are added by Congress, the new term is placed in the proper location in the alphabetic order and the entire list is renumbered. The alphabetized list makes it relatively easy for an individual completely unfamiliar with the CEA to find a particular term referenced in the statute.

Commission regulation § 1.3 similarly sets forth many definitions referenced throughout the Commission's regulations.[3] Starting in 1938, the defined terms have been identified with an alphabetic designation consistent with the structure set forth in the Code of Federal Regulations (''CFR'').[4] The CFR identifies regulations by ''title,'' divided into ''chapters,'' further sub-divided into ''parts,'' and further sub-divided into ''sections'' and ''paragraphs.'' Thus, the definitions in § 1.3 are set forth in Title 17 (Commodity and Securities Exchanges), Chapter I (Commodity Futures Trading Commission), Part 1 (General Regulations Under the Commodity Exchange Act), § 1.3 (Definitions). Each defined term then was originally set forth in paragraphs in alphabetical order, each with an alphabetic designation, starting with ''(a) Board of Trade'' and continuing through ''(u) Person.'' [5] Over decades, numerous definitions have been added by simply adding more paragraphs at the end (rather than in alphabetical order) with an ever-growing list of alphabetic designations, starting with ''(aa)'' after reaching ''(z)'' and then ''(aaa)'' after reaching ''(zz).'' Moreover, certain definitions have been removed, leaving certain paragraphs blank and cited as ''reserved.'' As of today, the list of definitions in § 1.3 concludes with ''(ssss) Trading Facility.'' The result of this progression has been that, absent a strong familiarity with the Commission's regulations, it can prove difficult to quickly locate defined terms within § 1.3, either directly or as referred to by another regulation, or even to know if certain terms have been defined.

Accordingly, the Commission has determined to amend § 1.3 to replace the sub-paragraphs currently identified with an alphabetic designation for each defined term with a simple alphabetized list, as is recommended by the Office of the Federal Register.[6] Moving forward, any new defined terms in § 1.3 may be inserted in alphabetical order, rather than appended to the end. The Commission also has determined to amend all cross references to § 1.3—both within § 1.3 and within all other Commission regulations—to refer to the defined term set forth in the revised

[1] 17 CFR 145.9. Commission regulations referred to herein are found at 17 CFR chapter I.

[2] 7 U.S.C. 1 *et seq.*

[3] 17 CFR 1.3. The Commission's regulations are found in Title 17 of the Code of Federal Regulations, 17 CFR chapter I.

[4] *See* 17 CFR 1.3 (1938 ed.).

[5] *Id.*

[6] *See* Document Drafting Handbook, Office of the Federal Register, National Archives and Records Administration, 2–31 (Revision 5, Oct. 2, 2017), stating, ''[i]n sections or paragraphs containing only definitions, we recommend that you do not use paragraph designations if you list the terms in alphabetical order. Begin the definition paragraph with the term that you are defining.''

alphabetic list, rather than the existing complex and confusing system for subdividing the regulation into paragraphs identified with an alphabetic designation. Further, the Commission has determined to amend certain definitions within § 1.3 to correct certain typographical errors. Collectively, these amendments do not substantively alter any existing definition or other requirement set forth in other Commission regulations.

II. Request for Comment on Interim Final Rule

The Commission invites comments on this interim final rule. For example, the Commission invites comment as to the extent, if any, that the elimination of the paragraph references to particular defined terms in § 1.3 would cause registrants to update or alter existing automated compliance programs and any costs associated with such changes. Comments must be received by the Commission on or before the *comment date* specified under the **DATES** heading in this document. Comments on the interim final rule must be submitted pursuant to the instructions provided above.

III. Related Matters

A. Administrative Procedure Act

The Administrative Procedure Act (''APA'')[7] generally requires a Federal agency to publish a notice of proposed rulemaking in the **Federal Register**. This requirement does not apply, however, when an agency ''for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' Moreover, while the APA generally requires that an agency publish an adopted rule in the **Federal Register** 30 days before it becomes effective, this requirement does not apply if the agency finds good cause to make the rule effective sooner. In this interim final rulemaking the Commission is, by amendment, reorganizing the definitions in § 1.3 into alphabetical order. No substantive changes are being made to the definitions, only reordering in alphabetical order, deleting the alphabetic identification scheme, revising all cross references to existing § 1.3 definitions, and correcting certain typographical errors. Similarly, related regulations which include cross references to § 1.3 will be amended to reflect the elimination of the alphabetic identification scheme. Because the interim final rule does not alter in any way the substantive definitions and related regulations, the advance notice and public comment procedure that is generally required pursuant to the APA is not necessary in the present instance. For good cause, the Commission therefore finds that publication of a notice of proposed rulemaking in the **Federal Register** is unnecessary. Similarly, since the interim final rule simply reorganizes all definitions into alphabetical order in § 1.3, eliminates the alphabetic identification scheme, harmonizes related regulations, and corrects certain typographical errors, the Commission, for good cause, finds no transitional period, after publication in the **Federal Register**, is necessary before the amendments made by this interim final rule become effective. Accordingly, this interim final rule shall be effective immediately upon publication in the **Federal Register**.

B. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'') imposes certain requirements on Federal agencies in connection with their conducting or sponsoring any collection of information as defined by the PRA.[8] Under the PRA, 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 from the Office of Management and Budget (''OMB''). Since this interim final rule serves to clarify, by amendment, the scope of an already existing regulatory provision, the Commission has determined that the interim final rule will not impose any new information collection requirements that require approval of OMB under the PRA.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA'') requires that Federal agencies consider whether the rules that they issue will have a significant economic impact on a substantial number of small entities and, if so, to provide a regulatory flexibility analysis respecting the impact.[9] By reorganizing the definitions set forth in § 1.3 into alphabetical order and updating all related cross references throughout all Commission regulations, this interim final rule serves to clarify its regulations. Therefore, the Commission has determined that this interim final rule will not have a significant economic impact on a substantial number of small entities.

D. Cost-Benefit Considerations

Section 15(a) of the CEA[10] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA or issuing certain orders. Section 15(a) further specifies that the costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of the futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission considers the costs and benefits resulting from its discretionary determinations with respect to the section 15(a) factors.

The interim final rule does not represent an exercise of Commission discretion that alters substantive rights and obligations imposed by statute and current Commission rules. As discussed earlier, the interim final rule merely reorganizes the existing definitions in § 1.3 into alphabetical order, deletes the outdated lettering scheme, and revises § 1.3 and related regulations to reflect the deleted lettering scheme. As such, substantively, the interim final rule poses no incremental costs or benefits relative to the regulatory requirements that are now in force.

This interim final rule does have a discretionary element. By issuing the interim final rule, the Commission is exercising its discretion to clarify, by amendment, the definitions currently in force. By alphabetizing the definitions, the interim final rule addresses a potential source of uncertainty for market participants, which promotes the public interest in market integrity and regulatory clarity. The Commission recognizes that this discretionary act of clarification may result in some administrative costs to market participants. However, the Commission believes any such costs will not be material.

List of Subjects

17 CFR Part 1

Commodity futures, Reporting and recordkeeping requirements.

17 CFR Part 3

Administrative practice and procedure, Commodity futures, Reporting and recordkeeping requirements.

[7] *See* 5 U.S.C. 553 *et seq.*

[8] *See* 44 U.S.C. 3501 *et seq.*

[9] *See* 5 U.S.C. 601 *et seq.*

[10] 7 U.S.C. 19(a).

17 CFR Part 4

Advertising, Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

17 CFR Part 5

Commodity futures, Consumer protection, Foreign currencies, Reporting and recordkeeping requirements, Securities, Trade practices.

17 CFR Part 15

Brokers, Reporting and recordkeeping requirements.

17 CFR Part 18

Reporting and recordkeeping requirements.

17 CFR Part 19

Cotton, Grains, Reporting and recordkeeping requirements.

17 CFR Part 23

Swaps.

17 CFR Part 30

Consumer protection, Fraud.

17 CFR Part 38

Commodity futures, Reporting and recordkeeping requirements.

17 CFR Part 39

Consumer protection, Reporting and recordkeeping requirements.

17 CFR Part 41

Brokers, Reporting and recordkeeping requirements, Securities.

17 CFR Part 50

Business and industry, Swaps.

17 CFR Part 150

Cotton, Grains.

17 CFR Part 151

Swaps.

17 CFR Part 155

Brokers, Reporting and recordkeeping requirements.

17 CFR Part 166

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Commodity Futures Trading Commission amends 17 CFR chapter I as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6l, 6m, 6n, 6o, 6p, 6r, 6s, 7, 7a–1, 7a–2, 7b, 7b–3, 8, 9, 10a, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24 (2012).

■ 2. Amend § 1.3 as follows:

■ a. Republish the introductory text of § 1.3;

■ b. Remove paragraph designations (a) through (ssss) and reorder those definitions paragraphs in correct alphabetical order;

■ c. Revise the definitions of ''Bona fide hedging transactions and positions for excluded commodities,'' ''Category of swaps; major swap category,'' ''Commodity option transaction; commodity option,'' ''Commodity trading advisor,'' ''Customer,'' ''Customer account,'' ''Eligible contract participant,'' ''Financial entity; highly leveraged,'' ''Futures contracts on certain foreign sovereign debt,'' ''Futures customer,'' ''Hedging or mitigating commercial risk,'' ''Major Swap Participant,'' ''Meaning of 'issuers of securities in a narrow-based security index' as used in the definition of 'security-based swap' as applied to index credit default swaps,'' ''Meaning of 'narrow-based security index' used in the definition of 'security-based swap' as applied to index credit default swaps,'' ''Narrow-based security index as used in the definition of 'security-based swap,' '' ''Substantial counterparty exposure,'' ''Substantial position,'' ''Swap,'' and ''Swap Dealer.''

The revisions read as follows:

§ 1.3 Definitions.

Words used in the singular form in the rules and regulations in this chapter shall be deemed to import the plural and vice versa, as the context may require. The following terms, as used in the Commodity Exchange Act, or in the rules and regulations in this chapter, shall have the meanings hereby assigned to them, unless the context otherwise requires:

* * * * *

Bona fide hedging transactions and positions for excluded commodities—(1) *General definition.* Bona fide hedging transactions and positions shall mean any agreement, contract or transaction in an excluded commodity on a designated contract market or swap execution facility that is a trading facility, where such transactions or positions normally represent a substitute for transactions to be made or positions to be taken at a later time in a physical marketing channel, and where they are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise, and where they arise from:

(i) The potential change in the value of assets which a person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising,

(ii) The potential change in the value of liabilities which a person owns or anticipates incurring, or

(iii) The potential change in the value of services which a person provides, purchases, or anticipates providing or purchasing.

(iv) Notwithstanding the foregoing, no transactions or positions shall be classified as bona fide hedging unless their purpose is to offset price risks incidental to commercial cash or spot operations and such positions are established and liquidated in an orderly manner in accordance with sound commercial practices and, for transactions or positions on contract markets subject to trading and position limits in effect pursuant to section 4a of the Act, unless the provisions of paragraphs (2) and (3) of this definition have been satisfied.

(2) *Enumerated hedging transactions.* The definitions of bona fide hedging transactions and positions in paragraph (1) of this definition includes, but is not limited to, the following specific transactions and positions:

(i) Sales of any agreement, contract, or transaction in an excluded commodity on a designated contract market or swap execution facility that is a trading facility which do not exceed in quantity:

(A) Ownership or fixed-price purchase of the same cash commodity by the same person; and

(B) Twelve months' unsold anticipated production of the same commodity by the same person provided that no such position is maintained in any agreement, contract or transaction during the five last trading days.

(ii) Purchases of any agreement, contract or transaction in an excluded commodity on a designated contract market or swap execution facility that is a trading facility which do not exceed in quantity:

(A) The fixed-price sale of the same cash commodity by the same person;

(B) The quantity equivalent of fixed-price sales of the cash products and by-products of such commodity by the same person; and

(C) Twelve months' unfilled anticipated requirements of the same cash commodity for processing, manufacturing, or feeding by the same person, provided that such transactions and positions in the five last trading

days of any agreement, contract or transaction do not exceed the person's unfilled anticipated requirements of the same cash commodity for that month and for the next succeeding month.

(iii) Offsetting sales and purchases in any agreement, contract or transaction in an excluded commodity on a designated contract market or swap execution facility that is a trading facility which do not exceed in quantity that amount of the same cash commodity which has been bought and sold by the same person at unfixed prices basis different delivery months of the contract market, provided that no such position is maintained in any agreement, contract or transaction during the five last trading days.

(iv) Purchases or sales by an agent who does not own or has not contracted to sell or purchase the offsetting cash commodity at a fixed price, provided that the agent is responsible for the merchandising of the cash position that is being offset, and the agent has a contractual arrangement with the person who owns the commodity or has the cash market commitment being offset.

(v) Sales and purchases described in paragraphs (2)(i) through (iv) of this definition may also be offset other than by the same quantity of the same cash commodity, provided that the fluctuations in value of the position for in any agreement, contract or transaction are substantially related to the fluctuations in value of the actual or anticipated cash position, and provided that the positions in any agreement, contract or transaction shall not be maintained during the five last trading days.

(3) *Non-Enumerated cases.* A designated contract market or swap execution facility that is a trading facility may recognize, consistent with the purposes of this definition, transactions and positions other than those enumerated in paragraph (2) of this definition as bona fide hedging. Prior to recognizing such non-enumerated transactions and positions, the designated contract market or swap execution facility that is a trading facility shall submit such rules for Commission review under section 5c of the Act and part 40 of this chapter.

* * * * *

Category of swaps; major swap category. For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33), and the definition of *major swap participant* in this section, the terms *major swap category, category of swaps* and any similar terms mean any of the categories of swaps listed below. For the avoidance of doubt, the term *swap* as it is used in this definition has the meaning set forth in section 1a(47) of the Act, 7 U.S.C. 1a(47), and the rules thereunder.

(1) *Rate swaps.* Any swap which is primarily based on one or more reference rates, including but not limited to any swap of payments determined by fixed and floating interest rates, currency exchange rates, inflation rates or other monetary rates, any foreign exchange swap, as defined in section 1a(25) of the Act, 7 U.S.C. 1a(25), and any foreign exchange option other than an option to deliver currency.

(2) *Credit swaps.* Any swap that is primarily based on instruments of indebtedness, including but not limited to any swap primarily based on one or more broad-based indices related to debt instruments or loans, and any swap that is an index credit default swap or total return swap on one or more indices of debt instruments.

(3) *Equity swaps.* Any swap that is primarily based on equity securities, including but not limited to any swap based on one or more broad-based indices of equity securities and any total return swap on one or more equity indices.

(4) *Other commodity swaps.* Any swap that is not included in the rate swap, credit swap or equity swap categories.

* * * * *

Commodity option transaction; commodity option. These terms each mean any transaction or agreement in interstate commerce which is or is held out to be of the character of, or is commonly known to the trade as, an ''option,'' ''privilege,'' ''indemnity,'' ''bid,'' ''offer,'' ''call,'' ''put,'' ''advance guaranty,'' or ''decline guaranty,'' and which is subject to regulation under the Act and the regulations in this chapter.

* * * * *

Commodity trading advisor. (1) This term means any person who, for compensation or profit, engages in the business of advising others, either directly or through publications, writings or electronic media, as to the value of or the advisability of trading in any contract of sale of a commodity for future delivery, security futures product, or swap; any agreement, contract or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i) of the Act; any commodity option authorized under section 4c of the Act; any leverage transaction authorized under section 19 of the Act; any person registered with the Commission as a commodity trading advisor; or any person, who, for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning any of the foregoing. The term does not include:

(i) Any bank or trust company or any person acting as an employee thereof;

(ii) Any news reporter, news columnist, or news editor of the print or electronic media or any lawyer, accountant, or teacher;

(iii) Any floor broker or futures commission merchant;

(iv) The publisher or producer of any print or electronic data of general and regular dissemination, including its employees;

(v) The named fiduciary, or trustee, of any defined benefit plan which is subject to the provisions of the Employee Retirement Income Security Act of 1974, or any fiduciary whose sole business is to advise that plan;

(vi) Any contract market; and

(vii) Such other persons not within the intent of this definition as the Commission may specify by rule, regulation or order: *Provided,* That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession: *Provided further,* That the Commission, by rule or regulation, may include within this definition, any person advising as to the value of commodities or issuing reports or analyses concerning commodities, if the Commission determines that such rule or regulation will effectuate the purposes of this provision.

(2) *Client.* This term, as it relates to a commodity trading advisor, means any person:

(i) To whom a commodity trading advisor provides advice, for compensation or profit, either directly or through publications, writings, or electronic media, as to the value of, or the advisability of trading in, any contract of sale of a commodity for future delivery, security futures product or swap; any agreement, contract or transaction described in section 2(c)(2)(C)(i) or section 2(c)(2)(D)(i) of the Act; any commodity option authorized under section 4c of the Act; any leverage transaction authorized under section 19 of the Act; or

(ii) To whom, for compensation or profit, and as part of a regular business, the commodity trading advisor issues or promulgates analyses or reports concerning any of the activities referred to in the definition of commodity trading advisor in this section. The term client includes, without limitation, any subscriber of a commodity trading advisor.

* * * * *

Customer. This term means any person who uses a futures commission

merchant, introducing broker, commodity trading advisor, or commodity pool operator as an agent in connection with trading in any commodity interest; *Provided, however,* an owner or holder of a proprietary account as defined in this section shall not be deemed to be a customer within the meaning of section 4d of the Act, the regulations that implement sections 4d and 4f of the Act and § 1.35, and such an owner or holder of such a proprietary account shall otherwise be deemed to be a customer within the meaning of the Act and §§ 1.37 and 1.46 and all other sections of these rules, regulations, and orders which do not implement sections 4d and 4f of the Act.

Customer account. This term references both a Cleared Swaps Customer Account and a Futures Account, as defined in this section.

* * * * *

Eligible contract participant. This term has the meaning set forth in section 1a(18) of the Act, except that:

(1) A major swap participant, as defined in section 1a(33) of the Act and in this section, is an eligible contract participant;

(2) A swap dealer, as defined in section 1a(49) of the Act and in this section, is an eligible contract participant;

(3) A major security-based swap participant, as defined in section 3(a)(67) of the Securities Exchange Act of 1934 and § 240.3a67–1 of this title, is an eligible contract participant;

(4) A security-based swap dealer, as defined in section 3(a)(71) of the Securities Exchange Act of 1934 and § 240.3a71–1 of this title, is an eligible contract participant;

(5)(i) A transaction-level commodity pool with one or more direct participants that is not an eligible contract participant is not itself an eligible contract participant under either section 1a(18)(A)(iv) or section 1a(18)(A)(v) of the Act for purposes of entering into transactions described in sections 2(c)(2)(B)(vi) and 2(c)(2)(C)(vii) of the Act; and

(ii) In determining whether a commodity pool that is a direct participant in a transaction-level commodity pool is an eligible contract participant for purposes of paragraph (5)(i) of this definition, the participants in the commodity pool that is a direct participant in the transaction-level commodity pool shall not be considered unless the transaction-level commodity pool, any commodity pool holding a direct or indirect interest in such transaction-level commodity pool, or any commodity pool in which such transaction-level commodity pool holds a direct or indirect interest, has been structured to evade subtitle A of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act by permitting persons that are not eligible contract participants to participate in agreements, contracts, or transactions described in section 2(c)(2)(B)(i) or section 2(c)(2)(C)(i) of the Act;

(6) A commodity pool that does not have total assets exceeding $5,000,000 or that is not operated by a person described in subclause (A)(iv)(II) of section 1a(18) of the Act is not an eligible contract participant pursuant to clause (A)(v) of such section;

(7)(i) For purposes of a swap (but not a security-based swap, security-based swap agreement or mixed swap) used to hedge or mitigate commercial risk, an entity may, in determining its net worth for purposes of section 1a(18)(A)(v)(III) of the Act, include the net worth of any owner of such entity, provided that all the owners of such entity are eligible contract participants;

(ii)(A) For purposes of identifying the owners of an entity under paragraph (7)(i) of this definition, any person holding a direct ownership interest in such entity shall be considered to be an owner of such entity; provided, however, that any shell company shall be disregarded, and the owners of such shell company shall be considered to be the owners of any entity owned by such shell company;

(B) For purposes of paragraph (7)(ii)(A) of this definition, the term *shell company* means any entity that limits its holdings to direct or indirect interests in entities that are relying on this paragraph (7); and

(C) In determining whether an owner of an entity is an eligible contract participant for purposes of paragraph (7)(i) of this definition, an individual may be considered to be a proprietorship eligible contract participant only if the individual—

(*1*) Has an active role in operating a business other than an entity;

(*2*) Directly owns all of the assets of the business;

(*3*) Directly is responsible for all of the liabilities of the business; and

(*4*) Acquires its interest in the entity seeking to qualify as an eligible contract participant under paragraph (7)(i) of this definition in connection with the operation of the individual's proprietorship or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the individual in the operation of the individual's proprietorship; and

(iii) For purposes of paragraph (7)(i) of this definition, a swap is used to hedge or mitigate commercial risk if the swap complies with the conditions in the definition in this section of hedging or mitigating commercial risk; and

(8) Notwithstanding section 1a(18)(A)(iv) of the Act and paragraph (5) of this definition, a commodity pool that enters into an agreement, contract, or transaction described in section 2(c)(2)(B)(i) or section 2(c)(2)(C)(i)(I) of the Act is an eligible contract participant with respect to such agreement, contract, or transaction, regardless of whether each participant in such commodity pool is an eligible contract participant, if all of the following conditions are satisfied:

(i) The commodity pool is not formed for the purpose of evading regulation under section 2(c)(2)(B) or section 2(c)(2)(C) of the Act or related Commission rules, regulations or orders;

(ii) The commodity pool has total assets exceeding $10,000,000; and

(iii) The commodity pool is formed and operated by a registered commodity pool operator or by a commodity pool operator who is exempt from registration as such pursuant to § 4.13(a)(3) of this chapter.

* * * * *

Financial entity; highly leveraged. (1) For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33), and the definition of a *major swap participant* in this section, the term *financial entity* means:

(i) A security-based swap dealer;

(ii) A major security-based swap participant;

(iii) A commodity pool as defined in section 1a(10) of the Act, 7 U.S.C. 1a(10);

(iv) A private fund as defined in section 202(a) of the Investment Advisers Act of 1940, 15 U.S.C. 80b–2(a);

(v) An employee benefit plan as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002; and

(vi) A person predominantly engaged in activities that are in the business of banking or financial in nature, as defined in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k).

(2) For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33), and the definition of a major swap participant in this section, the term highly leveraged means the existence of a ratio of an entity's total liabilities to equity in excess of 12 to 1 as measured at the close of business on the last business day of the applicable fiscal quarter. For

this purpose, liabilities and equity should each be determined in accordance with U.S. generally accepted accounting principles; provided, however, that a person that is an employee benefit plan, as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002, may exclude obligations to pay benefits to plan participants from the calculation of liabilities and substitute the total value of plan assets for equity.

* * * * *

Futures contracts on certain foreign sovereign debt. The term *security-based swap* as used in section 3(a)(68) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)), as incorporated in section 1a(42) of the Commodity Exchange Act, does not include an agreement, contract, or transaction that is based on or references a qualifying foreign futures contract (as defined in rule 3a12–8 under the Securities Exchange Act of 1934 (17 CFR 240.3a12–8)) on the debt securities of any one or more of the foreign governments enumerated in rule 3a12–8 under the Securities Exchange Act of 1934 (17 CFR 240.3a12–8), provided that such agreement, contract, or transaction satisfies the following conditions:

(1) The futures contract that the agreement, contract, or transaction references or upon which the agreement, contract, or transaction is based is a qualifying foreign futures contract that satisfies the conditions of rule 3a12–8 under the Securities Exchange Act of 1934 (17 CFR 240.3a12–8) applicable to qualifying foreign futures contracts;

(2) The agreement, contract, or transaction is traded on or through a board of trade (as defined in the Commodity Exchange Act);

(3) The debt securities upon which the qualifying foreign futures contract is based or referenced and any security used to determine the cash settlement amount pursuant to paragraph (4) of this definition were not registered under the Securities Act of 1933 (15 U.S.C. 77 *et seq.*) or the subject of any American depositary receipt registered under the Securities Act of 1933;

(4) The agreement, contract, or transaction may only be cash settled; and

(5) The agreement, contract or transaction is not entered into by the issuer of the debt securities upon which the qualifying foreign futures contract is based or referenced (including any security used to determine the cash payment due on settlement of such agreement, contract or transaction), an affiliate (as defined in the Securities Act of 1933 (15 U.S.C. 77 *et seq.*) and the rules and regulations thereunder) of the issuer, or an underwriter of such issuer's debt securities.

Futures customer. This term means any person who uses a futures commission merchant, introducing broker, commodity trading advisor, or commodity pool operator as an agent in connection with trading in any contract for the purchase of sale of a commodity for future delivery or any option on such contract; *Provided, however,* an owner or holder of a proprietary account as defined in this section shall not be deemed to be a futures customer within the meaning of sections 4d(a) and 4d(b) of the Act, the regulations in this chapter that implement sections 4d and 4f of the Act and § 1.35, and such an owner or holder of such a proprietary account shall otherwise be deemed to be a futures customer within the meaning of the Act and §§ 1.37 and 1.46 and all other sections of these rules, regulations, and orders which do not implement sections 4d and 4f of the Act.

* * * * *

Hedging or mitigating commercial risk. For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33) and the definition of a major swap participant in this section, a swap position is held for the purpose of hedging or mitigating commercial risk when:

(1) Such position:

(i) Is economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise (or of a majority-owned affiliate of the enterprise), where the risks arise from:

(A) The potential change in the value of assets that a person owns, produces, manufactures, processes, or merchandises or reasonably anticipates owning, producing, manufacturing, processing, or merchandising in the ordinary course of business of the enterprise;

(B) The potential change in the value of liabilities that a person has incurred or reasonably anticipates incurring in the ordinary course of business of the enterprise; or

(C) The potential change in the value of services that a person provides, purchases, or reasonably anticipates providing or purchasing in the ordinary course of business of the enterprise;

(D) The potential change in the value of assets, services, inputs, products, or commodities that a person owns, produces, manufactures, processes, merchandises, leases, or sells, or reasonably anticipates owning, producing, manufacturing, processing, merchandising, leasing, or selling in the ordinary course of business of the enterprise;

(E) Any potential change in value related to any of the foregoing arising from interest, currency, or foreign exchange rate movements associated with such assets, liabilities, services, inputs, products, or commodities; or

(F) Any fluctuation in interest, currency, or foreign exchange rate exposures arising from a person's current or anticipated assets or liabilities; or

(ii) Qualifies as bona fide hedging for purposes of an exemption from position limits under the Act; or

(iii) Qualifies for hedging treatment under:

(A) Financial Accounting Standards Board Accounting Standards Codification Topic 815, Derivatives and Hedging (formerly known as Statement No. 133); or

(B) Governmental Accounting Standards Board Statement 53, Accounting and Financial Reporting for Derivative Instruments; and

(2) Such position is:

(i) Not held for a purpose that is in the nature of speculation, investing or trading; and

(ii) Not held to hedge or mitigate the risk of another swap or security-based swap position, unless that other position itself is held for the purpose of hedging or mitigating commercial risk as defined by this definition or § 240.3a67–4 of this title.

* * * * *

Major swap participant—(1) *In general.* The term *major swap participant* means any person:

(i) That is not a swap dealer; and

(ii)(A) That maintains a substantial position in swaps for any of the major swap categories, excluding both positions held for hedging or mitigating commercial risk, and positions maintained by any employee benefit plan (or any contract held by such a plan) as defined in paragraphs (3) and (32) of section 3 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1002, for the primary purpose of hedging or mitigating any risk directly associated with the operation of the plan;

(B) Whose outstanding swaps create substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets; or

(C) That is a financial entity that:

(*1*) Is highly leveraged relative to the amount of capital such entity holds and that is not subject to capital

requirements established by an appropriate Federal banking agency (as defined in section 1a(2) of the Act, 7 U.S.C. 1a(2)); and

(*2*) Maintains a substantial position in outstanding swaps in any major swap category.

(2) *Scope of designation.* A person that is a major swap participant shall be deemed to be a major swap participant with respect to each swap it enters into, regardless of the category of the swap or the person's activities in connection with the swap. However, if a person makes an application to limit its designation as a major swap participant to specified categories of swaps, the Commission shall determine whether the person's designation as a major swap participant shall be so limited. If the Commission grants such limited designation, such limited designation major swap participant shall be deemed to be a major swap participant with respect to each swap it enters into in the swap category or categories for which it is so designated, regardless of the person's activities in connection with such category or categories of swaps. A person may make such application to limit its designation at the same time as, or after, the person's initial registration as a major swap participant.

(3) *Timing requirements.* A person that is not registered as a major swap participant, but that meets the criteria in this rule to be a major swap participant as a result of its swap activities in a fiscal quarter, will not be deemed to be a major swap participant until the earlier of the date on which it submits a complete application for registration as a major swap participant pursuant to section 4s(a)(2) of the Act, 7 U.S.C. 6s(a)(2), or two months after the end of that quarter.

(4) *Reevaluation period.* Notwithstanding paragraph (3) of this definition, if a person that is not registered as a major swap participant meets the criteria in this rule to be a major swap participant in a fiscal quarter, but does not exceed any applicable threshold by more than twenty percent in that quarter:

(i) That person will not be deemed a major swap participant pursuant to the timing requirements specified in paragraph (3) of this definition; but

(ii) That person will be deemed a major swap participant pursuant to the timing requirements specified in paragraph (3) of this definition at the end of the next fiscal quarter if the person exceeds any of the applicable daily average thresholds in that next fiscal quarter.

(5) *Termination of status.* A person that is deemed to be a major swap participant shall continue to be deemed a major swap participant until such time that its swap activities do not exceed any of the daily average thresholds set forth within this rule for four consecutive fiscal quarters after the date on which the person becomes registered as a major swap participant.

(6) *Calculation of status.* A person shall not be deemed to be a ''major swap participant,'' regardless of whether the criteria in paragraph (1) of this definition otherwise would cause the person to be a major swap participant, provided the person meets the conditions set forth in paragraphs (6)(i), (ii) or (iii) of this definition.

(i) *Caps on uncollateralized exposure and notional positions*—(A) *Maximum potential uncollateralized exposure.* The express terms of the person's agreements or arrangements relating to swaps with its counterparties at no time would permit the person to maintain a total uncollateralized exposure of more than $100 million to all such counterparties, including any exposure that may result from thresholds or minimum transfer amounts established by credit support annexes or similar arrangements; and

(B) *Maximum notional amount of swap positions.* The person does not maintain swap positions in a notional amount of more than $2 billion in any major category of swaps, or more than $4 billion in the aggregate across all major categories; or

(ii) *Caps on uncollateralized exposure plus monthly calculation*—(A) *Maximum potential uncollateralized exposure.* The express terms of the person's agreements or arrangements relating to swaps with its counterparties at no time would permit the person to maintain a total uncollateralized exposure of more than $200 million to all such counterparties (with regard to swaps and any other instruments by which the person may have exposure to those counterparties), including any exposure that may result from thresholds or minimum transfer amounts established by credit support annexes or similar arrangements; and

(B) *Calculation of positions.* (*1*) At the end of each month, the person performs the calculations prescribed by the definition in this section of *substantial position* with regard to whether the aggregate uncollateralized outward exposure plus aggregate potential outward exposure as of that day constitute a ''substantial position'' in a major category of swaps, or pose ''substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets''; these calculations shall disregard provisions of those rules that provide for the analyses to be determined based on a daily average over a calendar quarter; and

(*2*) Each such analysis produces thresholds of no more than:

(*i*) $1 billion in aggregate uncollateralized outward exposure plus aggregate potential outward exposure in any major category of swaps; if the person is subject to the definition in this section of *substantial position,* by virtue of being a highly leveraged financial entity that is not subject to capital requirements established by an appropriate Federal banking agency, this analysis shall account for all of the person's swap positions in that major category (without excluding hedging positions), otherwise this analysis shall exclude the same hedging and related positions that are excluded from consideration pursuant to paragraph (1)(i) of the definition in this section of *substantial position;* or

(*ii*) $2 billion in aggregate uncollateralized outward exposure plus aggregate potential outward exposure (without any positions excluded from the analysis) with regard to all of the person's swap positions.

(iii) *Calculations based on certain information.* (A)(*1*) At the end of each month, the person's aggregate uncollateralized outward exposure with respect to its swap positions in each major swap category is less than $1.5 billion with respect to the rate swap category and less than $500 million with respect to each of the other major swap categories; and

(*2*) At the end of each month, the sum of the amount calculated under paragraph (6)(iii)(A)(1) of this definition with respect to each major swap category and the total notional principal amount of the person's swap positions in each such major swap category, adjusted by the multipliers set forth in paragraph (3)(ii)(1) of the definition in this section of *substantial position* on a position-by-position basis reflecting the type of swap, is less than $3 billion with respect to the rate swap category and less than $1 billion with respect to each of the other major swap categories; or

(B)(*1*) At the end of each month, the person's aggregate uncollateralized outward exposure with respect to its swap positions across all major swap categories is less than $500 million; and

(*2*) The sum of the amount calculated under paragraph (6)(iii)(B)(1) of this definition and the product of the total effective notional principal amount of the person's swap positions in all major swap categories multiplied by 0.15 is less than $1 billion.

(C) For purposes of the calculations set forth in this paragraph (6)(iii) of the major swap participant definition:

(*1*) The person's aggregate uncollateralized outward exposure for positions held with swap dealers shall be equal to such exposure reported on the most recent reports of such exposure received from such swap dealers; and

(*2*) The person's aggregate uncollateralized outward exposure for positions that are not reflected in any report of exposure from a swap dealer (including all swap positions it holds with persons other than swap dealers) shall be calculated in accordance with paragraph (2) of the definition in this section of *substantial position.*

(iv) For purposes of the calculations set forth in paragraph (6) of this definition, the person shall use the effective notional amount of a position rather than the stated notional amount of the position if the stated notional amount is leveraged or enhanced by the structure of the position.

(v) No presumption shall arise that a person is required to perform the calculations needed to determine if it is a major swap participant, solely by reason that the person does not meet the conditions specified in paragraph (6)(i), (ii) or (iii) of this definition.

(7) *Exclusions.* A person who is registered as a derivatives clearing organization with the Commission pursuant to section 5b of the Act and regulations thereunder, shall not be deemed to be a major swap participant, regardless of whether the criteria in this definition otherwise would cause the person to be a major swap participant.

* * * * *

Meaning of ''*issuers of securities in a narrow-based security index*'' *as used in the definition of* ''*security-based swap*'' *as applied to index credit default swaps.* (1) Notwithstanding paragraph (1) of the definition in this section of *narrow-based security index* as used in the definition of *security-based swap,* and solely for purposes of determining whether a credit default swap is a security-based swap under the definition of ''security-based swap'' in section 3(a)(68)(A)(ii)(III) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)(ii)(III)), as incorporated in section 1a(42) of the Commodity Exchange Act, the term *issuers of securities in a narrow-based security index* means issuers of securities included in an index (including an index referencing loan borrowers or loans of such borrowers) in which:

(i)(A) There are nine or fewer non-affiliated issuers of securities that are reference entities included in the index, provided that an issuer of securities shall not be deemed a reference entity included in the index for purposes of this definition unless:

(*1*) A credit event with respect to such reference entity would result in a payment by the credit protection seller to the credit protection buyer under the credit default swap based on the related notional amount allocated to such reference entity; or

(*2*) The fact of such credit event or the calculation in accordance with paragraph (1)(i)(A)(*1*) of this definition of the amount owed with respect to such credit event is taken into account in determining whether to make any future payments under the credit default swap with respect to any future credit events;

(B) The effective notional amount allocated to any reference entity included in the index comprises more than 30 percent of the index's weighting;

(C) The effective notional amount allocated to any five non-affiliated reference entities included in the index comprises more than 60 percent of the index's weighting; or

(D) Except as provided in paragraph (2) of this definition, for each reference entity included in the index, none of the criteria in paragraphs (1)(i)(D)(*1*) through (*8*) of this definition is satisfied:

(*1*) The reference entity included in the index is required to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d));

(*2*) The reference entity included in the index is eligible to rely on the exemption provided in rule 12g3–2(b) under the Securities Exchange Act of 1934 (17 CFR 240.12g3–2(b));

(*3*) The reference entity included in the index has a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more;

(*4*) The reference entity included in the index (other than a reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) has outstanding notes, bonds, debentures, loans, or evidences of indebtedness (other than revolving credit facilities) having a total remaining principal amount of at least $1 billion;

(*5*) The reference entity included in the index is the issuer of an exempted security as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29)));

(*6*) The reference entity included in the index is a government of a foreign country or a political subdivision of a foreign country;

(*7*) If the reference entity included in the index is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)), such asset-backed security was issued in a transaction registered under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and has publicly available distribution reports; and

(*8*) For a credit default swap entered into solely between eligible contract participants as defined in section 1a(18) of the Commodity Exchange Act:

(*i*) The reference entity included in the index (other than a reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) makes available to the public or otherwise makes available to such eligible contract participant information about the reference entity included in the index pursuant to rule 144A(d)(4) under the Securities Act of 1933 (17 CFR 230.144A(d)(4));

(*ii*) Financial information about the reference entity included in the index (other than a reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) is otherwise publicly available; or

(*iii*) In the case of a reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)), information of the type and level included in publicly available distribution reports for similar asset-backed securities is publicly available about both the reference entity included in the index and such asset-backed security; and

(ii)(A) The index is not composed solely of reference entities that are issuers of exempted securities as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29))), as in effect on the date of enactment of the Futures Trading Act of 1982; and

(B) Without taking into account any portion of the index composed of

reference entities that are issuers of exempted securities as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29))), the remaining portion of the index would be within the term *issuer of securities in a narrow-based security index* under (1)(i) of this definition.

(2) Paragraph (1)(i)(D) of this definition will not apply with respect to a reference entity included in the index if:

(i) The effective notional amounts allocated to such reference entity comprise less than five percent of the index's weighting; and

(ii) The effective notional amounts allocated to reference entities included in the index that satisfy paragraph (1)(i)(D) of this definition comprise at least 80 percent of the index's weighting.

(3) For purposes of this definition:

(i) A reference entity included in the index is affiliated with another reference entity included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition) if it controls, is controlled by, or is under common control with, that other reference entity included in the index or other entity, as applicable; provided that each reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) will not be considered affiliated with any other reference entity included in the index or any other entity that is an issuing entity of an asset-backed security.

(ii) Control for purposes of this section means ownership of more than 50 percent of the equity of a reference entity included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition), or the ability to direct the voting of more than 50 percent of the voting equity of a reference entity included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition).

(iii) In identifying a reference entity included in the index for purposes of this section, the term reference entity includes:

(A) An issuer of securities;

(B) An issuer of securities that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)); and

(C) An issuer of securities that is a borrower with respect to any loan identified in an index of borrowers or loans.

(iv) For purposes of calculating the thresholds in paragraphs (1)(i)(A) through (1)(i)(C) of this definition, the term reference entity included in the index includes a single reference entity included in the index or a group of affiliated reference entities included in the index as determined in accordance with paragraph (3)(i) of this definition (with each reference entity included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Act (15 U.S.C. 78c(a)(77)) being considered a separate reference entity included in the index).

(v) For purposes of determining whether one of the criterion in either paragraphs (1)(i)(D)(*1*) through (1)(i)(D)(*4*) of this definition or paragraphs (1)(iv)(D)(*8*)(*i*) and (1)(iv)(D)(*8*)(*ii*) of this definition is met, the term reference entity included in the index includes a single reference entity included in the index or a group of affiliated entities as determined in accordance with paragraph (3)(i) of this definition (with each issuing entity of an asset-backed security as defined in section 3(a)(77) of the Act (15 U.S.C. 78c(a)(77)) being considered a separate entity).

Meaning of ''*narrow-based security index*'' *used in the definition of* ''*security-based swap*'' *as applied to index credit default swaps.* (1) Notwithstanding paragraph (1) of the definition in this section of narrow-based security index as used in the definition of ''security-based swap,'' and solely for purposes of determining whether a credit default swap is a security-based swap under the definition of ''security-based swap'' in section 3(a)(68)(A)(ii)(I) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(68)(A)(ii)(I)), as incorporated in section 1a(42) of the Commodity Exchange Act, the term narrow-based security index means an index in which:

(i)(A) The index is composed of nine or fewer securities or securities that are issued by nine or fewer non-affiliated issuers, provided that a security shall not be deemed a component of the index for purposes of this section unless:

(*1*) A credit event with respect to the issuer of such security or a credit event with respect to such security would result in a payment by the credit protection seller to the credit protection buyer under the credit default swap based on the related notional amount allocated to such security; or

(*2*) The fact of such credit event or the calculation in accordance with paragraph (1)(i)(A)*(1)* of this definition of the amount owed with respect to such credit event is taken into account in determining whether to make any future payments under the credit default swap with respect to any future credit events;

(B) The effective notional amount allocated to the securities of any issuer included in the index comprises more than 30 percent of the index's weighting;

(C) The effective notional amount allocated to the securities of any five non-affiliated issuers included in the index comprises more than 60 percent of the index's weighting; or

(D) Except as provided in paragraph (2) of this definition, for each security included in the index, none of the criteria in paragraphs (1)(i)(D)(*1*) through (*8*) is satisfied if:

(*1*) The issuer of the security included in the index is required to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d));

(*2*) The issuer of the security included in the index is eligible to rely on the exemption provided in rule 12g3–2(b) under the Securities Exchange Act of 1934 (17 CFR 240.12g3–2(b));

(*3*) The issuer of the security included in the index has a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more;

(*4*) The issuer of the security included in the index (other than an issuer of the security that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77))) has outstanding notes, bonds, debentures, loans or evidences of indebtedness (other than revolving credit facilities) having a total remaining principal amount of at least $1 billion;

(*5*) The security included in the index is an exempted security as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29)));

(*6*) The issuer of the security included in the index is a government of a foreign country or a political subdivision of a foreign country;

(*7*) If the security included in the index is an asset-backed security as

defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)), the security was issued in a transaction registered under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) and has publicly available distribution reports; and

(*8*) For a credit default swap entered into solely between eligible contract participants as defined in section 1a(18) of the Commodity Exchange Act:

(*i*) The issuer of the security included in the index (other than an issuer of the security that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77))) makes available to the public or otherwise makes available to such eligible contract participant information about such issuer pursuant to rule 144A(d)(4) of the Securities Act of 1933 (17 CFR 230.144A(d)(4));

(*ii*) Financial information about the issuer of the security included in the index (other than an issuer of the security that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77))) is otherwise publicly available; or

(*iii*) In the case of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)), information of the type and level included in public distribution reports for similar asset-backed securities is publicly available about both the issuing entity and such asset-backed security; and

(ii)(A) The index is not composed solely of exempted securities as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29))), as in effect on the date of enactment of the Futures Trading Act of 1982; and

(B) Without taking into account any portion of the index composed of exempted securities as defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(29))), the remaining portion of the index would be within the term *narrow-based security index* under paragraph (1)(i) of this definition.

(2) Paragraph (1)(i)(D) of this definition will not apply with respect to securities of an issuer included in the index if:

(i) The effective notional amounts allocated to all securities of such issuer included in the index comprise less than five percent of the index's weighting; and

(ii) The securities that satisfy paragraph (1)(i)(D) of this definition comprise at least 80 percent of the index's weighting.

(3) For purposes of this definition:

(i) An issuer of securities included in the index is affiliated with another issuer of securities included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition) if it controls, is controlled by, or is under common control with, that other issuer or other entity, as applicable; provided that each issuer of securities included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) will not be considered affiliated with any other issuer of securities included in the index or any other entity that is an issuing entity of an asset-backed security.

(ii) Control for purposes of this section means ownership of more than 50 percent of the equity of an issuer of securities included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition), or the ability to direct the voting of more than 50 percent of the voting equity an issuer of securities included in the index (for purposes of paragraph (3)(iv) of this definition) or another entity (for purposes of paragraph (3)(v) of this definition).

(iii) In identifying an issuer of securities included in the index for purposes of this section, the term issuer includes:

(A) An issuer of securities; and

(B) An issuer of securities that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)).

(iv) For purposes of calculating the thresholds in paragraphs (1)(i)(A) through (1)(i)(C) of the definition of the meaning of *issuers of securities in a narrow-based security index* as used in the definition of *security-based swap* as applied to index credit default swaps, the term issuer of the security included in the index or a group of affiliated issuers of securities included in the index as determined in accordance with paragraph (3)(i) of this definition (with each issuer of securities included in the index that is an issuing entity of an asset-backed security as defined in section 3(a)(77) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(77)) being considered a separate issuer of securities included in the index).

(v) For purposes of determining whether one of the criterion in either paragraphs (1)(i)(D)(*1*) through (1)(i)(D)(*4*) of this definition or paragraphs (1)(iv)(D)*(8)(i)* and (1)(iv)(D)*(8)(ii)* of this definition is met, the term issuer of the security included in the index includes a single issuer of securities included in the index or a group of affiliated entities as determined in accordance with paragraph (3)(i) of this definition (with each issuing entity of an asset-backed security as defined in section 3(a)(77) of the Act (15 U.S.C. 78c(a)(77)) being considered a separate entity).

* * * * *

Narrow-based security index as used in the definition of ''security-based swap''—(1) *In general.* Except as otherwise provided in the definitions in this section for meaning of *issuers of securities in a narrow-based security index* as used in the definition of *security-based swap* as applied to index credit default swaps and meaning of *narrow-based security index* as used in the definition of *security-based swap* as applied to index credit default swaps, for purposes of section 1a(42) of the Commodity Exchange Act, the term *narrow-based security index* has the meaning set forth in section 1a(35) of the Commodity Exchange Act, and the rules, regulations and orders of the Commission thereunder.

(2) *Tolerance period for swaps traded on designated contract markets, swap execution facilities, and foreign boards of trade.* Notwithstanding paragraph (1) of this definition, solely for purposes of swaps traded on or subject to the rules of a designated contract market, swap execution facility, or foreign board of trade, a security index underlying such swaps shall not be considered a narrow-based security index if:

(i)(A) A swap on the index is traded on or subject to the rules of a designated contract market, swap execution facility, or foreign board of trade for at least 30 days as a swap on an index that was not a narrow-based security index; or

(B) Such index was not a narrow-based security index during every trading day of the six full calendar months preceding a date no earlier than 30 days prior to the commencement of trading of a swap on such index on a market described in paragraph (2)(i)(A) of this definition; and

(ii) The index has been a narrow-based security index for no more than

45 business days over three consecutive calendar months.

(3) *Tolerance period for security-based swaps traded on national securities exchanges or security-based swap execution facilities.* Notwithstanding paragraph (1) of this definition, solely for purposes of security-based swaps traded on a national securities exchange or security-based swap execution facility, a security index underlying such security-based swaps shall be considered a narrow-based security index if:

(i)(A) A security-based swap on the index is traded on a national securities exchange or security-based swap execution facility for at least 30 days as a security-based swap on a narrow-based security index; or

(B) Such index was a narrow-based security index during every trading day of the six full calendar months preceding a date no earlier than 30 days prior to the commencement of trading of a security-based swap on such index on a market described in paragraph (3)(i)(A) of this definition; and

(ii) The index has been a security index that is not a narrow-based security index for no more than 45 business days over three consecutive calendar months.

(4) *Grace period.* (i) Solely with respect to a swap that is traded on or subject to the rules of a designated contract market, swap execution facility, or foreign board of trade, an index that becomes a narrow-based security index under paragraph (2) of this definition solely because it was a narrow-based security index for more than 45 business days over three consecutive calendar months shall not be a narrow-based security index for the following three calendar months.

(ii) Solely with respect to a security-based swap that is traded on a national securities exchange or security-based swap execution facility, an index that becomes a security index that is not a narrow-based security index under paragraph (3) of this definition solely because it was not a narrow-based security index for more than 45 business days over three consecutive calendar months shall be a narrow-based security index for the following three calendar months.

* * * * *

Substantial counterparty exposure—(1) *In general.* For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33), and the definition in this section of *major swap participant,* the term *substantial counterparty exposure that could have serious adverse effects on the financial stability of the United States banking system or financial markets* means a swap position that satisfies either of the following thresholds:

(i) $5 billion in daily average aggregate uncollateralized outward exposure; or

(ii) $8 billion in:

(A) Daily average aggregate uncollateralized outward exposure plus

(B) Daily average aggregate potential outward exposure.

(2) *Calculation methodology.* For these purposes, the terms *daily average aggregate uncollateralized outward exposure* and *daily average aggregate potential outward exposure* shall be calculated the same way as is prescribed in the definition in this section of *substantial position,* except that these amounts shall be calculated by reference to all of the person's swap positions, rather than by reference to a specific major swap category.

Substantial position—(1) *In general.* For purposes of section 1a(33) of the Act, 7 U.S.C. 1a(33), and the definition in this section of *major swap participant,* the term ''substantial position'' means swap positions that equal or exceed any of the following thresholds in the specified major category of swaps:

(i) For rate swaps:

(A) $3 billion in daily average aggregate uncollateralized outward exposure; or

(B) $6 billion in:

(*1*) Daily average aggregate uncollateralized outward exposure plus

(*2*) Daily average aggregate potential outward exposure.

(ii) For credit swaps:

(A) $1 billion in daily average aggregate uncollateralized outward exposure; or

(B) $2 billion in:

(*1*) Daily average aggregate uncollateralized outward exposure plus

(*2*) Daily average aggregate potential outward exposure.

(iii) For equity swaps:

(A) $1 billion in daily average aggregate uncollateralized outward exposure; or

(B) $2 billion in:

(*1*) Daily average aggregate uncollateralized outward exposure plus

(*2*) Daily average aggregate potential outward exposure.

(iv) For other commodity swaps:

(A) $1 billion in daily average aggregate uncollateralized outward exposure; or

(B) $2 billion in:

(*1*) Daily average aggregate uncollateralized outward exposure plus

(*2*) Daily average aggregate potential outward exposure.

(2) *Aggregate uncollateralized outward exposure*—(i) *In general.* *Aggregate uncollateralized outward exposure* in general means the sum of the current exposure, obtained by marking-to-market using industry standard practices, of each of the person's swap positions with negative value in a major swap category, less the value of the collateral the person has posted in connection with those positions.

(ii) *Calculation of aggregate uncollateralized outward exposure.* In calculating this amount the person shall, with respect to each of its swap counterparties in a given major swap category, determine the dollar value of the aggregate current exposure arising from each of its swap positions with negative value (subject to the netting provisions described below) in that major category by marking-to-market using industry standard practices; and deduct from that dollar amount the aggregate value of the collateral the person has posted with respect to the swap positions. The aggregate uncollateralized outward exposure shall be the sum of those uncollateralized amounts across all of the person's swap counterparties in the applicable major category.

(iii) *Relevance of netting agreements.* (A) If the person has one or more master netting agreement in effect with a particular counterparty, the person may measure the current exposure arising from its swaps in any major category on a net basis, applying the terms of those agreements. Calculation of net current exposure may take into account offsetting positions entered into with that particular counterparty involving swaps (in any swap category) as well as security-based swaps and securities financing transactions (consisting of securities lending and borrowing, securities margin lending and repurchase and reverse repurchase agreements), and other financial instruments that are subject to netting offsets for purposes of applicable bankruptcy law, to the extent these are consistent with the offsets permitted by the master netting agreements.

(B) Such adjustments may not take into account any offset associated with positions that the person has with separate counterparties.

(iv) *Allocation of uncollateralized outward exposure.* If a person calculates current exposure with a particular counterparty on a net basis, as provided by paragraph (2)(iii) of this definition, the portion of that current exposure that should be attributed to each ''major'' category of swaps for purposes of the substantial position analysis should be calculated according to the formula:

$$ES(MC)_{\square} = Enet\ total_{\square} \cdot \frac{OTM_{S(MC)}}{OTM_{S(MC)} + OTM_{S(O)} + OTM_{non-S}}$$

Where:

$E_{S(MC)}$ equals the amount of aggregate current exposure attributable to the entity's swap positions in the ''major'' swap category at issue; $E_{net\ total}$ equals the entity's aggregate current exposure to the counterparty at issue, after accounting for the netting of positions and the posting of collateral; $OTM_{S(MC)}$ equals the exposure associated with the entity's out-of-the-money positions in swaps in the ''major'' category at issue, subject to those netting arrangements; and $OTM_{S(O)}$ equals the exposure associated with the entity's out-of-the-money positions in the other ''major'' categories of swaps, subject to those netting arrangements; and $OTM_{non\text{-}S}$ equals the exposure associated with the entity's out-of-the-money positions associated with instruments, other than swaps, that are subject to those netting arrangements.

(3) *Aggregate potential outward exposure*—(i) *In general.* Aggregate potential outward exposure in any major swap category means the sum of:

(A) The aggregate potential outward exposure for each of the person's swap positions in a major swap category that are not subject to daily mark-to-market margining and are not cleared by a registered or exempt clearing agency or derivatives clearing organization, as calculated in accordance with paragraph (3)(ii) of this definition; and

(B) The aggregate potential outward exposure for each of the person's swap positions in such major swap category that are either subject to daily mark-to-market margining or are cleared by a registered or exempt clearing agency or derivatives clearing organization, as calculated in accordance with paragraph (3)(iii) of this definition.

(ii) *Calculation of potential outward exposure for swaps that are not subject to daily mark-to-market margining and are not cleared by a registered or exempt clearing agency or derivatives clearing organization*—(A) *In general.* (*1*) For positions in swaps that are not subject to daily mark-to-market margining and are not cleared by a registered or exempt clearing agency or a derivatives clearing organization, potential outward exposure equals the total notional principal amount of those positions, multiplied by the following factors on a position-by-position basis reflecting the type of swap. For any swap that does not appropriately fall within any of the specified categories, the ''other commodities'' conversion factors set forth in the following Table 1 are to be used. If a swap is structured such that on specified dates any outstanding exposure is settled and the terms are reset so that the market value of the swap is zero, the remaining maturity equals the time until the next reset date.

TABLE 1—CONVERSION FACTOR MATRIX FOR SWAPS

Residual maturity	Interest rate	Foreign exchange rate and gold	Precious metals (except gold)	Other commodities
One year or less	0.00	0.01	0.07	0.10
Over one to five years	0.005	0.05	0.07	0.12
Over five years	0.015	0.075	0.08	0.15

Residual maturity	Credit	Equity
One year or less	0.10	0.06
Over one to five years	0.10	0.08
Over five years	0.10	0.10

(*2*) *Use of effective notional amounts.* If the stated notional amount on a position is leveraged or enhanced by the structure of the position, the calculation in paragraph (3)(ii)(A)(*1*) of this definition shall be based on the effective notional amount of the position rather than on the stated notional amount.

(*3*) *Exclusion of certain positions.* The calculation in paragraph (3)(ii)(A)(*1*) of this definition shall exclude:

(*i*) Positions that constitute the purchase of an option, if the purchaser has no additional payment obligations under the position;

(*ii*) Other positions for which the person has prepaid or otherwise satisfied all of its payment obligations; and

(*iii*) Positions for which, pursuant to law or a regulatory requirement, the person has assigned an amount of cash or U.S. Treasury securities that is sufficient at all times to pay the person's maximum possible liability under the position, and the person may not use that cash or those Treasury securities for other purposes.

(*4*) *Adjustment for certain positions.* Notwithstanding paragraph (3)(ii)(A)(*1*) of this definition, the potential outward exposure associated with a position by which a person buys credit protection using a credit default swap or index credit default swap, or associated with a position by which a person purchases an option for which the person retains additional payment obligations under the position, is capped at the net present value of the unpaid premiums.

(B) *Adjustment for netting agreements.* Notwithstanding paragraph (3)(ii)(A) of this definition, for positions subject to master netting agreements the potential outward exposure associated with the person's swaps with each counterparty equals a weighted average of the potential outward exposure for the person's swaps with that counterparty as calculated under paragraph (3)(ii)(A) of this definition, and that amount reduced by the ratio of net current exposure to gross current exposure, consistent with the following equation as calculated on a counterparty-by-counterparty basis:

$$P_{Net} = 0.4 * P_{Gross} + 0.6 * NGR * P_{Gross}$$

Where:

P_{Net} is the potential outward exposure, adjusted for bilateral netting, of the person's swaps with a particular counterparty; P_{Gross} is the potential outward exposure without adjustment for bilateral netting as calculated pursuant to paragraph (3)(ii)(A) of this definition; and *NGR* is the ratio of the current exposure arising from its swaps in the major category as calculated on a net basis according to paragraphs (2)(iii) and (iv) of this definition, divided by the current exposure arising from its swaps in the major category as calculated in the absence of those netting procedures.

(iii) *Calculation of potential outward exposure for swaps that are either subject to daily mark-to-market margining or are cleared by a registered or exempt clearing agency or derivatives clearing organization.* For positions in swaps that are subject to daily mark-to-market margining or that are cleared by a registered or exempt clearing agency or derivatives clearing organization:

(A) Potential outward exposure equals the potential exposure that would be attributed to such positions using the procedures in paragraph (3)(ii) of this definition multiplied by:

(*1*) 0.1, in the case of positions cleared by a registered or exempt clearing agency or derivatives clearing organization; or

(*2*) 0.2, in the case of positions that are subject to daily mark-to-market margining but that are not cleared by a registered or exempt clearing agency or derivatives clearing organization.

(B) Solely for purposes of calculating potential outward exposure:

(*1*) A swap shall be considered to be subject to daily mark-to-market margining if, and for so long as, the counterparties follow the daily practice of exchanging collateral to reflect changes in the current exposure arising from the swap (after taking into account any other financial positions addressed by a netting agreement between the counterparties).

(*2*) If the person is permitted by agreement to maintain a threshold for which it is not required to post collateral, the position still will be considered to be subject to daily mark-to-market margining for purposes of calculating potential outward exposure, but the total amount of that threshold (regardless of the actual exposure at any time), less any initial margin posted up to the amount of that threshold, shall be added to the person's aggregate uncollateralized outward exposure for purposes of paragraph (1)(i)(B), (ii)(B), (iii)(B) or (iv)(B) of this definition, as applicable.

(*3*) If the minimum transfer amount under the agreement is in excess of $1 million, the position still will be considered to be subject to daily mark-to-market margining for purposes of calculating potential outward exposure, but the entirety of the minimum transfer amount shall be added to the person's aggregate uncollateralized outward exposure for purposes of paragraph (1)(i)(B), (ii)(B), (iii)(B) or (iv)(B) of this definition, as applicable.

(*4*) A person may, at its discretion, calculate the potential outward exposure of positions in swaps that are subject to daily mark-to-market margining in accordance with paragraph (3)(ii) of this definition in lieu of calculating the potential outward exposure of such swap positions in accordance with paragraph (3)(iii) of this definition.

(4) *Calculation of daily average.* Measures of daily average aggregate uncollateralized outward exposure and daily average aggregate potential outward exposure shall equal the arithmetic mean of the applicable measure of exposure at the close of each business day, beginning the first business day of each calendar quarter and continuing through the last business day of that quarter.

(5) *Inter-affiliate activities.* In calculating its aggregate uncollateralized outward exposure and its aggregate potential outward exposure, the person shall not consider its swap positions with counterparties that are majority-owned affiliates. For these purposes the counterparties to a swap are majority-owned affiliates if one counterparty directly or indirectly owns a majority interest in the other, or if a third party directly or indirectly owns a majority interest in both counterparties to the swap, where ''majority interest'' is the right to vote or direct the vote of a majority of a class of voting securities of an entity, the power to sell or direct the sale of a majority of a class of voting securities of an entity, or the right to receive upon dissolution or the contribution of a majority of the capital of a partnership.

Swap. (1) *In general.* The term swap has the meaning set forth in section 1a(47) of the Commodity Exchange Act.

(2) *Inclusion of particular products.* (i) The term swap includes, without limiting the meaning set forth in section 1a(47) of the Commodity Exchange Act, the following agreements, contracts, and transactions:

(A) A cross-currency swap;

(B) A currency option, foreign currency option, foreign exchange option and foreign exchange rate option;

(C) A foreign exchange forward;

(D) A foreign exchange swap;

(E) A forward rate agreement; and

(F) A non-deliverable forward involving foreign exchange.

(ii) The term swap does not include an agreement, contract, or transaction described in paragraph (2)(i) of this definition that is otherwise excluded by section 1a(47)(B) of the Commodity Exchange Act.

(3) *Foreign exchange forwards and foreign exchange swaps.* Notwithstanding paragraph (2) of this definition:

(i) A foreign exchange forward or a foreign exchange swap shall not be considered a swap if the Secretary of the Treasury makes a determination described in section 1a(47)(E)(i) of the Commodity Exchange Act.

(ii) Notwithstanding paragraph (3)(i) of this definition:

(A) The reporting requirements set forth in section 4r of the Commodity Exchange Act and regulations promulgated thereunder shall apply to a foreign exchange forward or foreign exchange swap; and

(B) The business conduct standards set forth in section 4s(h) of the Commodity Exchange Act and regulations promulgated thereunder shall apply to a swap dealer or major swap participant that is a party to a foreign exchange forward or foreign exchange swap.

(iii) For purposes of section 1a(47)(E) of the Commodity Exchange Act and this definition, the term *foreign exchange forward* has the meaning set forth in section 1a(24) of the Commodity Exchange Act.

(iv) For purposes of section 1a(47)(E) of the Commodity Exchange Act and this definition, the term *foreign exchange swap* has the meaning set forth in section 1a(25) of the Commodity Exchange Act.

(v) For purposes of sections 1a(24) and 1a(25) of the Commodity Exchange Act and this definition, the following transactions are not foreign exchange forwards or foreign exchange swaps:

(A) A currency swap or a cross-currency swap;

(B) A currency option, foreign currency option, foreign exchange option, or foreign exchange rate option; and

(C) A non-deliverable forward involving foreign exchange.

(4) *Insurance.* (i) This paragraph is a non-exclusive safe harbor. The terms *swap* as used in section 1a(47) of the Commodity Exchange Act and *security-based swap* as used in section 1a(42) of the Commodity Exchange Act do not include an agreement, contract, or transaction that:

(A) By its terms or by law, as a condition of performance on the agreement, contract, or transaction:

(*1*) Requires the beneficiary of the agreement, contract, or transaction to have an insurable interest that is the subject of the agreement, contract, or transaction and thereby carry the risk of loss with respect to that interest continuously throughout the duration of the agreement, contract, or transaction;

(*2*) Requires that loss to occur and to be proved, and that any payment or indemnification therefor be limited to the value of the insurable interest;

(*3*) Is not traded, separately from the insured interest, on an organized market or over-the-counter; and

(*4*) With respect to financial guaranty insurance only, in the event of payment default or insolvency of the obligor, any acceleration of payments under the policy is at the sole discretion of the insurer; and

(B) Is provided:

(*1*)(*i*) By a person that is subject to supervision by the insurance commissioner (or similar official or agency) of any State or by the United States or an agency or instrumentality thereof; and

(*ii*) Such agreement, contract, or transaction is regulated as insurance under applicable State law or the laws of the United States;

(*2*)(*i*) Directly or indirectly by the United States, any State or any of their respective agencies or instrumentalities; or

(*ii*) Pursuant to a statutorily authorized program thereof; or

(*3*) In the case of reinsurance only, by a person to another person that satisfies the conditions set forth in paragraph (4)(i)(B) of this definition, *provided that*:

(*i*) Such person is not prohibited by applicable State law or the laws of the United States from offering such agreement, contract, or transaction to such person that satisfies the conditions set forth in paragraph (4)(i)(B) of this definition;

(*ii*) The agreement, contract, or transaction to be reinsured satisfies the conditions set forth in paragraph (4)(i)(A) or paragraph (4)(i)(C) of this definition; and

(iii) Except as otherwise permitted under applicable State law, the total amount reimbursable by all reinsurers for such agreement, contract, or transaction may not exceed the claims or losses paid by the person writing the risk being ceded or transferred by such person; or

(*4*) In the case of non-admitted insurance, by a person who:

(*i*) Is located outside of the United States and listed on the Quarterly Listing of Alien Insurers as maintained by the International Insurers Department of the National Association of Insurance Commissioners; or

(*ii*) Meets the eligibility criteria for non-admitted insurers under applicable State law; or

(C) Is provided in accordance with the conditions set forth in paragraph (4)(i)(B) of this definition and is one of the following types of products:

(*1*) Surety bond;

(*2*) Fidelity bond;

(*3*) Life insurance;

(*4*) Health insurance;

(*5*) Long term care insurance;

(*6*) Title insurance;

(*7*) Property and casualty insurance;

(*8*) Annuity;

(*9*) Disability insurance;

(*10*) Insurance against default on individual residential mortgages; and

(*11*) Reinsurance of any of the foregoing products identified in paragraphs (4)(i)(C)(*1*) through (*10*) of this definition; or

(ii) The terms *swap* as used in section 1a(47) of the Commodity Exchange Act and *security-based swap* as used in section 1a(42) of the Commodity Exchange Act do not include an agreement, contract, or transaction that was entered into on or before the effective date of paragraph (4) of this defin*i*tion, and that, at such time that it was entered into, was provided in accordance with the conditions set forth in paragraph (4)(i)(B) of this definition.

(5) *State.* For purposes of paragraph (4) of this definition, the term State means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any other possession of the United States.

(6) *Anti-Evasion.* (i) An agreement, contract, or transaction that is willfully structured to evade any provision of Subtitle A of the Wall Street Transparency and Accountability Act of 2010, including any amendments made to the Commodity Exchange Act thereby (Subtitle A), shall be deemed a swap for purposes of Subtitle A and the rules, regulations, and orders of the Commission promulgated thereunder.

(ii) An interest rate swap or currency swap, including but not limited to a transaction identified in paragraph (3)(v) of this definition, that is willfully structured as a foreign exchange forward or foreign exchange swap to evade any provision of Subtitle A shall be deemed a swap for purposes of Subtitle A and the rules, regulations, and orders of the Commission promulgated thereunder.

(iii) An agreement, contract, or transaction of a bank that is not under the regulatory jurisdiction of an appropriate Federal banking agency (as defined in section 1a(2) of the Commodity Exchange Act), where the agreement, contract, or transaction is willfully structured as an identified banking product (as defined in section 402 of the Legal Certainty for Bank Products Act of 2000) to evade the provisions of the Commodity Exchange Act, shall be deemed a swap for purposes of the Commodity Exchange Act and the rules, regulations, and orders of the Commission promulgated thereunder.

(iv) The form, label, and written documentation of an agreement, contract, or transaction shall not be dispositive in determining whether the agreement, contract, or transaction has been willfully structured to evade as provided in paragraphs (6)(i) through (6)(iii) of this definition.

(v) An agreement, contract, or transaction that has been willfully structured to evade as provided in paragraphs (6)(i) through (6)(iii) of this definition shall be considered in determining whether a person that so willfully structured to evade is a swap dealer or major swap participant.

(vi) Notwithstanding the foregoing, no agreement, contract, or transaction structured as a security (including a security-based swap) under the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47))) shall be deemed a swap pursuant to this paragraph (6) or shall be considered for purposes of paragraph (6)(v) of this definition.

* * * * *

Swap dealer. (1) *In general.* The term *swap dealer* means any person who:

(i) Holds itself out as a dealer in swaps;

(ii) Makes a market in swaps;

(iii) Regularly enters into swaps with counterparties as an ordinary course of business for its own account; or

(iv) Engages in any activity causing it to be commonly known in the trade as a dealer or market maker in swaps.

(2) *Exception.* The term *swap dealer* does not include a person that enters into swaps for such person's own account, either individually or in a fiduciary capacity, but not as a part of regular business.

(3) *Scope of designation.* A person who is a swap dealer shall be deemed to be a swap dealer with respect to each swap it enters into, regardless of the category of the swap or the person's activities in connection with the swap. However, if a person makes an application to limit its designation as a swap dealer to specified categories of swaps or specified activities of the person in connection with swaps, the Commission shall determine whether the person's designation as a swap dealer shall be so limited. If the Commission grants such limited designation, such limited designation swap dealer shall be deemed to be a swap dealer with respect to each swap it enters into in the swap category or categories for which it is so designated, regardless of the person's activities in connection with such category or categories of swaps. A person may make such application to limit the categories of swaps or activities of the person that

are subject to its swap dealer designation at the same time as, or after, the person's initial registration as a swap dealer.

(4) *De minimis exception*—(i)(A) *In general.* Except as provided in paragraph (4)(vi) of this definition, a person that is not currently registered as a swap dealer shall be deemed not to be a swap dealer as a result of its swap dealing activity involving counterparties, so long as the swap positions connected with those dealing activities into which the person—or any other entity controlling, controlled by or under common control with the person—enters over the course of the immediately preceding 12 months (or following the effective date of final rules implementing section 1a(47) of the Act, 7 U.S.C. 1a(47), if that period is less than 12 months) have an aggregate gross notional amount of no more than $3 billion, subject to a phase in level of an aggregate gross notional amount of no more than $8 billion applied in accordance with paragraph (4)(ii) of this definition, and an aggregate gross notional amount of no more than $25 million with regard to swaps in which the counterparty is a ''special entity'' (as that term is defined in section 4s(h)(2)(C) of the Act, 7 U.S.C. 6s(h)(2)(C), and 23.401(c) of this chapter), except as provided in paragraph (4)(i)(B) of this definition. For purposes of this definition, if the stated notional amount of a swap is leveraged or enhanced by the structure of the swap, the calculation shall be based on the effective notional amount of the swap rather than on the stated notional amount.

(B) *Utility special entities.* (*1*) Solely for purposes of determining whether a person's swap dealing activity has exceeded the $25 million aggregate gross notional amount threshold set forth in paragraph (4)(i)(A) of this definition for swaps in which the counterparty is a special entity, a person may exclude *utility operations-related swaps* in which the counterparty is a *utility special entity.*

(*2*) For purposes of this paragraph (4)(i)(B), a *utility special entity* is a special entity, as that term is defined in section 4s(h)(2)(C) of the Act, 7 U.S.C. 6s(h)(2)(C), and 23.401(c) of this chapter, that:

(*i*) Owns or operates electric or natural gas facilities, electric or natural gas operations or anticipated electric or natural gas facilities or operations;

(*ii*) Supplies natural gas or electric energy to other utility special entities;

(*iii*) Has public service obligations or anticipated public service obligations under Federal, State or local law or regulation to deliver electric energy or natural gas service to utility customers; or

(*iv*) Is a Federal power marketing agency as defined in section 3 of the Federal Power Act, 16 U.S.C. 796(19).

(*3*) For purposes of this paragraph (4)(i)(B), a *utility operations-related swap* is a swap that meets the following conditions:

(*i*) A party to the swap is a utility special entity;

(*ii*) A utility special entity is using the swap to hedge or mitigate commercial risk as defined in § 50.50(c) of this chapter;

(*iii*) The swap is related to an exempt commodity, as that term is defined in section 1a(20) of the Act, 7 U.S.C. 1a(20), or to an agricultural commodity insofar as such agricultural commodity is used for fuel for generation of electricity or is otherwise used in the normal operations of the utility special entity; and

(*iv*) The swap is an electric energy or natural gas swap, or the swap is associated with: The generation, production, purchase or sale of natural gas or electric energy, the supply of natural gas or electric energy to a utility special entity, or the delivery of natural gas or electric energy service to customers of a utility special entity; fuel supply for the facilities or operations of a utility special entity; compliance with an electric system reliability obligation; or compliance with an energy, energy efficiency, conservation, or renewable energy or environmental statute, regulation, or government order applicable to a utility special entity.

(*4*) A person seeking to rely on the exclusion in paragraph (4)(i)(B)(*1*) of this definition may rely on the written representations of the utility special entity that it is a utility special entity and that the swap is a utility operations-related swap, as such terms are defined in paragraphs (4)(i)(B)(*2*) and (*3*) of this definition, respectively, unless it has information that would cause a reasonable person to question the accuracy of the representation. The person must keep such representation in accordance with § 1.31.

(ii) *Phase-in procedure and staff report*—(A) *Phase-in period.* For purposes of paragraph (4)(i) of this definition, except as provided in paragraph (4)(vi) of this definition, a person that engages in swap dealing activity that does not exceed the phase-in level set forth in paragraph (4)(i) of this definition shall be deemed not to be a swap dealer as a result of its swap dealing activity until the *phase-in termination date* established as provided in paragraph (4)(ii)(C) or (D) of this definition. The Commission shall announce the phase-in termination date on the Commission website and publish such date in the **Federal Register**.

(B) *Staff report.* No later than 30 months following the date that a swap data repository first receives swap data in accordance with part 45 of this chapter, the staff of the Commission shall complete and publish for public comment a report on topics relating to the definition of the term *swap dealer* and the *de minimis* threshold. The report should address the following topics, as appropriate, based on the availability of data and information: The potential impact of modifying the *de minimis* threshold, and whether the *de minimis* threshold should be increased or decreased; the factors that are useful for identifying swap dealing activity, including the application of the dealer-trader distinction for that purpose, and the potential use of objective tests or safe harbors as part of the analysis; the impact of provisions in paragraphs (5) and (6) of this definition excluding certain swaps from the dealer analysis, and potential alternative approaches for such exclusions; and any other analysis of swap data and information relating to swaps that the Commission or staff deem relevant to this rule.

(C) Nine months after publication of the report required by paragraph (4)(ii)(B) of this definition, and after giving due consideration to that report and any associated public comment, the Commission may either:

(*1*) Terminate the phase-in period set forth in paragraph (4)(ii)(A) of this definition, in which case the phase-in termination date shall be established by the Commission by order published in the **Federal Register**; or

(*2*) Determine that it is necessary or appropriate in the public interest to propose through rulemaking an alternative to the $3 billion amount set forth in paragraph (4)(i) of this definition that would constitute a *de minimis* quantity of swap dealing in connection with transactions with or on behalf of customers within the meaning of section 1(a)(47)(D) of the Act, 7 U.S.C. 1(a)(47)(D), in which case the Commission shall by order published in the **Federal Register** provide notice of such determination, which order shall also establish the phase-in termination date.

(D) If the phase-in termination date has not been previously established pursuant to paragraph (4)(ii)(C) of this definition, then in any event the phase-in termination date shall occur five years after the date that a swap data repository first receives swap data in accordance with part 45 of this chapter.

(iii) *Registration period for persons that can no longer take advantage of the exception.* A person that has not registered as a swap dealer by virtue of satisfying the requirements of this paragraph (4) of the definition of swap dealer, but that no longer can take advantage of that *de minimis* exception, will be deemed not to be a swap dealer until the earlier of the date on which it submits a complete application for registration pursuant to section 4s(b) of the Act, 7 U.S.C. 6s(b), or two months after the end of the month in which that person becomes no longer able to take advantage of the exception.

(iv) *Applicability to registered swap dealers.* A person who currently is registered as a swap dealer may apply to withdraw that registration, while continuing to engage in swap dealing activity in reliance on this section, so long as that person has been registered as a swap dealer for at least 12 months and satisfies the conditions of paragraph (4)(i) of this definition.

(v) *Future adjustments to scope of the de minimis exception.* The Commission may by rule or regulation change the requirements of the *de minimis* exception described in paragraphs (4)(i) through (iv) of this definition.

(vi) *Voluntary registration.* Notwithstanding paragraph (4)(i) of this definition, a person that chooses to register with the Commission as a swap dealer shall be deemed to be a swap dealer.

(5) *Insured depository institution swaps in connection with originating loans to customers.* Swaps entered into by an insured depository institution with a customer in connection with originating a loan with that customer shall not be considered in determining whether the insured depository institution is a swap dealer.

(i) An insured depository institution shall be considered to have entered into a swap with a customer in connection with originating a loan, as defined in paragraphs (5)(ii) and (iii) of this definition, with that customer only if:

(A) The insured depository institution enters into the swap with the customer no earlier than 90 days before and no later than 180 days after the date of execution of the applicable loan agreement, or no earlier than 90 days before and no later than 180 days after any transfer of principal to the customer by the insured depository institution pursuant to the loan;

(B)(*1*) The rate, asset, liability or other notional item underlying such swap is, or is directly related to, a financial term of such loan, which includes, without limitation, the loan's duration, rate of interest, the currency or currencies in which it is made and its principal amount;

(*2*) Such swap is required, as a condition of the loan under the insured depository institution's loan underwriting criteria, to be in place in order to hedge price risks incidental to the borrower's business and arising from potential changes in the price of a commodity (other than an excluded commodity);

(C) The duration of the swap does not extend beyond termination of the loan;

(D) The insured depository institution is:

(*1*) The sole source of funds to the customer under the loan;

(*2*) Committed to be, under the terms of the agreements related to the loan, the source of at least 10 percent of the maximum principal amount under the loan; or

(*3*) Committed to be, under the terms of the agreements related to the loan, the source of a principal amount that is greater than or equal to the aggregate notional amount of all swaps entered into by the insured depository institution with the customer in connection with the financial terms of the loan;

(E) The aggregate notional amount of all swaps entered into by the customer in connection with the financial terms of the loan is, at any time, not more than the aggregate principal amount outstanding under the loan at that time; and

(F) If the swap is not accepted for clearing by a derivatives clearing organization, the insured depository institution reports the swap as required by section 4r of the Act, 7 U.S.C. 6r (except as otherwise provided in section 4r(a)(3)(A), 7 U.S.C. 6r(a)(3)(A), or section 4r(a)(3)(B), 7 U.S.C. 6r(a)(3)(B) of the Act).

(ii) An insured depository institution shall be considered to have originated a loan with a customer if the insured depository institution:

(A) Directly transfers the loan amount to the customer;

(B) Is a part of a syndicate of lenders that is the source of the loan amount that is transferred to the customer;

(C) Purchases or receives a participation in the loan; or

(D) Otherwise is the source of funds that are transferred to the customer pursuant to the loan or any refinancing of the loan.

(iii) The term loan shall not include:

(A) Any transaction that is a sham, whether or not intended to qualify for the exclusion from the definition of the term *swap dealer* in this rule; or

(B) Any synthetic loan, including, without limitation, a loan credit default swap or loan total return swap.

(6) *Swaps that are not considered in determining whether a person is a swap dealer*—(i) *Inter-affiliate activities.* In determining whether a person is a swap dealer, that person's swaps with majority-owned affiliates shall not be considered. For these purposes the counterparties to a swap are majority-owned affiliates if one counterparty directly or indirectly owns a majority interest in the other, or if a third party directly or indirectly owns a majority interest in both counterparties to the swap, where *majority interest* is the right to vote or direct the vote of a majority of a class of voting securities of an entity, the power to sell or direct the sale of a majority of a class of voting securities of an entity, or the right to receive upon dissolution or the contribution of a majority of the capital of a partnership.

(ii) *Activities of a cooperative.* (A) Any swap that is entered into by a cooperative with a member of such cooperative shall not be considered in determining whether the cooperative is a swap dealer, provided that:

(*1*) The swap is subject to policies and procedures of the cooperative requiring that the cooperative monitors and manages the risk of such swap;

(*2*) The cooperative reports the swap as required by section 4r of the Act, 7 U.S.C. 6r (except as otherwise provided in section 4r(a)(3)(A) of the Act, 7 U.S.C. 6r(a)(3)(A) or section 4r(a)(3)(B) of the Act, 7 U.S.C. 6r(a)(3)(B)); and

(*3*) If the cooperative is a cooperative association of producers, the swap is primarily based on a commodity that is not an excluded commodity.

(B) For purposes of this paragraph (6)(ii) of this definition, the term *cooperative* shall mean:

(*1*) A cooperative association of producers as defined in section 1a(14) of the Act, 7 U.S.C. 1a(14), or

(*2*) A person chartered under Federal law as a cooperative and predominantly engaged in activities that are financial in nature as defined in section 4(k) of the Bank Holding Company Act of 1956, 12 U.S.C. 1843(k).

(C) For purposes of this paragraph (6)(ii) of this definition, a swap shall be deemed to be entered into by a cooperative association of producers with a member of such cooperative association of producers when the swap is between a cooperative association of producers and a person that is a member of a cooperative association of producers that is itself a member of the first cooperative association of producers.

(iii) *Swaps entered into for the purpose of hedging physical positions.* In determining whether a person is a

swap dealer, a swap that the person enters into shall not be considered, if:

(A) The person enters into the swap for the purpose of offsetting or mitigating the person's price risks that arise from the potential change in the value of one or several—

(*1*) Assets that the person owns, produces, manufactures, processes, or merchandises or anticipates owning, producing, manufacturing, processing, or merchandising;

(*2*) Liabilities that the person owns or anticipates incurring; or

(*3*) Services that the person provides, purchases, or anticipates providing or purchasing;

(B) The swap represents a substitute for transactions made or to be made or positions taken or to be taken by the person at a later time in a physical marketing channel;

(C) The swap is economically appropriate to the reduction of the person's risks in the conduct and management of a commercial enterprise;

(D) The swap is entered into in accordance with sound commercial practices; and

(E) The person does not enter into the swap in connection with activity structured to evade designation as a swap dealer.

(iv) *Swaps entered into by floor traders.* In determining whether a person is a swap dealer, each swap that the person enters into in its capacity as a floor trader as defined by section 1a(23) of the Act or on or subject to the rules of a swap execution facility shall not be considered for the purpose of determining whether the person is a swap dealer if the person:

(A) Is registered with the Commission as a floor trader pursuant to § 3.11 of this chapter;

(B) Enters into swaps with proprietary funds for that trader's own account solely on or subject to the rules of a designated contract market or swap execution facility and submits each such swap for clearing to a derivatives clearing organization;

(C) Is not an affiliated person of a registered swap dealer;

(D) Does not directly, or through an affiliated person, negotiate the terms of swap agreements, other than price and quantity or to participate in a request for quote process subject to the rules of a designated contract market or a swap execution facility;

(E) Does not directly or through an affiliated person offer or provide swap clearing services to third parties;

(F) Does not directly or through an affiliated person enter into swaps that would qualify as hedging physical positions pursuant to paragraph (6)(iii) of this definition or *hedging or mitigating commercial risk* as defined in § 1.3 (except for any such swap executed opposite a counterparty for which the transaction would qualify as a bona fide hedging transaction);

(G) Does not participate in any market making program offered by a designated contract market or swap execution facility; and

(H) Notwithstanding the fact such person is not registered as a swap dealer, such person complies with §§ 23.201, 23.202, 23.203, and 23.600 of this chapter with respect to each such swap as if it were a swap dealer.

* * * * *

§§ 1.17, 1.33, 1.46, 1.52, 1.55, 1.59, 1.63, 1.64, and 1.69 [Amended]

■ 3. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
1.10(j)(3)	§ 1.3(mm)	§ 1.3
1.17(b)(4)(ii)	§ 1.3(y)	§ 1.3
1.17(b)(5)	§ 1.3(d)	§ 1.3
1.17(b)(10)	§ 1.3(y)	§ 1.3
1.17(c)(5)(xiii)(C)	§ 1.3(rr)	§ 1.3
1.33(a)(1)(iii)	§ 1.3(rr)	§ 1.3
1.33(g)(2)	§ 1.3(g)	§ 1.3
1.46(d)(2)	§ 1.3(z)	§ 1.3
1.52(a)(2)	§ 1.3(h)	§ 1.3
1.52(a)(2)	§ 1.3(rrrr)	§ 1.3
1.55(f)	§ 1.3(g)	§ 1.3
1.59(a)(1)	§ 1.3(ee)	§ 1.3
1.59(a)(1)	§ 1.3(d)	§ 1.3
1.63(a)(1)	§ 1.3(ee)	§ 1.3
1.63(a)(1)	§ 1.3(d)	§ 1.3
1.64(a)(1)	§ 1.3(ee)	§ 1.3
1.64(a)(1)	§ 1.3(d)	§ 1.3
1.69(a)(7)	§ 1.3(ee)	§ 1.3
1.69(a)(7)	§ 1.3(d)	§ 1.3

PART 3—REGISTRATION

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

Authority: 5 U.S.C. 552, 552b; 7 U.S.C. 1a, 2, 6a, 6b, 6b–1, 6c, 6d, 6e, 6f, 6g, 6h, 6*i,* 6k, 6m, 6n, 6*o,* 6p, 6s, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, and 23, as amended by Title VII of Pub. L. 111–203, 124 Stat. 1376.

§§ 3.10, 3.12, and 3.21 [Amended]

■ 5. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
3.10(c)(1)	§ 1.3(y)	§ 1.3
3.10(c)(2)(i)	§ 1.3(xx)	§ 1.3
3.10(c)(3)(i)	§ 1.3(mm)	§ 1.3
3.10(c)(3)(i)	§ 1.3(bb)	§ 1.3
3.10(c)(3)(i)	§ 1.3(nn)	§ 1.3
3.10(c)(4)(ii)	§ 1.3(g)	§ 1.3
3.12(h)(1)(iv)	§ 1.3(aa)	§ 1.3
3.21(c)(2)(i)	§ 1.3(yy)	§ 1.3

PART 4—COMMODITY POOL OPERATORS AND COMMODITY TRADING ADVISORS

■ 6. The authority citation for part 4 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6(c), 6b, 6c, 6l, 6m, 6n, 6o, 12a, and 23.

■ 7. In § 4.5, revise paragraph (c)(2)(iii)(A) and the introductory text of paragraph (c)(2)(iii)(B) introductory text to read as follows:

§ 4.5 Exclusion for certain otherwise regulated persons from the definition of the term "commodity pool operator."

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(A) Will use commodity futures or commodity options contracts, or swaps solely for bona fide hedging purposes within the meaning and intent of the definition of bona fide hedging transactions and positions for excluded commodities in §§ 1.3 and 151.5 of this chapter; Provided however, That, in addition, with respect to positions in commodity futures or commodity options contracts, or swaps which do not come within the meaning and intent of the definition of bona fide hedging transactions and positions for excluded commodities in §§ 1.3 and 151.5 of this chapter, a qualifying entity may represent that the aggregate initial margin and premiums required to establish such positions will not exceed five percent of the liquidation value of the qualifying entity's portfolio, after taking into account unrealized profits and unrealized losses on any such contracts it has entered into; and, Provided further, That in the case of an option that is in-the-money at the time of the purchase, the in-the-money amount as defined in § 190.01(x) of this chapter may be excluded in computing such five percent; or

(B) The aggregate net notional value of commodity futures, commodity options contracts, or swaps positions not used solely for bona fide hedging purposes within the meaning and intent of the definition of bona fide hedging transactions and positions for excluded commodities in §§ 1.3 and 151.5 of this

chapter determined at the time the most recent position was established, does not exceed 100 percent of the liquidation value of the pool's portfolio, after taking into account unrealized profits and unrealized losses on any such positions it has entered into. For purposes of this paragraph:

* * * * *

PART 5—OFF-EXCHANGE FOREIGN CURRENCY TRANSACTIONS

■ 8. The authority citation for part 5 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 8, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21, and 23.

§ 5.5 [Amended]

■ 9. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
5.5(a)(1)(ii)	§ 1.3(mm)	§ 1.3

PART 15—REPORTS—GENERAL PROVISIONS

■ 10. The authority citation for part 15 continues to read as follows:

Authority: 7 U.S.C. 2, 5, 6a, 6c, 6f, 6g, 6i, 6k, 6m, 6n, 7, 7a, 9, 12a, 19, and 21, as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

§§ 15.00 and 15.01 [Amended]

■ 11. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
15.00(e)	§ 1.3(k)	§ 1.3
15.00(e)	§ 1.3(jj)	§ 1.3
15.00(n)	§ 1.3(t)	§ 1.3
15.01(d)(1)	§ 1.3(z)	§ 1.3

PART 18—REPORTS BY TRADERS

■ 12. The authority citation for part 18 continues to read as follows:

Authority: 7 U.S.C. 2, 4, 5, 6a, 6c, 6f, 6g, 6i, 6k, 6m, 6n, 6t, 12a, and 19.

Appendix A to Part 18 [Amended]

■ 13. Amend Appendix A to Part 18 as follows:

■ a. In instruction paragraph 15, under the heading Swaps Participation Indicators, remove ''§ 1.3(ppp)'' and add in its place ''§ 1.3''; and

■ b. In instruction paragraph 16, under the heading Swaps Participation Indicators, remove ''§ 1.3(qqq)'' and add in its place ''§ 1.3''.

PART 19—REPORTS BY PERSONS HOLDING BONA FIDE HEDGE POSITIONS AND BY MERCHANTS AND DEALERS IN COTTON

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

Authority: 7 U.S.C. 6g(a), 6i, and 12a(5).

■ 15. Revise the part heading for part 19 to read as set forth above.

§ 19.00 [Amended]

■ 16. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
19.00(a)(1)	§ 1.3(z)	§ 1.3
19.00(b)(1)	§ 1.3(z)	§ 1.3

PART 23—SWAP DEALERS AND MAJOR SWAP PARTICIPANTS

■ 17. The authority citation for part 23 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6a, 6b, 6b–1, 6c, 6p, 6r, 6s, 6t, 9, 9a, 12, 12a, 13b, 13c, 16a, 18, 19, 21.

Section 23.160 also issued under 7 U.S.C. 2(i); Sec. 721(b), Pub. L. 111–203, 124 Stat. 1641 (2010).

§ 23.22 [Amended]

■ 18. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
23.22(a)	§ 1.3(aa)(6)	§ 1.3

PART 30—FOREIGN FUTURES AND FOREIGN OPTIONS TRANSACTIONS

■ 19. The authority citation for part 30 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6c, and 12a, unless otherwise noted.

§§ 30.1 and 30.4 [Amended]

■ 20. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
30.1(c)	paragraph (y) of § 1.3.	§ 1.3
30.1(e)	§ 1.3(ss)	§ 1.3
30.1(f)	§ 1.3(y)	§ 1.3
30.4(a)	paragraph (y) of § 1.3.	§ 1.3

Appendix B to Part 30 [Amended]

■ 21. Amend Appendix B to Part 30 as follows:

■ a. In paragraph 1, in the second sentence, remove ''Rule 1.3(rr)'' and add in its place ''§ 1.3''.

■ b. In footnote 1, in the first sentence, remove ''paragraph (y) of [Rule 1.3]'' and add in its place ''§ 1.3''.

PART 38—DESIGNATED CONTRACT MARKETS

■ 22. The authority citation for part 38 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6, 6a, 6c, 6d, 6e, 6f, 6g, 6i, 6j, 6k, 6l, 6m, 6n, 7, 7a–2, 7b, 7b–1, 7b–3, 8, 9, 15, and 21, as amended by the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376.

Appendix B to Part 38 [Amended]

■ 23. In Appendix B to Part 38, under the heading Core Principle 16 of section 5(d) of the Act: CONFLICTS OF INTEREST, in paragraph (b)(2)(ii)(B), remove ''1.3(q)'' and add in its place ''§ 1.3 of this chapter''.

PART 39—DERIVATIVES CLEARING ORGANIZATIONS

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

Authority: 7 U.S.C. 2, 7a–1, and 12a; 12 U.S.C. 5464; 15 U.S.C. 8325.

§§ 39.1, 39.2, 39.4, 39.9, 39.30, and 39.37 [Amended]

■ 25. In the table below, for each section or paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the section or paragraph, and add the cross-reference indicated in the right column:

Section/paragraph	Remove	Add
39.1	§ 1.3(d)	§ 1.3
39.2	§ 1.3(d)	§ 1.3
39.4(e)	§ 1.3(vv)	§ 1.3
39.9	§ 1.3(d)	§ 1.3
39.30(a)	§ 1.3(d)	§ 1.3
39.37(d)(1)	§ 1.3(jjj)	§ 1.3
39.37(d)(3)	§ 1.3(rr)	§ 1.3

PART 41—SECURITY FUTURES PRODUCTS

■ 26. The authority citation for part 41 continues to read as follows:

Authority: Sections 206, 251 and 252, Pub. L. 106–554, 114 Stat. 2763, 7 U.S.C. 1a, 2, 6f, 6j, 7a–2, 12a; 15 U.S.C. 78g(c)(2).

§§ 41.41 and 41.43 [Amended]

■ 27. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
41.41(d)	§ 1.3(vv)	§ 1.3
41.41(d)	§ 1.3(ww)	§ 1.3
41.41(e)	§ 1.3(vv)	§ 1.3
41.41(e)	§ 1.3(ww)	§ 1.3
41.43(a)(13)	§ 1.3(vv)	§ 1.3
41.43(a)(28)	§ 1.3(ww)	§ 1.3

PART 50—CLEARING REQUIREMENT AND RELATED RULES

■ 28. The authority citation for part 50 continues to read as follows:

Authority: 7 U.S.C. 2(h) and 7a–1 as amended by Pub. L. 111–203, 124 Stat. 1376.

■ 29. In § 50.51, revise paragraph (b)(1) to read as follows:

§ 50.51 Exemption for cooperatives.

* * * * *

(b) * * *

(1) Is entered into with a member of the exempt cooperative in connection with originating loan or loans for the member, which means the requirements of paragraphs (5)(i), (ii), and (iii) of the definition of *swap dealer* in § 1.3 of this chapter are satisfied; *provided that,* for this purpose, the term ''insured depository institution'' as used in those paragraphs is replaced with the term ''exempt cooperative'' and the word ''customer'' is replaced with the word ''member''; or

* * * * *

PART 150—LIMITS ON POSITIONS

■ 30. The authority citation for part 150 continues to read as follows:

Authority: 7 U.S.C. 6a, 6c, and 12a(5).

§ 150.3 [Amended]

■ 31. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
150.3(a)(1)	§ 1.3(z)	§ 1.3

■ 32. In § 150.5, revise paragraph (d)(1) to read as follows:

§ 150.5 Exchange-set speculative position limits.

* * * * *

(d) * * * (1) No exchange bylaw, rule, regulation, or resolution adopted pursuant to this section shall apply to bona fide hedging positions as defined by a contract market in accordance with the definition of *bona fide hedging transactions and positions for excluded commodities* in § 1.3 of this chapter. *Provided, however,* that the contract market may limit bona fide hedging positions or any other positions which have been exempted pursuant to paragraph (e) of this section which it determines are not in accord with sound commercial practices or exceed an amount which may be established and liquidated in orderly fashion.

* * * * *

PART 151—POSITION LIMITS FOR FUTURES AND SWAPS

■ 33. The authority citation for part 151 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 5, 6, 6a, 6c, 6f, 6g, 6t, 12a, 19, as amended by Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. 111–203, 124 Stat. 1376 (2010).

■ 34. In § 151.11, revise paragraph (f)(1)(ii) to read as follows:

§ 151.11 Designated contract market and swap execution facility position limits and accountability rules.

* * * * *

(f) * * *

(1) * * *

(ii) For purposes of excluded commodities, no designated contract market or swap execution facility that is a trading facility by law, rule, regulation, or resolution adopted pursuant to this section shall apply to any transaction or position within the definition of *bona fide hedging transactions and positions for excluded commodities* in § 1.3 of this chapter; *provided, however,* that the designated contract market or swap execution facility that is a trading facility may limit bona fide hedging positions that it determines are not in accord with sound commercial practices or exceed an amount which may be established and liquidated in an orderly fashion.

* * * * *

PART 155—TRADING STANDARDS

■ 35. The authority citation for part 155 continues to read as follows:

Authority: 7 U.S.C. 6b, 6c, 6g, 6j and 12a, unless otherwise noted.

§§ 155.3 and 155.4 [Amended]

■ 36. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
155.3(b)(2)(ii)	§ 1.3(g)	§ 1.3
155.4(b)(2)(ii)	§ 1.3(g)	§ 1.3

PART 166—CUSTOMER PROTECTION RULES

■ 37. The authority citation for part 166 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 6b, 6c, 6d, 6g, 6h, 6k, 6l, 6o, 7, 12a, 21, and 23, as amended by the Commodity Futures Modernization Act of 2000, appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 166.2 [Amended]

■ 38. In the table below, for each paragraph indicated in the left column, remove the cross-reference indicated in the middle column from wherever it appears in the paragraph, and add the cross-reference indicated in the right column:

Paragraph	Remove	Add
166.2(a)	§ 1.3(yy)	§ 1.3
166.2(b)	§ 1.3(yy)	§ 1.3

Issued in Washington, DC, on February 15, 2018, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Definitions—Commission Voting Summary

On this matter, Chairman Giancarlo and Commissioners Quintenz and Behnam voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2018–03590 Filed 2–22–18; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0551; FRL–9973–10]

Indaziflam; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes time-limited tolerances for residues of indaziflam in or on rangeland, pastures, and areas subject to the Conservation Reserve Program (CRP). This action is in response to EPA's granting of an emergency exemption under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide in or on grass, forage, fodder, and hay, group 17, forage and grass, forage, fodder, and hay, group 17, hay, grown in rangeland, pastures, and areas subject to the CRP. This regulation establishes a maximum permissible level for residues of indaziflam in or on these commodities. The time-limited tolerances expire on December 31, 2020.

DATES: This regulation is effective February 23, 2018. Objections and requests for hearings must be received on or before April 24, 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–2017–0551, 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, Director, 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 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.* To access the OCSPP test guidelines referenced in this document electronically, please go to *https://www.epa.gov/aboutepa/about-office-chemical-safety-and-pollution-prevention-ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 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–2017–0551 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 24, 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–2017–0551, 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 *https://www.epa.gov/dockets/where-send-comments-epa-dockets.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of the herbicide indaziflam, N-[(1R,2S)-2,3-dihydro-2,6-dimethyl-1*H*-inden-1-yl]-6-(1-fluoroethyl)-1,3,5-triazine-2,4-diamine, including its metabolites and degradates in or on grass, forage, fodder, and hay, group 17, forage at 30 parts per million (ppm) and grass, forage, fodder, and hay, group 17, hay at 100 ppm from use on rangeland, pastures, and areas subject to the CRP. These time-limited tolerances expire on December 31, 2020.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions. Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.,* without having received any petition from an outside party.

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. . . .''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

III. Emergency Exemption for Indaziflam on Rangeland, Pastures, and Areas Subject to the CRP

The Wyoming Department of Agriculture (WDA) requested a specific emergency exemption for the use of indaziflam in rangeland, pastures, and areas subject to the conservation reserve program (CRP) to control medusahead (*Taeniatherum caput-medusae*) and ventenata (*Ventenata dubia*) in the Wyoming counties of Sheridan, Johnson, Cambell, Crook, and Weston. Medusahead and ventenata have recently become established in Wyoming. These pests are potentially two of the greatest risks to Wyoming cattle production because they degrade rangeland forage and hay production. Medusahead has reduced forage production by 80%. Visual assessments of areas invaded by ventenata suggest it offers very little forage. In addition to reducing the forage production, ventenata and medusahead also increase forage silica content by 1.5 and 4 times respectively. This produces poorer quality forage that is less palatable and harder for cattle to digest. If these pests are not controlled, potential statewide invasion can happen in less than 25 years. After having reviewed the submission, EPA determined that an emergency condition exists for this State, and that the criteria for approval of an emergency exemption are met.

As part of its evaluation of the emergency exemption application, EPA assessed the potential risks presented by residues of indaziflam in or on rangeland, pastures, and areas subject to the CRP. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the emergency exemption in order to address an urgent, non-routine situation and to ensure that the resulting food is safe and lawful, EPA is issuing these tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2020, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on grass, forage, fodder, and hay, group 17, forage and grass, forage, fodder, and hay, group 17, hay on rangeland, pastures, and areas subject to the CRP after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed a level that was authorized by these time-limited tolerances at the time of that application. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether indaziflam meets FIFRA's registration requirements for use on rangeland, pastures, and areas subject to the CRP or whether permanent tolerances for this use would be appropriate. Under these circumstances, EPA does not believe that this time-limited tolerance decision serves as a basis for registration of indaziflam by a State for special local needs under FIFRA section 24(c), nor does this tolerance by itself serve as the authority for persons in any State other than Wyoming to use this pesticide on the applicable crops under FIFRA section 18, absent the issuance of an emergency exemption applicable within that State. For additional information regarding the emergency exemption for indaziflam, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

IV. Aggregate Risk Assessment and Determination of Safety

Consistent with 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 expected as a result of this emergency exemption request and the time-limited tolerances for residues of indaziflam on grass, forage, fodder, and hay, group 17, forage at 30 ppm and grass, forage, fodder, and hay, group 17, hay at 100 ppm from use on rangeland, pastures, and areas subject to the CRP. EPA's assessment of exposures and risks associated with establishing time-limited tolerances follows.

A. 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 *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks.*

A summary of the toxicological endpoints for indaziflam used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of January 29, 2014 (79 FR 4624) (FRL–9903–88).

B. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary

exposure to indaziflam, EPA considered exposure under the time-limited tolerances established by this action as well as all existing indaziflam tolerances in 40 CFR 180.653. EPA assessed dietary exposures from indaziflam in food as follows:

i. *Acute and chronic exposures.* Acute effects were identified for indaziflam. In estimating acute and chronic dietary exposures, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA notes that previous indaziflam assessments used screening-level assessments which assumed tolerance-level residues and 100% crop treated for all included commodities. There are no uses on human foods associated with this section 18 emergency use and there is no expectation of quantifiable residues in livestock commodities. This emergency exemption does not result in any changes to the previous dietary exposure and risk estimates.

ii. *Cancer.* Based on the data summarized in Unit IV.A., EPA has concluded that indaziflam does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iii. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for indaziflam. Tolerance level residues and 100% CT 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 indaziflam in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of indaziflam. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Pesticide in Water Calculator (PWC) and the Tier 1 Rice model, the estimated drinking water concentrations (EDWCs) of indaziflam for acute exposures are estimated to be 84 parts per billion (ppb) for surface water and 3.7 ppb for ground water. For chronic exposures for non-cancer assessments are estimated to be 26 ppb for surface water and 3.7 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 84 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration value of 26 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).

Indaziflam is currently registered for the following uses that could result in residential exposures: Turf, gardens, and trees. EPA assessed residential exposure using the following assumptions: Short-term dermal and inhalation handler exposure is expected for adults as a result of applying products containing indaziflam to lawns/turf and gardens/trees using a variety of application equipment. Short-term post-application dermal exposure is expected for adults, children 11 to 16, and children 6 to 11 years old as a result of playing, mowing and/or golfing on treated turf. Short-term dermal and incidental oral exposures (hand to mouth, object to mouth, incidental soil ingestion) are expected for children 1 to 2 years old as a result from playing on treated turf/lawns. Lastly, short-term post-application dermal exposure is expected for adults and children 6 to 11 years old as result of application to gardens and trees. The Agency selected only the most conservative residential adult and child scenarios to be included in the aggregate estimates, based on the lowest overall MOE (*i.e.,* highest risk estimates). The most conservative residential exposure scenario for both adults and children resulted from short-term dermal and incidental oral (for children only) post-application exposure to treated turf.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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.''

EPA has not found indaziflam to share a common mechanism of toxicity with any other substances, and indaziflam does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that indaziflam does not have a common mechanism of toxicity with other substances. 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 *https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

C. 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 Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* No evidence of increased quantitative or qualitative susceptibility was seen in developmental toxicity studies in rats and rabbits, a developmental toxicity study in rats, or in a reproduction study in rats. In the rat developmental toxicity study, decreased fetal weight was observed in the presence of maternal effects that included decreased body weight gain and food consumption. No developmental effects were observed in rabbits up to maternally toxic dose levels. Decreased pup weight and delays in sexual maturation (preputial separation in males and vaginal patency in females) were observed in the rat 2-generation reproductive toxicity study, along with clinical signs of toxicity, at a dose causing parental toxicity that included coarse tremors, renal toxicity and decreased weight gain. In the developmental neurotoxicity study, transiently decreased motor activity on post-natal day (PND) 21 only in male offspring was observed and was considered a potential neurotoxic effect. It was observed at a dose that also caused clinical signs of neurotoxicity

along with decreased body weight in maternal animals.

3. *Conclusion.* EPA has determined that reliable data show that 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 indaziflam is complete.

ii. Evidence of neurotoxicity was observed in dogs and rats throughout the database, which included the dog subchronic toxicity study, the rat subchronic toxicity, the rat acute, subchronic, and developmental neurotoxicity screening batteries, the rat 2-generation reproduction study, the rat chronic toxicity study, and the rat combined carcinogenicity/chronic toxicity study. Evidence of neurotoxicity was manifested as neuropathology in dogs and as decreased motor activity and clinical signs (*e.g.,* tremors) in rats. Evidence of neurotoxicity was the most consistent effect (seen in dogs and rats), the most sensitive toxicological finding (based on neuropathology in dogs), and was therefore used as the adverse effect of concern in the risk assessment. The endpoints selected for risk assessment are based on and protective of the neurotoxic effects seen in the guideline studies.

iii. No developmental effects were observed in rabbits up to maternally toxic dose levels. Offspring effects in the developmental neurotoxicity study in rats and multi-generation toxicity studies only occurred at exposure levels that also produced maternal toxicity and these offspring effects were not considered more severe than the parental effects. In addition, clear NOAELs/LOAELs were identified for these studies. Therefore, EPA concluded that there is no evidence of increased quantitative or qualitative susceptibility to rat or rabbit fetuses exposed *in utero* and/or postnatally to indaziflam.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to indaziflam in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by indaziflam.

D. 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.* Using the exposure assumptions discussed in this document for acute exposure, the acute dietary exposure from food and water to indaziflam will occupy 19% of the aPAD for all infants, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this document for chronic exposure, EPA has concluded that chronic exposure to indaziflam from food and water will utilize 8% of the cPAD for all infants, the population group receiving the greatest exposure. Based on the explanation in the unit regarding residential use patterns, chronic residential exposure to residues of indaziflam is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Indaziflam is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to indaziflam.

Using the exposure assumptions described in this document for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 1,400 for adults and 580 for children. Because EPA's level of concern for indaziflam is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

An intermediate-term adverse effect was identified; however, indaziflam is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for indaziflam.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, indaziflam is not expected to pose a cancer risk to humans.

6. *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 indaziflam residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology (liquid chromatography with tandem mass spectrometry detection (LC/MS/MS) method (DH–003–P07–02) for indaziflam and FDAT) is available to enforce the tolerance expression.

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 indaziflam.

VI. Conclusion

Therefore, time-limited tolerances are established for residues of the herbicide indaziflam, N-[(1R,2S)-2,3-dihydro-2,6-dimethyl-1*H*-inden-1-yl]-6-(1-fluoroethyl)-1,3,5-triazine-2,4-diamine, including its metabolites and degradates in or on grass, forage, fodder, and hay, group 17, forage at 30 parts per million (ppm) and grass, forage, fodder, and hay, group 17, hay at 100 ppm from use on rangeland, pastures, and areas subject to the CRP. These tolerances expire on December 31, 2020.

VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). 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) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). 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 in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances 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).

VIII. 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: February 6, 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 § 180.653, revise paragraph (b) to read as follows:

§ 180.653 Indaziflam; tolerances for residues.

* * * * *

(b) *Section 18 emergency exemptions.* Time-limited tolerances specified in the following table are established for residues of the herbicide indaziflam, N-[(1R,2S)-2,3-dihydro-2,6-dimethyl-1*H*-inden-1-yl]-6-(1-fluoroethyl)-1,3,5-triazine-2,4-diamine, including its metabolites and degradates in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified in the table in this paragraph (b) is to be determined by measuring only indaziflam and FDAT, 6-[(1R)-1-fluoroethyl]-1,3,5-triazine-2,4-diamine (converted to parent equivalents), in or on the commodity. The tolerances expire on the date specified in the table.

Commodity	Parts per million	Expiration date
Grass, forage, fodder, and hay, Group 17, forage	30	12/31/2020
Grass, forage, fodder, and hay, Group 17, hay	100	12/31/2020

* * * * *

[FR Doc. 2018–03673 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0179; FRL–9974–14]

Distillates (Petroleum), Solvent-Dewaxed Heavy Paraffinic; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of distillates (petroleum), solvent-dewaxed heavy paraffinic (CAS Reg. No. 64742–65–0) when used as an inert ingredient (carrier) in pesticide products applied to growing crops and raw agricultural commodities after harvest and to animals. SciReg., Inc., on behalf of HollyFrontier Refining & Marketing LLC, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of distillates (petroleum), solvent-dewaxed heavy paraffinic when used in accordance with the terms of those exemptions.

DATES: This regulation is effective February 23, 2018. Objections and requests for hearings must be received on or before April 24, 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–2017–0179, 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 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–2017–0179 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 24, 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–2017–0179, 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. Petition for Exemption

In the **Federal Register** of September 15, 2017 (82 FR 43352) (FRL–9965–43), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (IN–11015) by SciReg., Inc. (12733 Director's Loop, Woodbridge, VA 22192) on behalf of HollyFrontier Refining & Marketing LLC (401 Plymouth Road, Suite 350, Plymouth Meeting, PA 19462). The petition requested that 40 CFR 180.910 and 40 CFR 180.930 be amended by establishing exemptions from the requirement of a tolerance for residues of distillates (petroleum), solvent-dewaxed heavy paraffinic (CAS Reg. No. 64742–65–0) when used as an inert ingredient (carrier) in pesticide formulations applied to growing crops and to raw agricultural commodities after harvest and in pesticides applied to animals. That document referenced a summary of the petition prepared by SciReg., Inc. on behalf of HollyFrontier Refining & Marketing LLC, the petitioner, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to this comment is discussed in Unit V.B.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty

acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term ''inert'' is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Aggregate Risk Assessment and Determination of Safety

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for 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(c)(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(c)(2)(B) requires EPA to take into account the considerations set forth in subparagraphs (C) and (D) of subsection (b)(2) when making this exemption safety determination. 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. . . .''

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(c)(2)(A), and the factors specified in FFDCA section 408(c)(2)(B), 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 distillates (petroleum), solvent-dewaxed heavy paraffinic including exposure resulting from the exemption established by this action. EPA's assessment of exposures and risks associated with distillates (petroleum), solvent-dewaxed heavy paraffinic follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered their 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. Specific information on the studies received and the nature of the adverse effects caused by distillates (petroleum), solvent-dewaxed heavy paraffinic as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies are discussed in this unit.

Petroleum materials are defined by how they are processed, physical properties and product use specifications. Distillates (petroleum), solvent-dewaxed heavy paraffinic are characterized as highly and severely refined distillate base oils. Petroleum materials processed in this manner behave similarly. Therefore, toxicity data on highly and severely refined distillate base oils are used as read across data to characterize the toxicity of similarly processed petroleum materials. Since limited toxicity data exist on distillates (petroleum), solvent-dewaxed heavy paraffinic, toxicity data on other highly and severely refined distillate base oils are used to characterize toxicity due to distillates (petroleum), solvent-dewaxed heavy paraffinic.

The acute oral toxicity is low in rats for distillates (petroleum), solvent-dewaxed heavy paraffinic; the lethal dose, LD_{50} is >15,000 milligrams/kilogram (mg/kg). Distillates (petroleum), solvent-dewaxed heavy paraffinic has low acute dermal toxicity; the LD_{50} is >5,000 mg/kg in rabbits. In rats, acute inhalation toxicity is also low, the LD_{50} is >4.0 milligrams/liter (mg/L). It is not a dermal sensitizer in the guinea pig. Skin and eye irritation studies are not available.

Oral repeated dose studies are not available on distillates (petroleum), solvent-dewaxed heavy paraffinic; however, studies are available on a similarly processed petroleum material (C_{10}-C_{13} dearomatized solvent). Following 90 days of exposure via gavage to C_{10}-C_{13} dearomatized solvent, the bench mark dose lower confidence limit (BMDL) was established at 1,857 mg/kg/day based on increased serum alanine aminotransferase (ALT) levels in rats.

No systemic toxicity is observed up to 2,000 mg/kg/day following 28 days or 13 weeks of dermal exposure to distillates (petroleum), solvent-dewaxed heavy paraffinic in rabbits and rats. No systemic toxicity is observed in a 90-day or 13-week dermal toxicity studies in male rats at 1,000 mg/kg/day and 2,000 mg/kg/day of distillates (petroleum), solvent-dewaxed heavy paraffinic, respectively. In an OECD guideline developmental toxicity study via dermal exposure, no systemic or dermal toxicity is observed at 2,000 mg/kg/day.

Following inhalation exposure, multiple lung effects are observed at 0.52 g/m^3 (0.52 mg/L). However, the lung effects were not due to chemical toxicity but rather the irritating nature of distillates (petroleum), solvent-dewaxed heavy paraffinic.

No maternal, offspring or reproduction toxicity is observed up to 1,150 mg/kg/day in a 2-generation reproduction toxicity study in rats on a similarly processed petroleum, distillates (petroleum), hydrotreated heavy paraffinic.

Although no carcinogenicity studies with distillates (petroleum), solvent-dewaxed heavy paraffinic are available, none of the available data concerning highly and severely refined distillate base oils indicate any toxicological endpoint of concern up to 1,000 mg/kg/day. Additionally, a Derek Nexus structural alert analysis was conducted with distillates (petroleum), solvent-dewaxed heavy paraffinic and indicated no structural alerts for carcinogenicity or mutagenicity. Therefore, distillates (petroleum), solvent-dewaxed heavy paraffinic is not expected to be carcinogenic.

Evidence of neurotoxicity and immunotoxicity is not observed in the submitted studies. Therefore, distillates (petroleum), solvent-dewaxed heavy paraffinic is not expected to be neurotoxic or immunotoxic.

Metabolism studies show that mineral oils and aliphatic petroleum hydrocarbons are poorly absorbed across the gastrointestinal tract lining and rapidly eliminated unchanged in the feces. Also, dermal absorption and inhalation absorption is very poor.

B. Toxicological Points of Departure/ Levels of Concern

The available toxicity studies support a conclusion that distillates (petroleum), solvent-dewaxed heavy paraffinic have very low overall toxicity. The NOAELs in a 90-day oral and reproduction toxicity studies on similarly processed petroleum distillates were >1,000 mg/kg/day; the limit dose. Effects observed in inhalation studies are due to irritating effects rather than systemic toxicity. Since toxicity was only observed at doses above the limit dose, an endpoint of concern for risk assessment purposes was not identified. Therefore, a qualitative risk assessment was conducted for acute and chronic dietary exposures and short and intermediate dermal and inhalation exposures.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to distillates (petroleum), solvent-dewaxed heavy paraffinic, EPA considered exposure under the proposed exemption from the requirement of a tolerance. EPA assessed dietary exposures from distillates (petroleum), solvent-dewaxed heavy paraffinic in food as follows:

Dietary exposure (food and drinking water) to distillates (petroleum), solvent-dewaxed heavy paraffinic may occur following ingestion of foods with residues from treated crops or animals. However, a quantitative dietary exposure assessment was not conducted since a toxicological endpoint for risk assessment was not identified.

2. *Dietary exposure from drinking water.* Since a hazard endpoint of concern was not identified for the acute and chronic dietary assessment, a quantitative dietary exposure risk assessment for drinking water was not conducted, although exposures may be expected from use on food crops.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Distillates (petroleum), solvent-dewaxed heavy paraffinic may be used in pesticide products and non-pesticide products that may be used in and around the home. Based on the discussion above, a quantitative residential exposure assessment for distillates (petroleum), solvent-dewaxed heavy paraffinic was not conducted.

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.''

Based on the available data, distillates (petroleum), solvent-dewaxed heavy paraffinic does not have a toxic mechanism; therefore, section 408(b)(2)(D)(v) does not apply.

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 Safety Factor (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.

Based on the lack of threshold effects, EPA has not identified any toxicological endpoints of concern and is conducting a qualitative assessment of distillates (petroleum), solvent-dewaxed heavy paraffinic. That qualitative assessment does not use safety factors for assessing risk, and no additional safety factor is needed for assessing risk to infants and children. Based on an assessment of distillates (petroleum), solvent-dewaxed heavy paraffinic, EPA has concluded that there are no toxicological endpoints of concern for the U.S. population, including infants and children.

E. Aggregate Risks and Determination of Safety

Because no toxicological endpoints of concern were identified, EPA concludes that aggregate exposure to residues of distillates (petroleum), solvent-dewaxed heavy paraffinic will not pose a risk to the U.S. population, including infants and children, and that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to distillates (petroleum), solvent-dewaxed heavy paraffinic residues.

V. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. Response to Comments

One comment was received urging the Agency not to allow residues of pesticides in or on food. Although the Agency recognizes that some individuals believe that no residue of pesticides should be allowed in or on food, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) authorizes the establishment of pesticide tolerances or exemptions where the Agency determines that tolerance or exemption meets the safety standard imposed by the statute. EPA has sufficient data to support a safety determination for the exemption from the requirement of a tolerance for distillates (petroleum), solvent-dewaxed heavy paraffinic. The commenter provided no additional information supporting a determination that the exemption is not safe.

VI. Conclusions

Therefore, exemptions from the requirement of a tolerance are established for residues of distillates (petroleum), solvent-dewaxed heavy paraffinic (CAS Reg. No. 64742–65–0) when used as an inert ingredient (carrier) in pesticide formulations applied to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910 and when applied to animals under 40 CFR 180.930.

VII. Statutory and Executive Order Reviews

This action establishes tolerance exemptions 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 exemptions 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).

VIII. 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: February 12, 2018.

Michael 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 § 180.910, add alphabetically the inert ingredient to the table to read as follows:

§ 180.910 Inert ingredients used pre- and post-harvest; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Distillates (petroleum), solvent-dewaxed heavy paraffinic (CAS Reg. No. 64742–65–0)		Carrier.
* * * * * * *		

■ 3. In § 180.930, add alphabetically the inert ingredient to the table to read as follows:

§ 180.930 Inert ingredients applied to animals; exemptions from the requirement of a tolerance.

* * * * *

Inert ingredients	Limits	Uses
* * * * * * *		
Distillates (petroleum), solvent-dewaxed heavy paraffinic (CAS Reg. No. 64742–65–0)		Carrier.
* * * * * * *		

[FR Doc. 2018–03759 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0360; FRL–9972–30]

Quizalofop ethyl; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of quizalofop ethyl in or on the commodities wheat germ and milled byproducts, and increases the tolerances in or on wheat forage, hay, and straw. Albaugh, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 23, 2018. Objections and requests for hearings must be received on or before April 24, 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–2016–0360, 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 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.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/test-guidelines-pesticides-and-toxic-substances.*

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–2016–0360 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 24, 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–2016–0360, 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/where-send-comments-epa-dockets.*

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 Tolerances

In the **Federal Register** of December 20, 2016 (81 FR 92758) (FRL–9956–04), 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 6F8476) by Albaugh, LLC, P.O. Box 2127, Valdosta, GA 31604. The petition requested that 40 CFR part 180.441 be amended by establishing tolerances for residues of the herbicide quizalofop ethyl, in or on wheat, bran at 0.40 parts per million (ppm); wheat, forage at 2.0 ppm; wheat, germ at 0.40 ppm; wheat, hay at 2.0 ppm; wheat, milled byproducts at 0.40 ppm; and wheat, straw at 0.80 ppm. That document referenced a summary of the petition prepared by Albaugh, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

EPA determined that a separate tolerance is not needed for wheat bran. The reason for this change is 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 quizalofop ethyl, including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with quizalofop ethyl 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.

Quizalofop ethyl is a 50/50 racemic mixture of R- and S-enantiomers. Quizalofop-P-ethyl, the purified R-enantiomer, is the pesticidally-active isomer. Since the toxicological profiles of quizalofop ethyl and quizalofop-P-ethyl are similar, the available toxicity studies are adequate to support both compounds. For the purposes of this final rule, both quizalofop ethyl and quizalofop-P-ethyl are collectively referred to as ''quizalofop ethyl.''

Quizalofop ethyl has very low acute toxicity via the oral, dermal, and inhalation routes of exposure, is not an eye or skin irritant, and is not a skin sensitizer. There were no adverse effects observed in the oral toxicity studies that could be attributable to a single-dose exposure.

Repeated-dose toxicity studies indicate the liver as the target organ, as evidenced by increased liver weights and histopathological changes. Following oral administration, quizalofop ethyl is rapidly excreted via urine and feces. In the subchronic oral toxicity rat study, effects of decreased body weight gains, increased liver weight, and centrilobular liver cell enlargement were observed. In the subchronic oral toxicity dog study, an increased incidence of testicular atrophy was observed. In the combined chronic toxicity/carcinogenicity study in rats, an increased incidence of centrilobular liver cell enlargement was observed in both sexes and mild anemia in males.

No dermal toxicity effects were observed in the subchronic dermal toxicity rabbit study at up to the limit dose. Subchronic inhalation toxicity is assumed to be equivalent to oral toxicity. In the chronic oral toxicity dog study, no toxicity effects were observed at the highest dose tested.

In the rat and rabbit developmental toxicity studies, maternal effects including decreased body weight gains and food consumption were observed; no developmental effects were observed up to the highest dose tested. In the 2-generation reproduction toxicity study in rats, maternal effects including decreased body weight and decreased body weight gains were observed at the same dose level that resulted in prenatal and postnatal effects (decreased percentage of pups born alive and decreased pup weights); no evidence of adverse effects on the functional development of pups was observed.

Although tumors were observed in male and female mice after exposure to quizalofop ethyl, the overall evidence for carcinogenicity is weak, as discussed in supporting documents. Additionally, the point of departure used for establishing the chronic reference dose for quizalofop ethyl is significantly lower (30X) than the dose that induced tumors in male and female mice. EPA has determined that quantification of cancer risk using a non-linear approach would adequately account for all chronic toxicity, including carcinogenicity, which could result from exposure to quizalofop ethyl.

Based on the results of acceptable toxicity studies, quizalofop ethyl does not show evidence of neurotoxicity or neuropathology. Quizalofop ethyl showed no evidence of immunotoxicity.

Specific information on the studies received and the nature of the adverse effects caused by quizalofop ethyl 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 *Quizalofop-P-ethyl. Human Health Risk assessment in Support of the Proposed New Use on Rice* in docket ID number EPA–HQ–OPP–2015–0412.

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://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for quizalofop ethyl used for human risk assessment is discussed in Unit II.B. of the final rule published in the **Federal Register** of December 1, 2016 (81 FR 86581) (FRL–9950–89).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to quizalofop ethyl, EPA considered exposure under the petitioned-for tolerances as well as all existing quizalofop ethyl tolerances in 40 CFR 180.441. EPA assessed dietary exposures from quizalofop ethyl 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 quizalofop ethyl; 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 USDA 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA incorporated tolerance-level residues, average percent crop treated (PCT) information, and default processing factors for all processed commodities except sunflower oil, where an empirical factor was used.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that the chronic reference dose will be protective of any potential carcinogenicity; therefore, a separate dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residues and percent crop treated (PCT) information.* EPA did not use anticipated residue information to assess exposure for these tolerances; rather, EPA used tolerance-level residues in its exposure assessment.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if:

- *Condition a:* The data used are reliable and provide a valid basis to show what percentage of the food

derived from such crop is likely to contain the pesticide residue.

• *Condition b:* The exposure estimate does not underestimate exposure for any significant subpopulation group.

• *Condition c:* Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the average PCT for existing uses as follows: Barley: 1%; beans, green: 2.5%; canola: 5%; cotton: 1%; dry beans/peas: 15%; peas, green: 2.5%; soybeans: 2.5%; sugar beets: 2.5%; and sunflowers: 5%. For all other existing uses, including the amended use on wheat, 100% of the crop treated was assumed.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6 to 7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT value for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and is rounded to the nearest multiple of 5% for use in the analysis; unless the average PCT value is estimated at less than 2.5% or 1%, in which case the Agency uses 2.5% or 1%, respectively, as the average PCT value in the analysis.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which quizalofop ethyl may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for quizalofop ethyl in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of quizalofop ethyl. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Modified Tier 1 Rice Model and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of quizalofop ethyl for chronic exposures for non-cancer assessments are estimated to be 125 parts per billion (ppb) for surface water and 89 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 value of 125 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). Quizalofop ethyl 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.''

EPA has not found quizalofop ethyl to share a common mechanism of toxicity with any other substances, and quizalofop ethyl does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that quizalofop ethyl does not have a common mechanism of toxicity with other substances. 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://www.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 Safety Factor (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.* As summarized in Unit III.A., results from the rat and rabbit developmental toxicity and the 2-generation rat reproduction toxicity studies indicated no qualitative or quantitative evidence of increased susceptibility in developing fetuses or in the offspring following prenatal and/or postnatal exposure to quizalofop ethyl.

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 quizalofop ethyl is complete.

ii. There is no indication that quizalofop ethyl is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no qualitative or quantitative evidence that quizalofop ethyl 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. The dietary food exposure assessments were performed based on tolerance-level residues, average PCTs for certain existing uses, and 100 PCT for other existing uses including the amended wheat use. EPA made conservative

(protective) assumptions in the ground and surface water modeling used to assess exposure to quizalofop ethyl in drinking water. These assessments will not underestimate the exposure and risks posed by quizalofop ethyl.

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-dose oral exposure was identified and no acute dietary endpoint was selected. Therefore, quizalofop ethyl 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 quizalofop ethyl from food and water will utilize 84% of the cPAD for all infants less than 1-year old, the population group receiving the greatest exposure. Most of the dietary exposure is attributed to drinking water, utilizing 75% of the cPAD for all infants less than 1-year old. There are no residential uses for quizalofop ethyl.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because there are no residential uses, quizalofop ethyl is not expected to pose short- or intermediate-term risk.

4. *Aggregate cancer risk for U.S. population.* As discussed in Unit III.A., EPA has concluded that regulating on the chronic reference dose will be protective of potential carcinogenicity. Based on the results of the chronic risk assessment, EPA concludes that quizalofop ethyl 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 quizalofop ethyl residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

An adequate enforcement methodology (Morse Meth-147, a liquid chromatography method using tandem mass spectrometry detection (LC–MS/MS) for plant commodities including wheat) is available to enforce the tolerance expression.

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 a MRL for quizalofop ethyl.

C. Revisions to Petitioned-For Tolerances

EPA determined that a separate tolerance is not needed for wheat bran, since it is included in the commodity definition for wheat, milled byproducts, which includes wheat bran, middlings, and shorts.

V. Conclusion

Therefore, tolerances are established for residues of quizalofop ethyl in or on wheat, germ at 0.40 ppm and wheat, milled byproducts at 0.40 ppm. Existing tolerances are increased for residues of quizalofop ethyl in or on wheat, forage from 0.05 to 2.0 ppm; wheat, hay from 0.05 to 2.0 ppm; and wheat, straw from 0.05 to 0.80 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: February 9, 2018.

Michael 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 § 180.441,

■ a. Add alphabetically the entries ''Wheat, germ'' and ''Wheat, milled byproducts'' to the table in paragraph (a)(1).

b. Revise the entries ''Wheat, forage''; ''Wheat, hay''; and ''Wheat, straw'' in the table in paragraph (a)(1).

The additions and revisions read as follows:

§ 180.441 Quizalofop ethyl; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
* * * * *	
Wheat, forage	2.0
Wheat, germ	0.40
* * * * *	
Wheat, hay	2.0
Wheat, milled byproducts	0.40
Wheat, straw	0.80

* * * * *

[FR Doc. 2018–03760 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–8519]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required

floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region IV				
Mississippi:				
DeSoto County, Unincorporated Areas	280050	March 4, 1975, Emerg; May 3, 1990, Reg; March 6, 2018, Susp.	March 6, 2018 ..	March 6, 2018.
Horn Lake, City of, DeSoto County	280051	March 7, 1975, Emerg; May 3, 1990, Reg; March 6, 2018, Susp.	.....do *	Do.
Walls, Town of, DeSoto County	280232	N/A, Emerg; October 2, 2007, Reg; March 6, 2018, Susp.	.....do	Do.
Region IX				
California: Coachella, City of, Riverside County.	060249	September 11, 1979, Emerg; September 30, 1980, Reg; March 6, 2018, Susp.	.....do	Do.

* .....do and Do. = ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: February 14, 2018.

Michael M. Grimm,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2018–03738 Filed 2–22–18; 8:45 am]

BILLING CODE 9110–12–P

Proposed Rules

Federal Register
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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

Food and Nutrition Service

7 CFR Part 273

RIN 0584–AE57

Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents; Advance Notice of Proposed Rulemaking

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

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Food and Nutrition Act of 2008, as amended (the Act), limits the amount of time an able-bodied adult without dependents (ABAWD) can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in a 36-month period, unless the individual is working and/or participating in a work program half-time or more, or participating in workfare. The Act exempts individuals from the time limit for several reasons, including age, unfitness for work, or having a dependent child. The Act also provides State agencies with flexibility to request a waiver of this time limit if unemployment is high or the area does not have a sufficient number of jobs to provide employment. Moreover, the Act gives States discretion to exempt 15 percent of the individuals who would otherwise be subject to the time limit.

The Department of Agriculture's (Department's) policy goal is to address food insecurity by providing supplemental food assistance and helping able-bodied SNAP participants move out of poverty and into work in a manner that is consistent with the structure and the intent of the Act. As described in Sections 2 and 6(d) of the Act, the goals of the program are to promote food security, self-sufficiency, well-being, and economic mobility. In this Notice, the Department is seeking public input to inform potential policy, program, and regulatory changes to more consistently advance this goal.

DATES: Written comments must be received on or before April 9, 2018 to be assured of consideration.

ADDRESSES: The Food and Nutrition Service, USDA, invites interested persons to submit written comments on this advanced notice of proposed rulemaking. Comments may be submitted in writing by one of the following methods:

- *Federal eRulemaking Portal*: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail*: Send comments to SNAP Program Development Division, Food and Nutrition, Services, USDA, 3101 Park Center Drive, Room 812, Alexandria, Virginia 22302.
- All written comments submitted in response to this advanced notice of proposed rulemaking will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNS will make the written comments publicly available on the internet via *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Sasha Gersten-Paal, Chief, Certification Policy Branch, SNAP Program Development Division, Food and Nutrition, Services, USDA, 3101 Park Center Drive, Room 812, Alexandria, Virginia 22302 or (703) 305–2507 during regular business hours 8:30 a.m. to 5 p.m.) Monday through Friday.

SUPPLEMENTARY INFORMATION:

Need To Issue This Notice

SNAP offers nutrition assistance to millions of low-income individuals and families. SNAP is the largest federal nutrition assistance program in the United States. As a result of the Great Recession, the national unemployment rate peaked at 9.7 percent for Fiscal Year (FY) 2010. As with other recessions, there was a lag between the time that the national unemployment rate began to decrease and the time that the national poverty rate and SNAP participation began to decrease. SNAP participation peaked at an average of 47.6 million recipients per month in FY 2013. During that time period, the national average unemployment rate was 7.6 percent. In FY 2017, the program served an average of 42.1 million recipients per month, and the national average unemployment rate was 4.5 percent. As Americans get back to work, it is appropriate to review how SNAP can better promote work and self-sufficiency so that fewer Americans need assistance from the program.

The Department is soliciting public comments on potential policy, program, and regulatory changes that could advance its goal of addressing food insecurity by helping able-bodied SNAP recipients obtain and maintain employment and aligning program regulations with the President's Budget proposals related to ABAWDs. The Department will consider comments received through this Notice to help inform development of potential policy, program, or regulatory changes.

The Department seeks input on potential regulatory or other changes that might better support States in accurately identifying ABAWDs subject to the time limit and providing meaningful opportunities for them to move towards self-sufficiency. The Department is also asking whether changes should be made to the existing process by which State agencies request to waive the ABAWD time limit, the information and data States are required to provide in supporting the waiver request, and the Department's implementation and duration of the waiver approval. If so, the Department is asking for information on changes that would better support the Department's goals. Moreover, the Department seeks input on 15 percent exemptions and how they may be better used to support State efforts to serve ABAWDs. The Department is receptive to suggested changes that could be made within the current statutory authority as well as changes that may require new or revised statutory authority. The Department believes that this public comment can inform the development of any rule that may ultimately be proposed.

References—the Following References May Be Useful To Help Inform Those Wishing To Provide Comments

(1) Section 6(d) and section 6(o) of the Food and Nutrition Act of 2008, as amended
(2) Code of Federal Regulations Title 7, Parts 273.7 and 273.24
(3) Food Stamp Program: Personal Responsibility Provisions of the Personal

Responsibility and Work Opportunity Reconciliation Act of 1996, Proposed Rule, 64 FR 70920 (December 17, 1999). Available at: *https://www.federalregister.gov/documents/1999/12/17/99-32527/food-stamp-program-personal-responsibility-provisions-of-the-personal-responsibility-and-work*

(4) Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Final Rule, 66 FR 4437 (January 17, 2001). Available at: *https://www.federalregister.gov/documents/2001/01/17/01-1025/food-stamp-program-personal-responsibility-provisions-of-the-personal-responsibility-and-work*

(5) Guide to Serving ABAWDs Subject to Time-limited Participation, 2015. Available at: *https://fns-prod.azureedge.net/sites/default/files/Guide_to_Serving_ABAWDs_Subject_to_Time_Limit.pdf*

(6) Guide to Supporting Requests to Waiver the Time Limit for Able-Bodied Adults without Dependents, 2016. Available at: *https://fns-prod.azureedge.net/sites/default/files/snap/SNAP-Guide-to-Supporting-Requests-to-Waive-the-Time-Limit-for-ABAWDs.pdf*

(7) Expiration of Statewide ABAWD Time Limit Waivers, 2015. Available at: *https://fns-prod.azureedge.net/sites/default/files/snap/SNAP-Expiration-of-Statewide-ABAWD-Time-Limit-Waivers.pdf*

(8) ABAWD Time Limit Policy and Program Access, 2015. Available at: *https://fns-prod.azureedge.net/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf*

(9) ABAWD Questions and Answers, 2015. Available at: *https://fns-prod.azureedge.net/sites/default/files/snap/ABAWD-Questions-and-Answers-June%202015.pdf*

(10) ABAWD Questions and Answers, 2013. Available at internet site: *https://fns-prod.azureedge.net/sites/default/files/snap/ABAWD-Questions-and-Answers-December-2013.pdf*

Overview of Current SNAP Work Policies

SNAP work-related policies are best understood as three distinct, but interrelated and mutually supportive areas: The general work requirements, SNAP Employment and Training (SNAP E&T) programs, and the ABAWD time limit and work requirement. These work-related policies, the people they affect, and the ways in which they interact are summarized below.

The General Work Requirements: Section 6(d) of the Act and 7 CFR 273.7

The general work requirements apply to people ages 16 through 59, except for those who are physically or mentally unfit for employment, care for a child under age 6 or an incapacitated person, are already employed 30 hours or more per week, are already participating in a work program, or are in school half-time or more. In order to be eligible for SNAP benefits, people who are subject to the general work requirements must register for work, report to an employer if referred by the State agency, accept a bona fide offer of a suitable job, not voluntarily quit a job or reduce their work hours below 30 hours a week, and participate in a SNAP E&T program or a workfare program if assigned by the State agency.

People subject to the general work requirements are commonly called ''work registrants.'' People that do not comply with the general work requirements without good cause are disqualified from receiving SNAP for a period of time. These disqualification periods can vary by State and circumstances. When a person subject to the general work requirements does not comply, the State must determine whether the person has good cause before imposing any disqualification. Examples of good cause include illness, household emergency, lack of transportation, or other circumstances beyond the person's control. In accordance with current law, if the State finds that a person has good cause, it must not disqualify them.

The ABAWD Time Limit and Work Requirement: Section 6(o) of the Act and 7 CFR 273.24

The ABAWD time limit and work requirement apply to people ages 18 through 49, unless they are already exempt from the general work requirements, medically certified as physically or mentally unfit for employment, responsible for a child under 18, or pregnant. ABAWDs are also work registrants and must meet the general work requirements. In addition, ABAWDs subject to the time limit must work and/or participate in a work program 80 hours per month or more, or participate in and comply with workfare in order to receive SNAP for more than 3 months in a 36-month period. Participation in SNAP E&T, which is a type of work program, is one way a person can meet the 80 hour per month ABAWD work requirement, but other work programs are acceptable as well.

State agencies can request to waive the ABAWD time limit if an area has an unemployment rate of over 10 percent or the State can meet one of the regulatory options to show it does not have a sufficient number of jobs to provide employment. If the time limit is waived, individuals are not required to meet the ABAWD work requirement in order to receive SNAP for more than 3 months in a 36-month period. However, even if the time limit is waived, ABAWDs remain subject to the general work requirements, as ABAWDs are work registrants, and the general work requirements cannot be waived. State agencies also have discretion to exempt, on a month-to-month basis, 15 percent of the individuals who would otherwise be subject to the time limit as estimated by the Department each year. Each 15 percent exemption extends eligibility to one ABAWD for one month.

SNAP Employment and Training Programs: Section 6(d) of the Act and 7 CFR 273.7

The Department strongly supports the goal that individuals obtain gainful employment as a means to move to self-sufficiency. SNAP E&T programs are intended to help SNAP recipients gain skills, training, work, or experience that will increase their ability to obtain regular employment and become self-sufficient. The State agency must operate E&T programs, though it has significant flexibility in program design. The State determines who to serve through its E&T programs, what kind of activities to provide, and where to provide them. The State may provide other wrap-around services such as on-going case management, job coaching, or job retention services. The State is required to provide participant reimbursements for things that are necessary for participation in SNAP E&T such as transportation, books, safety equipment, or other items or services.

The State has the option to offer E&T on a voluntary basis to certain or all SNAP participants; or, the State can require all or certain work registrants to participate in E&T as a condition of eligibility, often referred to as ''mandatory E&T''. If a work registrant is required to participate in E&T and does not comply without good cause, they are disqualified from receiving SNAP as explained above under *The General Work Requirements.* In deciding whether to require E&T participation the State must carefully consider its capacity to serve E&T participants and provide reimbursements for participants with access barriers such as lack of transportation or child care.

Currently, States have several options to provide ABAWDs nutrition assistance while getting experience or training that will help them get jobs and become self-sufficient. States may refer ABAWDs to other work programs such as State or local programs or programs operated through the Workforce Innovation Opportunity Act (WIOA) American Job Centers (AJCs). States may provide ABAWDs a slot in a workfare program or a SNAP E&T Program. However, all

of these options may have their own limitations such as funding, capacity, or competing State priorities.

There is no current requirement that States serve any or all ABAWDs through their SNAP E&T programs. However, if the State does require ABAWDs who are subject to the time limit to participate in E&T, it must apply the time limit and disqualify ABAWDs who fail to comply with the mandatory E&T requirements through the sanction process. In addition, States are eligible for a portion of a pool of $20 million in additional E&T funds if they pledge to offer all ABAWDs who are in the last month of their 3-month time limit a slot in an E&T component that fulfills the work requirement. These 100 percent federal funds are allocated across all pledge States based on the number of ABAWDs in each participating State, as a percentage of ABAWDs in all of the participating States.

Discussion

The Department is concerned that, in some cases, the State flexibilities provided under 7 CFR 273.7 and 7 CFR 273.24 have been used in ways that do not strengthen the goal of helping SNAP recipients find and keep work when jobs are sufficiently available. In particular, the ABAWD time limit waivers represent an area of concern for the Department.

The decision to request and implement an ABAWD time limit waiver rests with the States. States can request to waive some areas in the State but not others, and not all States that are eligible for ABAWD time limit waivers request one. Economic conditions in the wake of the Great Recession resulted in an increase in the use of ABAWD time limit waivers. The American Recovery and Reinvestment Act suspended the time limit across the country from April 1, 2009, through September 30, 2010, effectively waiving the time limit in all 50 States, the District of Columbia, Guam, and the Virgin Islands for the second half of FY 2009 and all of FY 2010. From October 2010 through December 2013, the vast majority of States qualified for and continued to implement statewide ABAWD time limit waivers, meaning the waivers covered the entire State or jurisdiction.

Since that time, as economic conditions improved, there has been a decline in the use of these waivers. In the fourth quarter of FY 2013, 45 states, the District of Columbia, Guam, and the Virgin Islands had waivers of the ABAWD time limit. Of those, 42 covered the entire state or jurisdiction and 6 covered only certain areas in the state or jurisdiction. In the fourth quarter of FY 2017, 33 states, the District of Columbia, Guam, and the Virgin Islands had waivers of the ABAWD time limit. Of those, 9 covered the entire state or jurisdiction, and 27 covered only certain areas in the state or jurisdiction. However, the Department is concerned that the number of areas waived has not decreased as much as would be expected during the continued decline in unemployment rates over this time period. For these reasons, the Department is seeking comments on how to ensure the waiver criteria best reflects economic conditions.

ABAWD Policy Review Issues

The following questions represent particular areas in which the Department is interested in receiving comments. The questions are focused on ideas for regulatory or policy changes and seek information on better ways to meet the needs of SNAP participants and State agencies. However, the Department also invites commenters to address additional issues that are not described below but are within the scope of this review, particularly as it relates to opportunities to help participants move to self-sufficiency. Other comments that are not within the scope of this Notice will not be considered; therefore please refrain from including any comments that are not responsive to this particular request.

The Department believes that this review will benefit from a broad scope of public input. However, in addressing the questions that follow, commenters are encouraged to be as specific as possible. Please be sure to include the rationale underlying any suggested changes.

1. The Department is reviewing how it could take action on limiting ABAWD waivers as proposed in the President's budget proposals. In light of the Department's interest in helping SNAP participants find and maintain meaningful employment, how could the process for requesting to waive the time limit, the information needed to support waiver approval, and the waiver eligibility parameters be changed in order to provide appropriate relief for areas of high unemployment and a clearly demonstrated lack of jobs?

(a) How could the definition of ''lack of sufficient jobs'' be revised to better support these goals?

(b) States currently have discretion to define the area they are requesting to waive. Should States maintain this flexibility? Should an ''economic area'' be limited in geographic scope, such as to a single county, metropolitan area, or labor market area?

(c) Should FNS accept data from additional sources of information that are currently not considered? If so:

1. What data sources would that be?

2. What review process should FNS use to verify the validity of the data?

(d) How recent should the data and information used in support of a waiver be in relation to the waiver implementation date?

(e) Waivers are typically approved for 1 year, although under certain criteria 2 year waivers are available. Should FNS consider waivers of different time periods? If so, what time period and under what conditions?

2. How can existing authority and resources be best used to support ABAWDs as they transition to meaningful work and self-sufficiency? How could the Department better support State efforts to assess individuals' work readiness and identify appropriate services to help participants obtain and retain employment?

(a) What challenges and barriers do States face in helping ABAWDs find and maintain employment? What do States need to build or strengthen their capacity, investment, and expertise in working with this population?

(b) What is the appropriate role of States in assessing ABAWDs for barriers to employment, job skills, and career interests in order identify appropriate opportunities for fulfilling the work requirements? At what point in the process is this most useful? During the interview? After certification?

(c) How can existing resources be leveraged by States to help ABAWDs find and maintain employment? Are there State/local/Federal or other stakeholders that can be leveraged to provide holistic services to ABAWDs?

(d) Are there evidence-based activities that States could offer through their SNAP E&T programs that would help reduce barriers to employment among ABAWDs? What kinds of support services, job-retention services and other activities would increase success of ABAWDs moving into gainful employment?

(e) Are there additional ways that States could incentivize employers to provide jobs to ABAWDs?

(f) Should ABAWDs be subject to additional reporting requirements or be limited to a specific type of reporting system (*e.g.,* change reporting, monthly reporting, quarterly reporting, or simplified reporting)? Have States that have assigned ABAWDs to a reporting system other than simplified reporting found this to be beneficial?

(g) What approaches have States found effective in communicating with ABAWDs to educate them on the

program's work requirements, tools and resources that can help them find or keep employment, and crucial administrative actions or deadlines they must adhere to?

3. The accurate determination of whether an individual is physically or mentally unfit for employment is fundamental to applying the time limit to the proper individuals, and exempting others, consistent with the Act. In addition, it allows States to focus work strategies on those individuals who are truly capable of benefiting from them.

(a) What is the appropriate scope of conditions and indicators of physical or mental unfitness for employment under current statutory authority, particularly in State determinations of whether an individual is obviously physically or mentally unfit for employment? What level of State flexibility is appropriate in this area? Why?

(b) How do current certification processes (use of technology, lack of face-to-face interaction) affect the ability to determine exceptions or exemptions to the ABAWD time limit? How can these processes be modified or enhanced to best support these determinations, while providing any needed reasonable accommodations for individuals?

(c) Who should determine whether a participant is fit to work? What technical and information resources, or other resources, would best support States to better screen for unfitness for employment and other exceptions to the ABAWD time limit? What performance and/or accountability measures would support this process?

(d) How can the Department/States better engage and serve individuals determined to be unfit for employment? How can State agencies provide these individuals with services or opportunities that may increase their fitness for work?

(e) What are best practices for the use of 15 percent exemptions in supporting the appropriate application of ABAWD requirements?

Procedural Matters

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This action has been determined to be significant and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Executive Order 13771

This Advanced Notice of Proposed Rulemaking is not a regulatory action under Executive Order 13771.

Executive Order 13175

This Advance Notice of Proposed Rulemaking (ANPRM) has been reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments.'' Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

The Food and Nutrition Service (FNS) has assessed the impact of this ANPRM on Indian tribes and determined that this ANPRM does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a Tribe requests consultation, FNS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Dated: February 20, 2018.

Brandon Lipps,

Acting Deputy Under Secretary Food, Nutrition, and Consumer Services.

[FR Doc. 2018–03752 Filed 2–22–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF ENERGY

10 CFR Part 430

[EERE–2017–BT–STD–0059]

Energy Conservation Program: Energy Conservation Standards Program Design

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of comment period extension.

SUMMARY: The Department of Energy (DOE) published, on November 28, 2017, a Request for Information (RFI) seeking comments from interested parties to assist DOE in evaluating the potential advantages and disadvantages of additional flexibilities in the U.S. Appliance and Equipment Energy Conservations Standards (ECS) program. The comment period for the RFI ends on February 26, 2018. Through this notice, DOE extends the comment period until March 26, 2018.

DATES: The comment period for the RFI published in the **Federal Register** on November 28, 2017 (82 FR 56181) is extended to March 26, 2018. Written comments and information are requested on or before March 26, 2018.

ADDRESSES: Interested persons are encouraged to submit comments by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: ProgramDesign2017STD0059@ee.doe.gov.* Include ''EERE–2017–BT–STD–0059'' in the subject line of the message.
- *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC, 20585–0121.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2017-BT-STD-0059.* The docket web page will contain simple instructions on how to access all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT: Appliance and Equipment Standards Program Staff, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. Email: *ProgramDesign2017STD0059@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

The Department of Energy (DOE) published a Request for Information (RFI) on November 28, 2017 (82 FR 56181) requesting feedback on the design, value, and solutions to potential challenges of revising the U.S. Appliance and Equipment Energy Conservation Standards (ECS) program to include additional compliance flexibilities, with the goal of reducing compliance costs, enhancing consumer choice and maintaining or increasing energy savings. The comment period for the RFI was previously February 26, 2018. In a letter dated February 9, 2018, Edison Electric Institute (EEI) requested that the comment period for the RFI be extended to March 9, 2018, to allow more time for member companies to submit information to EEI. (EERE–2017–BT–STD–0059–0015) DOE also received a letter dated February 13, 2018, from the Air-Conditioning, Heating, & Refrigeration Institute (AHRI) requesting that the comment period be extended until March 26, 2018, to allow more time for their members to submit information to AHRI. (EERE–2017–BT–STD–0059–0016) DOE grants these requests and extends the comment period until March 26, 2018.

Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this document.

Issued in Washington, DC, on February 16, 2018.

Daniel R Simmons,

Principal Deputy Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–03737 Filed 2–22–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0114; Product Identifier 2017–NM–167–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for The Boeing Company Model 787 series airplanes powered by Rolls Royce Trent 1000 engines. This proposed AD was prompted by a report of failures of the inner fixed structure (IFS) forward upper fire seal and damage to thermal insulation blankets in the forward upper area of the thrust reverser (TR). This proposed AD would require an inspection to determine the part number of the IFS forward upper fire seal, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 9, 2018.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0114.

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–2018–0114; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA; phone: 206–231–3553; email: *Takahisha.Kobayashi@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–2018–0114; Product Identifier 2017–NM–167–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received a report of IFS forward upper fire seal failures and damage to thermal insulation blankets in the forward upper area of the TR. Investigation revealed that the root cause of the failures is a scrubbing and pinching condition at the upper end cap of the IFS forward upper fire seal during TR closing. The failure of the IFS forward upper fire seal causes the loss of seal pressurization, which then allows fan bypass air to enter the engine core compartment. Fan bypass air entering the engine core compartment could degrade the ability to detect and extinguish an engine fire, resulting in an uncontrolled fire. Furthermore, fan bypass air entering the engine core compartment could cause damage to the TR insulation blanket, resulting in thermal damage to the TR inner wall, the subsequent release of engine exhaust components, and consequent damage to the critical areas of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB780033–00, Issue 001, dated November 1, 2017. This service information describes procedures for an inspection to determine the part number of the IFS forward upper fire seal and applicable on-condition actions. 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 require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB780033–00, Issue 001, dated November 1, 2017, described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0114.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin B787–81205–SB780033–00, Issue 001, dated November 1, 2017, addresses only Model 787–8 and 787–9 airplanes powered by Rolls Royce Trent 1000 engines (excluding the Rolls Royce Trent 1000–TEN engine, which was recently certified). IFS forward upper fire seals having part number (P/N) 725Z3171–127 or P/N 725Z3171–128 can be installed on all Rolls Royce Trent 1000 engines, including the recently certified Rolls Royce Trent 1000–TEN engine. To prevent the installation of a TR with an unsafe fire seal on a Model 787 airplane, this proposed AD would apply to all Model 787 series airplanes (including future Model 787–10) powered by Rolls Royce Trent 1000 engines (including the Rolls Royce Trent 1000–TEN engine).

Costs of Compliance

We estimate that this proposed AD affects 13 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	8 work-hours × $85 per hour = $680	$0	$680	$8,840

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
8 work-hours × $85 per hour = $680 (fire seal replacement, 4 per airplane)	$4,532	$5,212

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0114; Product Identifier 2017–NM–167–AD.

(a) Comments Due Date

We must receive comments by April 9, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787 series airplanes, certificated in any category, powered by Rolls Royce Trent 1000 engines.

(d) Subject

Air Transport Association (ATA) of America Code 78, Engine Exhaust System.

(e) Unsafe Condition

This AD was prompted by reports of failures of the inner fixed structure (IFS) forward upper fire seal and damage to thermal insulation blankets in the forward upper area of the thrust reverser (TR). We are issuing this AD to prevent failure of the IFS forward upper fire seal, which causes the loss of seal pressurization and allows fan bypass air to enter the engine core compartment. Fan bypass air entering the engine core compartment could degrade the ability to detect and extinguish an engine fire, resulting in an uncontrolled fire. Furthermore, fan bypass air entering the engine core compartment could cause damage to the TR insulation blanket, resulting in thermal damage to the TR inner wall, the subsequent release of engine exhaust components, and consequent damage to critical areas of the airplane.

(f) Compliance

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

(g) Required Actions

For Model 787–8 and 787–9 series airplanes identified in Boeing Alert Service Bulletin B787–81205–SB780033–00, Issue 001, dated November 1, 2017 (''BASB B787–81205–SB780033–00, Issue 001''): Within 36 months after the effective date of this AD, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of BASB B787–81205–SB780033–00, Issue 001.

(h) Parts Installation Prohibition

For Model 787 series airplanes powered by Rolls Royce Trent 1000 engines, as of the effective date of this AD, no person may install a thrust reverser with an IFS forward upper fire seal having part number (P/N) 725Z3171–127 or P/N 725Z3171–128.

(i) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) For service information that contains steps that are labeled as RC, the provisions of paragraphs (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

(1) For more information about this AD, contact Tak Kobayashi, Aerospace Engineer, Propulsion Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA; phone: 206–231–3553; email: *Takahisha.Kobayashi@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Renton, Washington, on February 14, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03598 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM18–7–000]

Withdrawal of Pleadings

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to adopt a more accurate title of Withdrawal of pleadings (Rule 216), for Rule 216 of the Commission's Rules of Practice and Procedure. The Commission also proposes to clarify the text of the Rule.

DATES: Comments are due March 26, 2018.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- *Electronic Filing through http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Vince Mareino, 888 First Street NE, Washington, DC 20426, (202) 502–6167, *Vince.Mareino@ferc.gov.*

SUPPLEMENTARY INFORMATION:

1. In this Notice of Proposed Rulemaking (NOPR), the Commission proposes to clarify the title and text of Rule 216 of the Commission's Rules of Practice and Procedure, 18 CFR 385.216. The Commission proposes to adopt a more accurate title of ''Withdrawal of pleadings (Rule 216).'' The Commission also proposes to clarify the text of the Rule.

I. Discussion

2. The Commission proposes two changes to Rule 216. First, the current title may confuse some readers by implying that Rule 216 governs the withdrawal of tariff or rate filings, which are instead governed by separate

regulations.[1] Thus, the Commission proposes changing the title from ''Withdrawal of pleadings and tariff or rate filings (Rule 216)'' to ''Withdrawal of pleadings (Rule 216).''

3. Second, the Commission proposes changing the first sentence of Rule 216(a) to read, ''Any person may seek to withdraw its pleading by filing a notice of withdrawal.'' This change clarifies that it is the person who has submitted a pleading that may withdraw that pleading. The Commission also proposes a conforming change, to refer to ''person'' rather than ''party,'' in Rule 216(c).

II. Information Collection Statement

4. Review by the Office of Management and Budget, pursuant to section 3507(d) of the Paperwork Reduction Act of 1995, is not required since this NOPR does not contain new or modified information collection or recordkeeping requirements.

III. Environmental Analysis

5. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[2] Section 380.4(a)(1) of the Commission's regulations exempts certain actions from the requirement that an Environmental Analysis or Environmental Impact Statement be prepared.[3] Included is an exemption for procedural actions. As this NOPR falls within that exemption, issuance of the NOPR does not represent a major federal action having a significant adverse effect on the human environment under the Commission's regulations implementing the National Environmental Policy Act, and, thus, does not require an Environmental Analysis or Environmental Impact Statement.

IV. Regulatory Flexibility Act Analysis

6. The Regulatory Flexibility Act of 1980 (RFA)[4] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. This NOPR concerns clarifications to agency procedure. The Commission certifies that the proposed clarifications will not have an economic impact upon participants in Commission proceedings and, therefore, an analysis under the RFA is not required.

V. Comment Procedures

7. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due March 26, 2018. Comments must refer to Docket No. RM18–7–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

8. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

9. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

10. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VI. Document Availability

11. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE, Room 2A, Washington, DC 20426.

12. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

13. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: February 15, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

List of Subjects in 18 CFR Part 385

Electric power rates, Electric power, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission proposes to amend Part 385, Chapter I, Title 18, *Code of Federal Regulations,* as follows.

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717w, 3301–3432; 16 U.S.C. 791a–825v, 2601–2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988); 28 U.S.C. 2461 note (1990); 28 U.S.C. 2461 note (2015).

■ 2. Revise the title of section 385.216 to read as follows:

§ 385.216 Withdrawal of pleadings (Rule 216).

■ 3. Revise section 385.216(a) to read as follows:

(a) *Filing.* Any person may seek to withdraw its pleading by filing a notice of withdrawal. The procedures provided in this section do not apply to withdrawals of tariff or rate filings, which may be withdrawn only as provided in the regulations under this chapter.

* * * * *

■ 4. Revise section 385.216(c) to read as follows:

* * * * *

(c) *Conditional withdrawal.* In order to prevent prejudice to other participants, a decisional authority may, on motion or otherwise, condition the withdrawal of any pleading upon a requirement that the withdrawing person leave material in the record or otherwise make material available to other participants.

[FR Doc. 2018–03648 Filed 2–22–18; 8:45 am]

BILLING CODE 6717–01–P

[1] *E.g.,* 18 CFR 35.17, 154.205, 284.123, 341.13.

[2] *Regulations Implementing National Environmental Policy Act of 1969,* Order No. 486, FERC Stats. & Regs. 30,783 (1987) (cross-referenced at 41 FERC 61,284).

[3] 18 CFR 380.4(a)(1) (2017).

[4] 5 U.S.C. 601–612 (2012).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2016–0056; FRL–9974–79-Region 10]

Air Plan Approval; OR: Infrastructure Requirements for the 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and 2012 Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, the Clean Air Act (CAA) requires states to submit a plan for the implementation, maintenance, and enforcement of the standard, commonly referred to as infrastructure requirements. The Environmental Protection Agency (EPA) is proposing to approve the Oregon State Implementation Plan (SIP) as meeting infrastructure requirements for the 2010 nitrogen dioxide (NO_2), 2010 sulfur dioxide (SO_2), and 2012 fine particulate matter ($PM_{2.5}$) NAAQS. The EPA is also proposing to approve, and incorporate by reference, rule changes made by the state to implement the $PM_{2.5}$ NAAQS, relevant to this infrastructure action, and also the ozone NAAQS, which is unrelated to this action, but included for efficiency.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2016–0056, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kristin Hall, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency—Region 10, 1200 Sixth Ave., Seattle, WA 98101; telephone number: (206) 553–6357; email address: *hall.kristin@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us,'' or ''our'' is used, it is intended to refer to the EPA.

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I. Background

On January 22, 2010, the EPA established a primary NO_2 NAAQS at 100 parts per billion (ppb), averaged over one hour, supplementing the existing annual standard (75 FR 6474). Later that year, on June 2, 2010, the EPA promulgated a revised primary SO_2 NAAQS at 75 ppb, based on a three-year average of the annual 99th percentile of one-hour daily maximum concentrations (75 FR 35520). More recently, on December 14, 2012, the EPA lowered the level of the primary annual $PM_{2.5}$ NAAQS to 12 $\mu g/m^3$ and retained the remaining particulate matter standards (January 15 2013, 78 FR 3086). Whenever a new or revised standard is promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of the standard, commonly referred to as infrastructure requirements. On September 13, 2013, the EPA issued guidance to help states address these infrastructure requirements (2013 Guidance).[1] As noted in the 2013 Guidance, to the extent an existing SIP already meets the CAA section 110(a)(2) requirements, states may certify that fact in their submission to the EPA.

On December 27, 2013, Oregon made an infrastructure SIP submission for the 2010 NO_2 and 2010 SO_2 NAAQS.[2] Later, on October 20, 2015, Oregon made an infrastructure SIP submission for the 2012 $PM_{2.5}$ NAAQS.[3] Included in these submissions were specific rule revisions made to implement the revised standards in Oregon. For a detailed discussion of the submitted rule changes, please see Section V. below.

As part of this action we are also addressing a SIP revision submitted by Oregon on July 18, 2017. The July 18, 2017, submission updated an Oregon rule to account for a change to the federal ozone standard. We note that this update to the ozone standard in the Oregon SIP is not relevant to our infrastructure action on the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS, and is only being included in this action for efficiency. For a detailed discussion of this rule change, please see Section V. below.

II. Infrastructure Elements

CAA section 110(a)(1) provides the procedural and timing requirements for SIP submissions after a new or revised NAAQS is promulgated. CAA section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. The requirements, with corresponding CAA subsections, are listed below:

- 110(a)(2)(A): Emission limits and other control measures.
- 110(a)(2)(B): Ambient air quality monitoring/data system.
- 110(a)(2)(C): Program for enforcement of control measures.
- 110(a)(2)(D): Interstate transport.
- 110(a)(2)(E): Adequate resources.
- 110(a)(2)(F): Stationary source monitoring system.
- 110(a)(2)(G): Emergency power.
- 110(a)(2)(H): Future SIP revisions.
- 110(a)(2)(I): Areas designated nonattainment and meet the applicable requirements of part D.
- 110(a)(2)(J): Consultation with government officials; public notification; and Prevention of Significant Deterioration (PSD) and visibility protection.
- 110(a)(2)(K): Air quality modeling/data.

[1] Stephen D. Page, Director, Office of Air Quality Planning and Standards. ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' Memorandum to EPA Air Division Directors, Regions 1–10, September 13, 2013.

[2] The December 27, 2013, submission also addressed infrastructure requirements for the 2008 lead (Pb) NAAQS. We approved the Pb-related portion of the submission on June 24, 2014, therefore, this action does not address the 2008 Pb NAAQS (79 FR 35693).

[3] The October 20, 2015, submission also addressed the interstate transport requirements at CAA section 110(a)(2)(D) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS. However, this action only addresses a portion of the interstate transport requirements, specifically CAA sections 110(a)(2)(D)(i)(II) and 110(a)(2)(D)(ii). We intend to address the remainder, CAA section 110(a)(2)(D)(i)(I), in a separate, future action. *See* section 110(a)(2)(D) below.

- 110(a)(2)(L): Permitting fees.
- 110(a)(2)(M): Consultation/participation by affected local entities.

The EPA's 2013 Guidance restated our interpretation that two elements are not governed by the three-year submission deadline in CAA section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are due on separate schedules, pursuant to CAA section 172 and the various pollutant-specific subparts 2 through 5 of part D. These are submissions required by: (i) CAA section 110(a)(2)(C), to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) CAA section 110(a)(2)(I). As a result, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment new source review (NSR) or CAA section 110(a)(2)(I). The EPA has also determined that the CAA section 110(a)(2)(J) provision on visibility is not triggered by a new NAAQS because the visibility requirements in part C, title I of the CAA are not changed by a new NAAQS.

III. EPA Approach To Review of Infrastructure SIP Submissions

We are proposing to approve Oregon's December 23, 2013, and October 20, 2015, submissions for certain infrastructure requirements. Our most recent action on an Oregon infrastructure submission was published on June 24, 2014 (79 FR 35693). In the preamble of the proposal for that action, we published a discussion of the EPA's overall approach to review of these types of submissions. Please see our April 17, 2014, proposed rule for this discussion (79 FR 21679, at page 21680).

IV. EPA Infrastructure Evaluation

110(a)(2)(A): Emission Limits and Other Control Measures

CAA section 110(a)(2)(A) requires SIPs to include enforceable emission limits and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of the CAA.

State submissions: Oregon's submissions cite multiple Oregon air quality laws and SIP-approved regulations to address this element for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS. Oregon Revised Statutes (ORS) 468A.035 *General Comprehensive Plan* provides authority to the Oregon Department of Environmental Quality (ODEQ) to develop a general comprehensive plan for the control or abatement of air pollution. ORS 468.020 *Rules and Standards* gives the Oregon Environmental Quality Commission (EQC) authority to adopt rules and standards to perform functions vested by law. ORS 468A.025 *Air Purity Standards* provides the EQC with authority to set air quality standards, emission standards, and emission treatment and control provisions. ORS 468A.040 *Permits; Rules* provides that the EQC may require permits for specific sources, type of air contaminant or specific areas of the state. The Oregon submissions also cite these other laws and regulations:

- ORS 468A.045 Activities Prohibited without Permit; Limit on Activities with Permit
- ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.310 Federal Operating Permit Program Approval; Rules; Content of Plan
- ORS 468A.315 Emission Fees for Major Sources; Base Fees; Basis of Fees; Rules
- ORS 468A.350–455 Motor Vehicle Pollution Control
- ORS 468A.460–520 Woodstove Emissions Control
- ORS 468A.550–620 Field Burning and Propane Flaming
- ORS 468A.990 Penalties for Air Pollution Offenses
- OAR 340–200 General Air Pollution Procedures and Definitions
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–204 Designation of Air Quality Areas
- OAR 340–208 Visible Emissions
- OAR 340–216 Air Contaminant Discharge Permits
- OAR 340–222 Stationary Source Plant Site Emission Limits
- OAR 340–224 New Source Review
- OAR 340–225 Air Quality Analysis Requirements
- OAR 340–226 General Emission Standards
- OAR 340–228 Requirements for Fuel Burning Equipment and Fuel Sulfur Content
- OAR 340–232 Emission Standards for VOC Point Sources
- OAR 340–234 Emission Standards for Wood Products Industries: Emission Limitations
- OAR 340–236 Emission Standards for Specific Industries: Emission Limits
- OAR 340–240 Rules for Areas with Unique Air Quality Needs
- OAR 340–242 Rules Applicable to the Portland Area
- OAR 340–250 General Conformity
- OAR 340–252 Transportation Conformity
- OAR 340–256 Motor Vehicles
- OAR 340–258 Motor Vehicle Fuel Specifications
- OAR 340–262 Residential Woodheating
- OAR 340–266 Field Burning Rules
- OAR 340–268 Emission Reduction Credits

EPA analysis: Oregon regulates emissions of NO_2, SO_2, and $PM_{2.5}$ (and nitrogen oxides (NO_X) and sulfur dioxide (SO_2) as precursors to $PM_{2.5}$) through its SIP-approved new source review (NSR) permitting program, in addition to provisions described below. We recently approved updates to the Oregon ambient air quality standards in Division 202 to account for the 2010 NO_2 and 2010 SO_2 NAAQS (82 FR 47122, October 10, 2017). In this action, we are proposing to approve further updates to Division 202 for the 2012 $PM_{2.5}$ NAAQS, at OAR 340–202–0060. For a detailed discussion of the update to Division 202, see Section V. below.

Oregon has no areas designated nonattainment for the 2010 NO_2 and 2012 $PM_{2.5}$ NAAQS, and the EPA is still in the process of completing designations for the 2010 SO_2 NAAQS. We note, however, that the EPA does not consider SIP requirements triggered by the nonattainment area mandates in part D, title I of the CAA to be governed by the submission deadline of CAA section 110(a)(1). Regulations and other control measures for purposes of attainment planning under part D, title I of the CAA are due on a different schedule than infrastructure SIPs.

Oregon's SIP-approved NSR program is administered through Division 216 *Air Contaminant Discharge Permits.* The EPA most recently approved revisions to Oregon's NSR program as meeting federal requirements on October 10, 2017 (82 FR 47122). The program regulates new and modified stationary sources of NO_2, SO_2, direct $PM_{2.5}$, and nitrogen oxides (NO_X) and sulfur dioxide (SO_2) as precursors to $PM_{2.5}$.

In addition to permitting provisions, Oregon's SIP contains numerous rules that limit NO_X, SO_2, and particulate matter emissions. These rules (listed

above) include visible emissions standards, particulate emissions standards, requirements for fuel burning equipment and fuel sulfur content, grain loading standards, refuse burning limitations, emission limits for wood products industries and other industries, residential wood heating restrictions, field burning rules, and motor vehicle pollution controls. As a result, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(A) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(B): Ambient Air Quality Monitoring/Data System

CAA section 110(a)(2)(B) requires SIPs to include provisions to provide for establishment and operation of ambient air quality monitors, collecting and analyzing ambient air quality data, and making these data available to the EPA upon request.

State submissions: The Oregon submissions reference ORS 468.035(a–e, m) *Functions of the Department* which provides authority to conduct and supervise inquiries and programs to assess and communicate air conditions and to obtain necessary resources (assistance, materials, supplies, etc.) to meet these responsibilities. The submissions also reference Division 212 *Stationary Source Testing and Monitoring* regulations.

EPA analysis: A comprehensive air quality monitoring plan, intended to meet federal requirements, was originally submitted by Oregon on December 27, 1979 (40 CFR 52.1970) and approved by the EPA on March 4, 1981 (46 FR 15136). The plan includes statutory and regulatory authority to establish and operate an air quality monitoring network, including NO_2, SO_2, and $PM_{2.5}$ monitoring. Oregon's SIP-approved regulations at Division 212 govern stationary source testing and monitoring in accordance with federal reference methods. Every five years, Oregon assesses the adequacy of the state monitoring network and submits that assessment to the EPA for review. In practice, Oregon operates a comprehensive monitoring network, including NO_2, SO_2, and $PM_{2.5}$ monitoring, compiles and analyzes collected data, and submits the data to the EPA's Air Quality System on a quarterly basis. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(B) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(C): Program for Enforcement of Control Measures

CAA section 110(a)(2)(C) requires states to include a program providing for enforcement of all SIP measures and the regulation of construction of new or modified stationary sources, including a program to meet PSD and nonattainment NSR requirements.

State submissions: The Oregon submissions refer to ORS 468.090–140 *Enforcement* which provides the ODEQ with authority to investigate complaints, investigate and inspect sources for compliance, access records, commence enforcement procedures, and impose civil penalties. In addition, ORS 468.035 *Functions of the Department,* paragraphs (j) and (k), provide the ODEQ with authority to enforce Oregon air pollution laws and compel compliance with any rule, standard, order, permit or condition. The submissions also cite:

- ORS 468.020 Rules and Standards
- ORS 468.065 Issuance of Permits; Consent; Fees; Use
- ORS 468.070 Denial, Modification, Suspension or Revocation of Permits
- ORS 468.920–963 Environmental Crimes
- ORS 468.996–997 Civil Penalties
- ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.035 General Comprehensive Plan
- ORS 468A.040 Permits; Rules
- ORS 468A.045 Activities Prohibited without Permit; Limit on Activities with Permit
- ORS 468A.050 Classification of Air Contamination Sources; Registration and Reporting; Registration and Reporting of Sources; Rules; Fees
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.310 Federal Operating Permit Program Approval; Rules; Content of Plan
- ORS 468A.990 Penalties for Air Pollution Offenses
- OAR 340–012 Enforcement Procedure and Civil Penalties
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–210 Stationary Source Notification Requirements
- OAR 340–214 Stationary Source Reporting Requirements
- OAR 340–216 Air Contaminant Discharge Permits (ADCP)
- OAR 340–224 New Source Review

EPA analysis: The EPA is proposing to find that Oregon code provisions provide the ODEQ with authority applicable to the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ standards to enforce the air quality laws, regulations, permits, and orders promulgated pursuant to ORS Chapters 468 and 468A. The ODEQ staffs and maintains an enforcement program to ensure compliance with SIP requirements. The ODEQ Director, at the direction of the Governor, may enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health (ORS 468.115). Enforcement cases may be referred to the state Attorney General's office for civil or criminal enforcement.

To generally meet the requirements of CAA section 110(a)(2)(C) for regulation of construction of new or modified stationary sources, a state is required to have PSD, nonattainment NSR, and minor NSR permitting programs adequate to implement the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS. As explained above, we are not in this action evaluating nonattainment-related provisions, including the nonattainment NSR program required by part D, title I of the CAA.

Oregon's federally enforceable state operating permit program, at Division 216 *Air Contaminant Discharge Permits,* is also the administrative permit mechanism used to implement the SIP-approved NSR program. We most recently approved revisions to the NSR program (Divisions 200, 202, 209, 212, 216, 222, 224, 225, and 268) as meeting federal requirements at 40 CFR 51.160 through 164 (minor NSR) and 40 CFR 51.166 (PSD) on October 10, 2017 (82 FR 47122). The Oregon minor NSR and PSD rules meet current requirements for all regulated NSR pollutants. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(C) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(D): Interstate Transport

CAA section 110(a)(2)(D)(i) addresses four separate elements, or ''prongs.'' CAA section 110(a)(2)(D)(i)(I) requires state SIPs to contain adequate provisions prohibiting emissions which will contribute significantly to nonattainment of the NAAQS in any other state (prong 1), and adequate provisions prohibiting emissions which will interfere with maintenance of the NAAQS by any other state (prong 2). CAA section 110(a)(2)(D)(i)(II) requires state SIPs to contain adequate provisions prohibiting emissions which will interfere with any other state's required measures to prevent significant

deterioration (PSD) of its air quality (prong 3), and adequate provisions prohibiting emissions which will interfere with any other state's required measures to protect visibility (prong 4).

CAA section 110(a)(2)(D)(ii) states SIPs must include provisions ensuring compliance with the applicable requirements of CAA sections 126 and 115 (relating to interstate and international pollution abatement). CAA section 126 requires notification to neighboring states of potential impacts from a new or modified major stationary source, and specifies how a state may petition the EPA when a major source or group of stationary sources in a state is thought to contribute to certain pollution problems in another state. CAA section 115 governs the process for addressing air pollutants emitted in the United States that cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare in a foreign country.

State submissions: The Oregon submissions address all interstate transport requirements of the CAA, however, we intend to address certain of these requirements in a separate, future action, specifically, CAA section 110(a)(2)(D)(i)(I) prongs 1 and 2. This proposed action addresses the remainder: 110(a)(2)(D)(i)(II) prongs 3 and 4, and 110(a)(2)(D)(ii). To meet these provisions, the Oregon submissions reference the state's SIP-approved NSR program and the state's SIP-approved regional haze plan. The Oregon submissions also reference Division 209 *Public Participation,* approved as part of the Oregon NSR program, and assert that Oregon regulations are consistent with federal requirements in Appendix N of 40 CFR part 50 pertaining to the notification of interstate pollution abatement.

EPA analysis: The EPA believes that the PSD sub-element of CAA section 110(a)(2)(D)(i)(II) (prong 3) is satisfied where major new and modified stationary sources in attainment and unclassifiable areas are subject to a SIP-approved PSD program. The EPA most recently approved revisions to Oregon's NSR program as meeting federal PSD requirements on October 11, 2017 (82 FR 47122). Therefore, we are proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(D)(i)(II) prong 3 with respect to PSD for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

The EPA believes, as noted in the 2013 Guidance, where a state's regional haze plan has been approved as meeting all current obligations, a state may rely upon those provisions in support of its demonstration that it satisfies CAA section 110(a)(2)(D)(i)(II) as it relates to visibility (prong 4). On July 5, 2011, the EPA approved portions of the Oregon regional haze plan, including the requirements for best available retrofit technology (76 FR 38997). We approved the remaining elements of the Oregon regional haze plan on August 22, 2012 (77 FR 50611). Because we approved the Oregon plan as meeting regional haze requirements, we are proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(D)(i)(II) prong 4 visibility requirements with respect to the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

The Division 209 public notice provisions in Oregon's SIP-approved NSR program require that for major NSR permit actions, Oregon must provide notice to neighboring states, among other officials and agencies. This notice requirement is consistent with CAA section 126(a). In addition, Oregon has no pending obligations under section 115 or 126(b) of the CAA. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(D)(ii) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(E): Adequate Resources

CAA section 110(a)(2)(E) requires states to provide (i) necessary assurances that the state will have adequate personnel, funding, and authority under state law to carry out the SIP (and is not prohibited by any provision of federal or state law from carrying out the SIP or portion thereof), (ii) requirements that the state comply with the state board provisions under CAA section 128 and (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of such SIP provision.

State submissions: With respect to sub-element (E)(i), the Oregon submissions cite ORS 468.035 *Functions of Department* which provides the ODEQ authority to employ personnel, purchase supplies, enter into contracts, and to receive, appropriate, and expend federal and other funds for purposes of air pollution research and control. In addition, ORS 468.045 *Functions of Director; Delegation* provides the ODEQ Director with authority to hire, assign, reassign, and coordinate personnel of the department and to administer and enforce the laws of the state concerning environmental quality. In addition, the submission cites the CAA section 105 grants received from the EPA and matched through the Oregon General Fund.

Turning to sub-element (E)(ii), the submissions cite OAR 340–200–0100 *Purpose,* OAR 340–200–0110 *Public Interest Representation,* and OAR 340–200–0120 *Disclosure of Potential Conflicts of Interest.* The submissions state that the EPA approved the listed regulatory provisions as meeting the requirements of CAA section 128 on January 22, 2003 (68 FR 2891).

With respect to sub-element (E)(iii), the submissions cite ORS 468.020 *Rules and Standards* which requires a public hearing on any proposed rule or standard prior to adoption. ORS 468.035(c) *Functions of Department* provides the ODEQ authority to advise, consult, and cooperate with other states, state and federal agencies, or political subdivisions on all air quality control matters. ORS 468A.010 *Policy* calls for a coordinated statewide program of air quality control with responsibility allocated between the state and the units of local government. ORS 468A.100–180 *Regional Air Quality Control Authorities* describes the establishment, role and function of regional air quality control authorities. State regulations Division 200 specify LRAPA has authority in Lane County and defines the term *Regional Agency.* Division 204 includes designation of control areas within Lane County. Division 216 *Air Contaminant Discharge Permits* includes permitting authority for LRAPA.

EPA analysis: We are proposing to find that the above-referenced provisions provide Oregon with adequate authority to carry out SIP obligations with respect to the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS as required by CAA section 110(a)(2)(E)(i). We are also proposing to approve the Oregon SIP as meeting CAA section 110(a)(2)(E)(ii) because we previously approved the SIP for purposes of CAA section 128. On January 22, 2003, we approved OAR 340–200–0100 through OAR 340–200–0120 as meeting CAA section 128 (68 FR 2891). In addition, we previously approved LRAPA Title 12, Section 025 (recodified at LRAPA Title 13, section 025) as meeting CAA section 128 on March 1, 1989 (54 FR 8538).

We are proposing to find that Oregon has provided necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any SIP provision, the state has responsibility for ensuring adequate implementation of the SIP as required by CAA section 110(a)(2)(E)(iii). Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA sections

110(a)(2)(E) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(F): Stationary Source Monitoring System

CAA section 110(a)(2)(F) requires (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to the CAA, which reports shall be available at reasonable times for public inspection.

State submissions: The Oregon submissions refer to the following statutory and regulatory provisions for source emissions monitoring, reporting, and correlation with emission limits or standards:

- ORS 468.020 Rules and Standards
- ORS 468.035 Functions of Department paragraphs (b) and (d)
- ORS 468A.025(4) Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- OAR 340–212 Stationary Source Testing and Monitoring
- OAR 340–214 Stationary Source Reporting Requirements
- OAR 340–222 Stationary Source Plant Site Emission Limits
- OAR 340–225 Air Quality Analysis Requirements
- OAR 340–234 Emission Standards for Wood Products Industries: Monitoring and Reporting
- OAR 340–236 Emission Standards for Specific Industries: Emissions Monitoring and Reporting
- OAR 340–240 Rules for Areas with Unique Air Quality Needs
- OAR 340–250 General Conformity

EPA analysis: The Oregon statutory provisions listed above provide authority to establish a program for measurement and testing of sources, including requirements for sampling and testing with respect to the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS. The Oregon regulations cited above require facilities to monitor and report emissions, including requirements for monitoring methods and design, and monitoring and quality improvement plans. Oregon's stationary source reporting requirements include maintaining written records to demonstrate compliance with emission rules, limitations, or control measures, and requirements for reporting and recordkeeping. Information is made available to the public through public processes outlined at OAR 340–209 *Public Participation.*

Oregon submits emissions data to the EPA for purposes of the National Emissions Inventory (NEI). The NEI is the EPA's central repository for air emissions data. Oregon submits a comprehensive emissions inventory every three years and reports emissions for certain larger sources annually through the EPA's online Emissions Inventory System. Oregon reports emissions data for the six criteria pollutants and also voluntarily reports emissions of hazardous air pollutants. The EPA compiles the emissions data, supplementing it where necessary, and releases it to the general public through the website *https://www.epa.gov/air-emissions-inventories.*

Based on the analysis above, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(F) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(G): Emergency Episodes

CAA section 110(a)(2)(G) requires states to provide for authority to address activities causing imminent and substantial endangerment to public health, including adequate contingency plans to implement the emergency episode provisions in their SIPs.

State submissions: The Oregon submissions cite ORS 468–115 *Enforcement in Cases of Emergency* which authorizes the ODEQ Director, at the direction of the Governor, to enter a cease and desist order for polluting activities that present an imminent and substantial danger to public health. In addition, OAR 340–206 *Air Pollution Emergencies* authorizes the ODEQ Director to declare an air pollution alert or warning, or to issue an advisory to notify the public. OAR 340–214 *Stationary Source Reporting Requirements* governs reporting of emergencies and excess emissions and reporting requirements.

EPA analysis: Section 303 of the CAA provides authority to the EPA Administrator to restrain any source from causing or contribution to emissions which present an ''imminent and substantial endangerment to public health or welfare, or the environment.'' We find that ORS 468–115 *Enforcement in Cases of Emergency* provides emergency order authority comparable to CAA section 303.

We recently approved revisions to the Oregon air pollution emergency rules at OAR 340–206 *Air Pollution Emergencies* on October 11, 2017 (82 FR 47122). Oregon's rules are consistent with federal emergency episode requirements for NO_2, SO_2, and $PM_{2.5}$ (prevention of air pollution emergency episodes, 40 CFR part 51 subpart H; sections 51.150 through 51.153). Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(G) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(H): Future SIP Revisions

CAA section 110(a)(2)(H) requires that SIPs provide for revision of a state plan (i) from time to time as may be necessary to take account of revisions of a national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining the standard, and (ii), except as provided in paragraph 110(a)(3)(C), whenever the Administrator finds that the SIP is substantially inadequate to attain the NAAQS which it implements or to otherwise comply with any additional requirements under the CAA.

State submissions: The Oregon submissions refer to ORS 468.020 *Rules and Standards* which requires public notice on any proposed rule or standard prior to adoption, and ORS 468A.035 ''General Comprehensive Plan'' which requires the ODEQ to develop a general comprehensive plan for the control or abatement of air pollution. The submissions also refer to OAR 340–200–0040 *State of Oregon Clean Air Act Implementation Plan* which provides for revisions to the Oregon SIP and submission of revisions to the EPA, including standards submitted by a regional authority and adopted verbatim into state rules.

EPA analysis: As cited above, the Oregon SIP provides for revisions, and in practice, Oregon regularly submits SIP revisions to the EPA. On October 11, 2017, the EPA approved a large number of revisions to the Oregon SIP (82 FR 47122). Other recent EPA actions on revisions to the Oregon SIP include but are not limited to: April 13, 2016 (81 FR 21814), October 23, 2015 (80 FR 64346), April 25, 2013 (78 FR 24347), October 4, 2012 (77 FR 60627), and November 27, 2011 (76 FR 80747). Accordingly, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(H) for the 2010 NO_2, 2010 SO_2, 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(I): Nonattainment Area Plan Revision Under Part D

There are two elements identified in CAA section 110(a)(2) not governed by the three-year submission deadline of CAA section 110(a)(1) because SIPs

incorporating necessary local nonattainment area controls are due on nonattainment area plan schedules pursuant to section 172 and the various pollutant-specific subparts 2 through 5 of part D. These are submissions required by: (i) CAA section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D, title I of the CAA, and (ii) section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, title I of the CAA. As a result, this action does not address CAA section 110(a)(2)(C) with respect to nonattainment NSR or CAA section 110(a)(2)(I).

110(a)(2)(J): Consultation With Government Officials

CAA section 110(a)(2)(J) requires states to provide a process for consultation with local governments and federal land managers carrying out NAAQS implementation requirements pursuant to CAA section 121. CAA section 110(a)(2)(J) further requires states to notify the public if NAAQS are exceeded in an area and to enhance public awareness of measures that can be taken to prevent exceedances. Lastly, CAA section 110(a)(2)(J) requires states to meet applicable requirements of part C, title I of the CAA related to prevention of significant deterioration and visibility protection.

State submissions: The Oregon submissions reference specific laws and regulations relating to consultation, public notification, and PSD:

- ORS 468.020 Rules and Standards
- ORS 468.035 Functions of Department paragraphs (a), (c), (f), and (g)
- ORS 468A.010 Policy paragraphs (1)(b) and (c)
- ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- OAR 340–202 Ambient Air Quality Standards and PSD Increments
- OAR 340–204 Designation of Air Quality Areas
- OAR 340–224 New Source Review
- OAR 340–225 Air Quality Analysis Requirements

EPA analysis: The Oregon SIP includes specific provisions for consulting with local governments and federal land managers as specified in CAA section 121, including the Oregon rules for PSD permitting. The EPA most recently approved revisions to the Oregon NSR program, which provides opportunity and procedures for public comment and notice to appropriate federal, state and local agencies, on October 11, 2017 (82 FR 47122). In addition, we approved the Oregon rules that define transportation conformity consultation on October 4, 2012 (77 FR 60627) and regional haze interagency planning on July 5, 2011 (76 FR 38997).

In practice, the ODEQ routinely coordinates with local governments, states, federal land managers and other stakeholders on air quality issues including transportation conformity and regional haze, and provides notice to appropriate agencies related to permitting actions. Oregon participates in regional planning processes including the Western Regional Air Partnership, which is a voluntary partnership of states, tribes, federal land managers, local air agencies and the EPA, whose purpose is to understand current and evolving regional air quality issues in the West. Based on the provisions above, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for consultation with government officials for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

Section 110(a)(2)(J) also requires states to notify the public if ambient air quality standards are exceeded in an area. States must advise the public of the health hazards associated with air pollution and what can be done to prevent exceedances. The EPA calculates an air quality index for five major air pollutants regulated by the CAA: Ground-level ozone, particulate matter, carbon monoxide, sulfur dioxide, and nitrogen dioxide. This air quality index (AQI) provides daily information to the public on air quality. Oregon actively participates and submits information to the EPA's AIRNOW and Enviroflash Air Quality Alert programs which provide information to the public on local air quality. Oregon also provides the AQI to the public at *http://www.deq.state.or.us/aqi/*. Therefore, we are proposing to find that the Oregon SIP meets the requirements of CAA section 110(a)(2)(J) for public notification for the 2010 NO_2, 2010 SO_2, 2012 $PM_{2.5}$ NAAQS.

Turning to the requirement in CAA section 110(a)(2)(J) that the SIP meet the applicable requirements of part C, title I of the CAA, we have evaluated this requirement in the context of CAA section 110(a)(2)(C) and permitting. The EPA most recently approved revisions to Oregon's PSD program on October 11, 2017 (82 FR 47122), updating the program for current federal requirements. Therefore, we are proposing to approve the Oregon SIP as meeting the requirements of CAA 110(a)(2)(J) with respect to PSD for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

With respect to visibility protection under element (J), the EPA recognizes that states are subject to visibility and regional haze program requirements under part C of the CAA. In the event of the establishment of a new NAAQS, however, the visibility and regional haze program requirements under part C do not change. Thus we find that there is no new applicable requirement relating to visibility triggered under CAA section 110(a)(2)(J) when a new NAAQS becomes effective.

Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(J) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(K): Air Quality and Modeling/Data

CAA section 110(a)(2)(K) requires that SIPs provide for (i) the performance of air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a NAAQS, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator.

State submissions: The Oregon submissions refer to ORS 468–020 *Rules and Standards* which requires public hearing on any proposed rule or standard prior to adoption, and ORS 468.035 *Functions of Department* which provides the ODEQ authority to conduct studies and investigations to determine air quality. The submissions also reference OAR 340–225 *Air Quality Analysis Requirements* which includes modeling requirements for analysis and demonstration of compliance with standards and increments in specified areas.

EPA analysis: The EPA previously approved OAR 340–225 *Air Quality Analysis Requirements* on October 11, 2017 (82 FR 47122) and these rules specify that modeled estimates of ambient concentrations be based on 40 CFR part 51, Appendix W (Guidelines on Air Quality Models). Any change or substitution from models specified in 40 CFR part 51, Appendix W is subject to notice and opportunity for public comment and must receive prior written approval from the ODEQ and the EPA. In addition, as an example of the state's modeling capacity, we cite to a recent Oregon SIP revision, the Klamath Falls $PM_{2.5}$ attainment plan, that was supported by modeling. The EPA approved the SIP revision on June 6, 2016 (81 FR 36176). Based on the above analysis, we are proposing to approve the Oregon SIP as meeting the

requirements of CAA section 110(a)(2)(K) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(L): Permitting Fees

CAA section 110(a)(2)(L) directs SIPs to require each major stationary source to pay permitting fees to cover the cost of reviewing, approving, implementing and enforcing a permit.

State submissions: The Oregon submissions refer to ORS 468.065 *Issuance of Permits: Content; Fees; Use* which provides the EQC authority to establish a schedule of fees for permits based on the costs of filing and investigating applications, issuing or denying permits, carrying out title V requirements and determining compliance. ORS 468A.040 *Permits; Rules* provides that the EQC may require permits for air contamination sources, type of air contaminant, or specific areas of the state. The submission also references OAR 340–216 *Air Contaminant Discharge Permits* which requires payment of permit fees based on a specified table of sources and fee schedule.

EPA analysis: On September 28, 1995, the EPA fully-approved Oregon's title V operating permit program (60 FR 50106). While Oregon's title V program is not formally approved into the SIP, it is a mechanism the state can use to ensure that the ODEQ has sufficient resources to support the air program, consistent with the requirements of the SIP. Before the EPA can grant full approval, a state must demonstrate the ability to collect adequate fees. The Oregon title V program included a demonstration that fees would be adequate, and that the state would collect fees from title V sources above the presumptive minimum in accordance with 40 CFR 70.9(b)(2)(i). In addition, we note that Oregon SIP-approved regulations require fees for purposes of major and minor NSR permitting, as specified in OAR 340–216–0090 *Sources Subject to ADCP and Fees,* OAR 340–216–8010 *Table 1—Activities and Sources,* and OAR 340–216–8020 *Table 2—Air Contaminant Discharge Permits (fee schedule).* Therefore, we are proposing to conclude that Oregon has satisfied the requirements of CAA section 110(a)(2)(L) for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS.

110(a)(2)(M): Consultation/Participation by Affected Local Entities

CAA section 110(a)(2)(M) requires states to provide for consultation and participation in SIP development by local political subdivisions affected by the SIP.

State submissions: The Oregon submissions refer to the following laws and regulations:

- ORS 468.020 Rules and Standards
- ORS 468.035 Functions of Department paragraphs (a), (c), (f), and (g)
- ORS 468A.010 Policy paragraphs (1)(b) and (c)
- ORS 468A.025 Air Purity Standards; Air Quality Standards; Treatment and Control of Emissions; Rules
- ORS 468A.035 General Comprehensive Plan
- ORS 468A.040 Permits; Rules
- ORS 468A.055 Notice Prior to Construction of New Sources; Order Authorizing or Prohibiting Construction; Effect of No Order; Appeal
- ORS 468A.070 Measurement and Testing of Contamination Sources; Rules
- ORS 468A.100–180 Regional Air Quality Control Authorities
- OAR 340–200 General Air Pollution Procedures and Definitions
- OAR 340–204 Designation of Air Quality Areas
- OAR 340–216 Air Contaminant Discharge Permits

EPA analysis: The regulations cited by Oregon were previously approved on December 27, 2011 (76 FR 80747), and provide for consultation and participation in SIP development by local political subdivisions affected by the SIP. We are proposing to approve the Oregon SIP as meeting the requirements of CAA section 110(a)(2)(M) for the 2010 NO_2, 2010 SO_2, and the 2012 $PM_{2.5}$ NAAQS.

V. Rule Revisions

Oregon submitted several rule revisions in the December 27, 2013, and October 20, 2015, SIP submissions. However, most of these rule revisions were superseded by rule changes submitted on April 22, 2015 and approved on October 11, 2017 (82 FR 47122).[4] There are two rule changes that are relevant to our proposed infrastructure action and that were not superseded by the April 22, 2015, submission. Specifically, Oregon revised OAR 340–202–0060 *Suspended Particulate Matter* to lower the level of the primary annual fine particulate matter standard from 15 μg/m^3 to 12 μg/m^3, consistent with the federal $PM_{2.5}$ NAAQS promulgated on December 14, 2012 at 40 CFR 50.18 (January 15, 2013, 78 FR 3086). Oregon also revised OAR 340–200–0030(22) *NAAQS* to include $PM_{2.5}$ in the definition of NAAQS pollutants. We propose to approve these rule changes related to $PM_{2.5}$ because they are consistent with the federal $PM_{2.5}$ NAAQS.

As part of this action we are also proposing to approve a SIP revision submitted by Oregon on July 18, 2017. The July 18, 2017, submission updated Oregon rules to account for changes to the federal ozone standard. Specifically, Oregon revised OAR 340–202–0090 *Ozone* to lower the level of the 8-hour ozone standard from 0.075 ppm to 0.070 ppm, consistent with the federal ozone NAAQS promulgated on October 1, 2015 at 40 CFR 50.19 (October 26, 2015; 80 FR 65292). We note that this update to the ozone standard in the Oregon SIP is not relevant to our infrastructure action on the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS, and is only being included in this action for efficiency. We propose to approve this rule update for the revised ozone standard because it is consistent with the federal ozone standard.

With respect to each of the submissions, we are taking no action on OAR 340–200–0040 *State of Oregon Clean Air Act Implementation Plan* because we have determined it is inappropriate to take action on a provision addressing state SIP adoption procedures, and because the relevant SIP provisions adopted into this rule at OAR 340–200–0040 have been separately submitted for approval, namely, the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ infrastructure submissions and the specific rule revisions described above.

VI. Proposed Action

The EPA is proposing to approve Oregon's December 27, 2013 and October 20, 2015, SIP submissions as meeting specific infrastructure requirements of the CAA. We propose to find that the Oregon SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2010 NO_2, 2010 SO_2, and 2012 $PM_{2.5}$ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

We are proposing to approve, and incorporate by reference at 40 CFR part 52, subpart MM, the following rule sections submitted October 20, 2015 (state effective October 16, 2015): OAR 340–202–0060 *Suspended Particulate Matter;* and OAR 340–250–0030(22) *NAAQS.* We are also proposing to approve, and incorporate by reference at 40 CFR part 52, subpart MM, the

[4] Oregon's December 27, 2013 and October 20, 2015 submissions included revisions to OAR 340–200–0020, OAR 340–200–0040, OAR 340–202–0060, OAR 340–202–0070, OAR 340–202–0130, OAR 340–250–0030(22). Oregon's April 22, 2015, submission superseded all but OAR 340–200–0060 and OAR 340–200–0030(22) (October 11, 2017; 82 FR 47122).

following rule section submitted July 18, 2017 (state effective July 13, 2017): OAR 340–202–0090 *Ozone.* We note that this update to OAR 340–202–0090 is not related to, nor is it necessary for our infrastructure action. We are including it in this action for efficiency.

VII. Incorporation by Reference

In this rule, we are proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are proposing to incorporate by reference the provisions described above in Section VI. Proposed Action. The EPA has made, and will continue to make, these documents generally available electronically through *https://www.regulations.gov* and in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

VIII. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed 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 proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

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

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

Dated: February 8, 2018.

Chris Hladick,

Regional Administrator, Region 10.

[FR Doc. 2018–03675 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 300 and 679

[Docket No. 170626590–8143–01]

RIN 0648–BG94

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Sablefish Individual Fishing Quota Program; Community Development Quota Program; Modifications to Recordkeeping and Reporting Requirements

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues a proposed rule that would modify regulations governing the Halibut and Sablefish Individual Fishing Quota (IFQ) Program. This proposed rule includes three actions. The first action would allow Western Alaska Community Development Quota (CDQ) groups to lease (to receive by transfer) halibut individual fishing quota (IFQ) in IFQ regulatory areas 4B, 4C, and 4D in years of extremely low halibut commercial catch limits. This proposed action is necessary to provide additional harvest opportunities to CDQ groups and community residents, and provide IFQ holders with the opportunity to receive value for their IFQ when the halibut commercial catch limits may not be large enough to provide for an economically viable fishery for IFQ holders. The second action would remove an obsolete reference in the IFQ Program regulations. The third action would clarify IFQ vessel use cap regulations. This proposed rule is intended to promote the goals and objectives of the Northern Pacific Halibut Act of 1982, the Magnuson-Stevens Fishery Conservation and Management Act, the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area, and other applicable laws.

DATES: Submit comments on or before March 26, 2018.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2017–0072, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0072,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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 and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying

information (*e.g.,* name, address), 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).

Electronic copies of the Regulatory Impact Review (referred to as the ''Analysis'') and the Categorical Exclusion prepared for this proposed rule may be obtained from *http://www.regulations.gov* or from the NMFS Alaska Region website at *http://alaskafisheries.noaa.gov.*

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to NMFS at the above address; by email to *OIRA_Submission@omb.eop.gov;* or by fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Stephanie Warpinski, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Authority for Action

The International Pacific Halibut Commission (IPHC) and NMFS manage fishing for Pacific halibut through regulations established under the authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). The IPHC promulgates regulations governing the halibut fishery under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention). The IPHC's regulations are subject to approval by the Secretary of State with the concurrence of the Secretary of Commerce (Secretary). NMFS publishes the IPHC's regulations as annual management measures pursuant to 50 CFR 300.62.

The Halibut Act, at sections 773c(a) and (b), provides the Secretary with general responsibility to carry out the Convention and the Halibut Act. The Halibut Act, at section 773c(c), also provides the North Pacific Fishery Management Council (Council) with authority to develop regulations, including limited access regulations, that are in addition to, and not in conflict with, approved IPHC regulations. Regulations developed by the Council may be implemented by NMFS only after approval by the Secretary.

The Council developed the Individual Fishing Quota Program (IFQ Program) for the commercial halibut and sablefish fisheries. The IFQ Program for the halibut fishery is implemented by Federal regulations at 50 CFR part 679 under the authority of the section 773 of the Halibut Act. The IFQ Program for the sablefish fishery is implemented by the Bering Sea and Aleutian Islands (BSAI) Fishery Management Plan (FMP) and Federal regulations at 50 CFR part 679 under the authority of section 303(b) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Background

The IFQ Program

The IFQ Program for the management of the fixed gear (hook-and-line and pot gear) halibut and sablefish fisheries off Alaska was implemented by NMFS in 1995 (58 FR 59375; November 9, 1993). The Council and NMFS designed the IFQ Program to allocate harvest privileges among participants in the commercial halibut and sablefish fisheries to reduce fishing capacity that had led to an unsafe ''race for fish'' as vessels raced to harvest their annual catch limits as quickly as possible before the annual limit was reached. A central objective of the IFQ Program is to support the social and economic character of the fisheries and the coastal fishing communities where many of these fisheries are based.

Under the IFQ Program, access to the fixed gear sablefish and halibut fisheries is limited to those persons holding quota share (QS). NMFS issued separate QS for sablefish and halibut to qualified applicants based on their historical participation during a set of qualifying years in the sablefish and halibut fisheries. QS is an exclusive, revocable privilege that allows the holder to harvest a specific percentage of either the total allowable catch (TAC) in the sablefish fishery or the annual commercial catch limit in the halibut fishery. In addition to being specific to sablefish or halibut, QS is designated for specific geographic areas of harvest, a specific vessel operation type (catcher vessel or catcher/processor), and for a specific range of vessel sizes that may be used to harvest the sablefish or halibut (vessel category). There are four vessel categories of halibut QS: Category A shares are designated for catcher/processors, vessels that process their catch at sea (*i.e.,* freezer longline vessels), and do not have a vessel length restriction; Category B shares are designated to be fished on catcher vessels greater than 60 feet length overall (LOA); Category C shares are designated to be fished on catcher vessels greater than 35 feet but less than or equal to 60 feet LOA; and Category D shares are designated to be fished on catcher vessels less than or equal to 35 feet LOA.

NMFS annually issues IFQ permits to each QS holder. An annual IFQ permit authorizes the permit holder to harvest a specified amount of the IFQ species in a regulatory area from a specific operation type and vessel category. IFQ is expressed in pounds and is based on the amount of QS held in relation to the total QS pool for each regulatory area with an assigned catch limit.

In addition to ending the race for fish, other goals of the IFQ Program are to prevent absentee ownership of QS and promote an owner-operator fleet. To meet these goals, the IFQ Program includes restrictions on the ability of QS holders to transfer their annual IFQ. The Council and NMFS recognized that at the time the IFQ Program was implemented, some QS holders had long-standing business arrangements with hired masters who harvested IFQ on behalf of the QS holder. Therefore, the IFQ Program authorizes the use of hired masters in certain instances. Since the implementation of the IFQ Program, the Council has recommended and NMFS has approved further regulatory amendments to limit the ability of QS holders to designate a hired master to discourage absentee ownership and move towards an owner-operated program (see Section 3.8.3.1 of the Analysis).

The IFQ Program allows limited transfers of IFQ under specific conditions, including temporary medical transfers, survivorship transfer privileges, temporary military transfers, transfers through the Community Quota Entity Program, and transfers to the guided angler fish program. When these specific conditions are met, regulations allow a QS holder to designate a hired master to land the resulting IFQ derived from that holder's QS (see 50 CFR 679.41).

The Council and the public frequently use the terms ''IFQ lease'' or ''lease'' to refer to the transfer of IFQ without a transfer of the underlying QS. However, NMFS does not generally use the term ''lease'' in its IFQ Program regulations governing the transfer of IFQ. For consistency with the terminology used in the existing regulations and for clarity, this proposed rule uses the term ''transfer of IFQ''.

As described above, the halibut fishery is managed in separate geographic areas of harvest, as determined by the IPHC. Accordingly, NMFS issues halibut IFQ consistent with the IPHC's regulatory areas. NMFS's IFQ regulatory areas are described in Figure 15 to part 679. This proposed rule uses the term ''Area'' to

refer to a specific IFQ regulatory area (*e.g.,* Area 4B). The first action in this proposed rule only pertains to Areas 4B, 4C, 4D, and 4E. Area 4B includes waters in the Central and Western Aleutian Islands. Areas 4C, 4D, and 4E include waters north of the Aleutian Islands, in the Bering Sea, and around the Pribilof Islands (see Section 1.3 of the Analysis). The IPHC considers the halibut in Areas 4C, 4D, and 4E to be a single stock unit for stock assessment and management purposes, and often refers to them combined as Areas 4CDE.

The commercial catch limits for Areas 4B, 4C, and 4D are allocated between two distinct management programs, the CDQ Program and the IFQ Program. Throughout the duration of the IFQ Program, the Area 4E commercial catch limit has been exclusively allocated to the CDQ Program; therefore, no Area 4E QS or IFQ is allocated.

Overall, the halibut IFQ commercial catch limits in Areas 4B and 4CDE have trended downward over the past 15 years (see Section 3.6.1 of the Analysis). The Area 4B commercial catch limit has dropped substantially from 2001 to 2007 (about 3.9 million pounds in 2001 to about 1.1 million pounds in 2007). Although there was a slight increasing trend between 2008 and 2011, the commercial catch limit for IFQ trended downward again from 2012 to 2015. In 2015, the Area 4B commercial catch limit for IFQ (about 0.9 million pounds) was less than a quarter of what it was in 2001. The combined commercial catch limit for IFQ in Areas 4C and 4D has seen more fluctuation during this period, but has still experienced an overall downward trend since 2007. In 2007, the combined commercial catch limit for IFQ in Areas 4C and 4D was about 2.2 million pounds; in 2015, it was about 0.7 million pounds.

The CDQ Program

The CDQ Program was implemented in 1992, and in 1996, the Magnuson-Stevens Act was amended to include provisions specific to the CDQ Program. The purpose of the CDQ Program is: (1) To provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the Bering Sea and Aleutian Islands management area (BSAI); (2) to support economic development in western Alaska; (3) to alleviate poverty and provide economic and social benefits for residents of western Alaska; and (4) to achieve sustainable and diversified local economies in western Alaska (16 U.S.C. 1855(i)(1)(A)).

The CDQ Program consists of six different non-profit managing organizations (CDQ groups) representing different geographical regions in Alaska: Aleutian Pribilof Island Community Development Association (APICDA), Bristol Bay Economic Development Corporation (BBEDC), Central Bering Sea Fishermen's Association (CBSFA), Coastal Villages Region Fund (CVRF), Norton Sound Economic Development Corporation (NSEDC), and Yukon Delta Fisheries Development Association (YDFDA). The CDQ Program receives annual allocations of TAC for a variety of commercially valuable species in the BSAI groundfish, crab, and halibut fisheries, which are in turn allocated among the CDQ groups. CDQ groups use their allocations of halibut to provide opportunities for small vessel fishing by residents of their member communities.

Among the species CDQ groups are allocated for commercial fishing, Pacific halibut is an important species for community resident employment and income. NMFS allocates halibut to CDQ groups for commercial fisheries in four Areas: 4B, 4C, 4D, and 4E (see Section 3.5.1 of the Analysis). Allocations of halibut CDQ are correlated with the geographic area in which a CDQ group's member communities are located. For example, 30 percent of the halibut commercial catch limit in Area 4B is allocated to the CDQ Program. The entire allocation to the CDQ Program in Area 4B is provided to APICDA, which represents all of the CDQ communities located within the geographic range of Area 4B. Area 4C surrounds the Pribilof Islands, and the portion of the halibut commercial catch limit allocated to the CDQ program is split between CBSFA (which represents the CDQ community of St. Paul) and APICDA (which represents the CDQ community of St. George). The CDQ allocation in Area 4D is split among BBEDC, NSEDC, and YDFDA. The CDQ allocation in Area 4E is split between BBEDC and CVRF. A CDQ group may transfer its halibut CDQ to another CDQ group that has halibut CDQ allocation in the same regulatory area (50 CFR 679.31(c)).

The Council recommended and NMFS approved amendments to the IFQ Program to allow CDQ Program participants to harvest allocations of Area 4D halibut CDQ in Area 4E. This provision allows residents in CDQ communities along the Western Alaska coast to have more near-shore opportunities to harvest their group's halibut CDQ (68 FR 9902, March 3, 2003). Additionally, the Council recommended and NMFS approved amendments to the IFQ Program to allow for the harvest of Area 4C halibut IFQ and CDQ in Area 4D in response to reports of localized depletion, decreasing catch per unit effort, and resultant limitations on the optimal utilization of Area 4C halibut IFQ and CDQ (70 FR 43328, July 27, 2005). See Section 3.5.2 of the Analysis for additional detail on the history of the halibut CDQ fishery.

The resident halibut CDQ fleets and criteria for participation in CDQ fisheries vary among the CDQ groups. Resource use is impacted by factors such as the number of interested and qualified residents, the location of the halibut resource relative to nearshore fishing grounds, other fishing opportunities (such as salmon and crab), other employment opportunities, and the availability of processing operations. Also, the resident halibut CDQ fleet is impacted by internal economic decisions made by the CDQ groups and in the ways the CDQ groups choose to promote economic development in their communities. In general, many of the small boat fishermen in CDQ communities are dependent on the halibut fishery (Section 3.5.3 of the Analysis).

Need for Action

The downward trend of halibut commercial catch limits in Areas 4B and 4CDE over the past 15 years has been dramatic, with current limits significantly lower than in the recent past years. The recent years of low halibut abundance and the resulting low commercial catch limits in Areas 4B and 4CDE have made it increasingly difficult for most CDQ groups to create a viable commercial halibut fishing opportunity for their community residents. The halibut resource is economically significant for small vessel fishing operations as well as culturally and socially important for residents of Western Alaska CDQ communities. Correspondingly, low halibut abundance and the resulting low commercial catch limits in Areas 4B, 4C, and 4D have made it increasingly difficult for IFQ holders to have an economically viable fishery.

Under current regulations, CDQ groups cannot receive by transfer any IFQ derived from catcher vessel QS. Current regulations also prohibit halibut QS holders from transferring their IFQ separate from the underlying QS except in very narrow, specific situations, such as temporary military transfers (see Section 3.7 of the Analysis for more information). These restrictions limit the options for CDQ groups to temporarily expand opportunities for halibut fishing by community residents in times of low halibut abundance (see Section 3.7 of the Analysis).

To address these problems, this proposed rule would create a voluntary

option for an IFQ holder in Areas 4B, 4C and 4D to temporarily transfer his or her halibut IFQ to a CDQ group in years of extremely low halibut abundance. This proposed flexibility would allow CDQ groups to expand the fishing opportunities for the small boat fleets operating out of the CDQ group's communities and provide IFQ holders with the opportunity to receive value for their IFQ when extremely low halibut commercial catch limits may not be large enough to provide for an economically viable fishery for IFQ holders.

This Proposed Rule and the Anticipated Effects

This proposed rule includes three actions. The primary action, Action 1, would create a voluntary option for an IFQ holder to temporarily transfer his or her halibut IFQ to a CDQ group in years of extremely low halibut abundance. Actions 2 and 3 would make minor regulatory adjustments to remove an obsolete reference in the IFQ Program regulations and to clarify IFQ vessel use cap regulations, respectively. The following paragraphs provide additional detail on the proposed actions.

Action 1

This proposed rule would: (1) Define the halibut commercial catch limits under which CDQ groups could receive IFQ by transfer; (2) establish limits on the types and amounts of IFQ that can be transferred; and (3) establish reporting requirements for CDQ groups receiving IFQ by transfer. This proposed rule would not convert transferred IFQ to CDQ. Allocations of halibut CDQ would not change under this proposed rule.

Under this proposed rule, CDQ groups would be able to receive transfers of halibut catcher vessel IFQ (Categories B, C, and D IFQ) in Areas 4C and 4D when the IPHC approves a halibut commercial catch limit that is less than 1.5 million pounds in Areas 4CDE. CDQ groups would be able to receive transfers of halibut catcher vessel IFQ (Categories B, C, and D IFQ) in Area 4B when the IPHC approves a halibut commercial catch limit that is less than 1 million pounds in Area 4B. IFQ holders would be able to transfer both blocked and unblocked IFQ to CDQ groups. This proposed rule would not revise current regulations that authorize an IFQ holder in Areas 4B, 4C and 4D to transfer his or her Category A halibut IFQ to any qualified person, including a CDQ group. This proposed rule would provide additional harvesting flexibility for Category A halibut IFQ transferred to a CDQ group in years of extremely low halibut abundance, as described in more detail below.

The Council recommended these thresholds based on an analysis of commercial catch limits between 2008 and 2017, a period of time representing a range of different halibut commercial catch limits and decreasing opportunities for CDQ community fishermen. The Council considered a range of different commercial catch limit thresholds for both Area 4B and Areas 4CDE, before selecting these thresholds. Section 3.8.5 of the Analysis shows that from 2008 to 2016, the halibut commercial catch limit in Area 4B was never below the proposed threshold of 1 million pounds. However, in Areas 4CDE, the halibut commercial catch limit was below the proposed threshold of 1.5 million pounds in 2 years, 2014 and 2015. Therefore, under halibut abundance conditions over the last 8 years, had this proposed rule been in effect it would have allowed IFQ transfers to CDQ groups to occur in only 2 years, and only in Areas 4CDE.

In selecting these thresholds, the Council sought to balance the goal of providing additional halibut fishing opportunities for CDQ residents when the halibut CDQ allocation alone may not be large enough to sustain small vessel resident fisheries, with the need to avoid potential adverse distributional impacts on other halibut IFQ users that could result if IFQ transfers were permitted. The Council also indicated that the flexibility to transfer halibut IFQ in Areas 4B, 4C, and 4D was to be available only during worst case scenarios for halibut commercial catch limits in these Areas (Section 2.3 of the Analysis). For Areas 4CDE, the Council determined and NMFS agrees that a halibut commercial catch limit below 1.5 million pounds, as was experienced in 2014 and 2015, reflects a worst case scenario for Areas 4CDE as it represents an extremely low commercial catch limit for these Areas. For Area 4B, the Council determined and NMFS agrees that a halibut commercial catch limit below 1 million pounds, which has not been experienced during the last 10 years, reflects a worst case scenario for Area 4B as it represents an extremely low commercial catch limit for this Area. The Council selected a lower threshold for Area 4B due to concerns expressed by the public about potentially adverse distributional impacts on the community of Adak with a threshold that was higher than 1 million pounds.

This proposed rule would establish several limits on the catcher vessel IFQ that can be transferred as well as some flexibility with transferred catcher vessel and catcher/processor IFQ. This proposed rule includes five limits: (1) A CDQ group would only be able to receive catcher vessel IFQ by transfer for an Area in which it also holds halibut CDQ; (2) no vessel greater than 51 feet in length overall (LOA) could be used to harvest catcher vessel IFQ transferred to a CDQ group; (3) catcher vessel IFQ resulting from QS acquired after December 14, 2015 could not be transferred to a CDQ group until 3 years after the QS was acquired (*i.e.,* a cooling off period); (4) an IFQ holder would not be allowed to transfer catcher vessel halibut IFQ to a CDQ group for more than 2 consecutive years; and (5) in Area 4B, only those QS holders who hold less than 76,355 QS units specified for Area 4B would be allowed to transfer their catcher vessel IFQ to CDQ groups.

The first limit would prevent a CDQ group from receiving catcher vessel halibut IFQ by transfer for an Area in which that CDQ group does not hold halibut CDQ. The Council recommended this provision so that any catcher vessel IFQ transferred to a CDQ group would be available for use in conjunction with halibut CDQ that is issued to a CDQ group. The Council determined, and NMFS agrees, that coupling catcher vessel IFQ received by transfer to areas in which a CDQ group hold halibut CDQ would ensure that the benefits of the IFQ transfer manifest with the intended recipients—the resident halibut fleet in the CDQ group's communities adjacent to the Area. For example, if a CDQ group is issued halibut CDQ in Areas 4B and 4C, that CDQ group could only receive catcher vessel Area 4B and Area 4C IFQ by transfer. Additionally, under this proposed rule at § 679.42(a)(iii) and (iv), CDQ groups that are eligible to receive a transfer of Area 4D catcher vessel IFQ would be able to harvest that IFQ, and any Category A IFQ it holds, in Area 4E (Section 3.5.2 of the Analysis). The Council determined, and NMFS agrees, that this additional flexibility would improve the effectiveness of the proposed action by enabling transferred IFQ to be fished closer to shore so that smaller vessels typically used by residents in CDQ communities can more easily participate in halibut fisheries. This proposed flexibility also would be consistent with section 11(8) of the IPHC annual management measures, which allows Area 4D halibut CDQ to be harvested in Area 4E. However, the IPHC would need to revise its annual management measures to extend this harvesting flexibility to catcher vessel and catcher/processor IFQ held by a

CDQ group before NMFS can approve it (see section 3.8.6 of the Analysis). The IPHC is scheduled to consider this revision to the annual management measures at its January 2018 annual meeting. NMFS will take into account the IPHC's decision when developing the final rule for this action.

The second limit would prohibit the use of vessels greater than 51 feet LOA to harvest catcher vessel IFQ that is transferred to a CDQ group. The Council recommended this vessel size limit because this is the largest size vessel owned by CDQ community residents that has landed halibut CDQ during the past 10 years, 2008 through 2017 (Section 3.5.3 of the Analysis). Because this proposed rule is intended to provide additional harvest opportunities to CDQ community residents, the Council determined and NMFS agrees that allowing larger than 51 feel LOA to harvest transferred catcher vessel IFQ would be inconsistent with this objective. Current regulations provide sufficient flexibility to allow IFQ that could be transferred to a CDQ group under this proposed rule to be fished on a vessel of any length up to 51 feet LOA (see Section 2.4 of the Analysis).

This proposed rule would also clarify that any Area 4D Category A IFQ that is held by a CDQ group or transferred to a CDQ group may be fished in Area 4E by vessels less than or equal to 51 feet LOA when the commercial catch limit threshold in Area 4CDE is triggered. The Council determined and NMFS agrees that this provision would provide additional harvest opportunities for CDQ residents. The 51-foot LOA restriction would help ensure additional harvest opportunities would be provided on the size class of vessels used by CDQ community residents (see Section 3.8.6 in the Analysis for additional detail). This proposed rule would not revise current regulations that authorize Category A IFQ for Areas 4B, 4C, or 4D to be fished in the corresponding Area on a vessel of any length.

Under the third limit, IFQ resulting from QS acquired after December 14, 2015 could not be transferred to a CDQ group until 3 years after the QS was acquired. This provision would effectively create a ''cooling off'' period. For example, if a person acquired Area 4C halibut QS on March 15, 2016, that holder would not be eligible to transfer the IFQ from that QS to a CDQ group until March 14, 2019. The Council determined and NMFS agrees that the proposed cooling off period is necessary to reduce the incentive to QS holders to acquire QS with the intention of transferring the resulting IFQ to CDQ groups rather than fishing the IFQ. Section 3.8.7 of the Analysis notes that the Council considered a range of cooling off periods from 3 to 5 years. In selecting the proposed cooling off period, the Council determined and NMFS agrees that a 3-year period would balance the objectives of reducing the incentives for QS holders to acquire QS with the intention of transferring it to CDQ groups with the need to provide an adequate market for CDQ groups to receive IFQ by transfer. The Council also recommended that QS acquired after December 14, 2015, be subject to the cooling off period. The Council selected the December 14, 2015, date because that is the date when the Council first added the option of a cooling off period to the suite of alternatives and options under consideration for the proposed action. NMFS agrees that this proposed date is reasonable as it would deter speculative investment in anticipation of this proposed rule, and selection of this proposed date, versus the effective date of this action if approved, accelerates the time when QS acquired after December 14, 2015, would be eligible for transfer.

The fourth limit would prohibit an IFQ holder from transferring catcher vessel halibut IFQ for a specific IFQ regulatory area to a CDQ group for more than 2 consecutive years. This 2-year limit would apply to calendar years and would not apply only to years in which the commercial catch limit is below the threshold. Additionally, this limit would apply to the transfer of any halibut IFQ for a specific Area. If an IFQ holder chooses to transfer some but not all of his or her IFQ for a particular Area during a year when the annual commercial catch limit for that Area set below the proposed threshold that transfer would count towards the 2-year limit. Transfers of IFQ for one Area would not affect the ability to transfer IFQ for another Area. The Council determined and NMFS agrees that limitations on how many consecutive years an IFQ holder could transfer IFQ to a CDQ group would limit the potential for a specific IFQ holder to continuously transfer IFQ to CDQ groups rather than fishing that IFQ or transferring the underlying QS to other new entrants in the fishery. Section 3.8.8 of the Analysis explains that the Council considered a range of limitations on the number of years that IFQ could be transferred (*i.e.,* from 2 to 4 years), and that a less restrictive limitation of 2 years may be appropriate given the relatively low likelihood that the thresholds to allow leasing in Area 4B or Areas 4C and 4D will be met.

Under the fifth limit, only catcher vessel QS holders that hold less than 76,355 QS units specified for Area 4B would be allowed to transfer their catcher vessel IFQ to CDQ groups. NMFS would consider all categories of Area 4B QS holdings regardless of blocked or unblocked status. This amount of QS units yielded approximately 7,500 pounds of halibut IFQ in 2016. The Council recommended and NMFS proposes this limitation to ensure that persons holding larger amounts of QS units continue to be active fishermen in the Area 4B halibut fishery while providing an opportunity for persons holding smaller amounts of QS units to transfer catcher vessel IFQ to CDQ groups if the 1 million pound commercial catch limit threshold to allow IFQ transfers is met. The Council recommended and NMFS is proposing this limitation only for Area 4B to accommodate the specific nature of IFQ operations in the remote Aleutian Island communities in Area 4B, and after considering a range of different limits (from 2,000 to 7,500 pounds of halibut IFQ, with the preferred option to convert 7,500 pounds to 2016 QS units) that are described in Section 3.8.9 of the Analysis.

The Council received public testimony indicating that Aleutian Islands communities in Area 4B receive substantial benefits from fishery participation by persons holding relatively large amounts of halibut QS and IFQ in that area. The testifiers expressed concern that allowing these QS holders to transfer IFQ to a CDQ group could substantially reduce these benefits to the communities in years of extremely low commercial catch limits. In addition, persons holding less than 76,355 QS units would be allocated relatively small amounts of IFQ that may not be economically feasible to harvest in years of extremely low commercial halibut catch limits. The Council determined and NMFS agrees that limiting eligibility to transfer IFQ to holders of less than 76,355 QS units in Area 4B would allow the holders of these relatively small amounts of QS to lease the resulting IFQ in years of extremely low commercial halibut catch limits while maintaining the benefits of the fishery to the Aleutian Island communities from harvests of the larger holdings of IFQ.

This proposed rule also establishes a reporting requirement for CDQ groups that receive IFQ by transfer. The proposed report would be required only for those years in which CDQ groups received IFQ by transfer. CDQ groups

that receive IFQ by transfer would be required to report the annual amount and vessel category of Area 4 halibut IFQ transferred to the CDQ group, the criteria used to select IFQ holders to transfer Area 4 halibut IFQ to the CDQ group, and the criteria used to determine the person(s) eligible to fish Area 4 halibut IFQ received by transfer.

In recommending this proposed rule, the Council stated its intent for catcher vessel IFQ transferred to a CDQ group to be fished by residents of that CDQ community but did not recommend that NMFS establish this requirement in regulation. Section 2.3 of the Analysis describes that CDQ groups have different methods of defining residents in their communities and different techniques for determining who will harvest their halibut CDQ. After considering this information, the Council specified that it did not intend for NMFS to establish a regulatory definition for CDQ community resident, nor did it intend for NMFS to verify that CDQ community residents were receiving the benefits of transferred IFQ under this proposed rule. The Council recommended that NMFS implement the requirement for CDQ groups to report the persons who harvest the IFQ received by transfer. This would allow the Council and the public to monitor the use of IFQ transferred to CDQ groups and provide the Council with information to determine whether the use of transferred IFQ is consistent with its intent for the action.

The Council recommended and NMFS proposes a reporting requirement to understand the criteria that a CDQ group uses to receive transfers of IFQ and provide harvest opportunities. This information could be used to evaluate the effectiveness of this proposed rule to provide benefits to members of CDQ communities. This proposed rule would require the report to be submitted to NMFS no later than January 31 of the year after the IFQ was transferred to the CDQ group. NMFS proposes this deadline to be consistent with other reports required under the IFQ Program, and to ensure that NMFS has received the report prior to the issuance of IFQ that typically occurs in mid-February. If a CDQ group is required to submit a report and does not do so by the deadline, the CDQ group would be ineligible to receive transfers of catcher vessel IFQ until the report is submitted.

Under this proposed rule, a CDQ group that wished to receive halibut IFQ by transfer would make an arrangement with an IFQ holder to transfer his or her IFQ. The CDQ group would need to complete an Application for Temporary Transfer of Halibut and Sablefish IFQ and submit the application to NMFS for approval. Once approved, NMFS would issue the CDQ group an IFQ permit with the pounds of halibut IFQ that would be available to be fished. After determining who would fish the halibut IFQ, the CDQ group with the IFQ permit would then need to apply for a hired master permit for the vessel operator designated to fish the halibut IFQ. Current regulations authorize a vessel operator to harvest halibut IFQ and CDQ on the same fishing trip and a vessel operator harvesting both halibut CDQ and IFQ transferred to a CDQ group would need to carry (1) a halibut CDQ permit, (2) a CDQ hired master permit, (3) a copy of the IFQ permit of the CDQ group, and (4) an IFQ hired master permit. Additionally, any vessels fishing halibut IFQ transferred to a CDQ group would be subject to the current IFQ vessel use caps under § 679.42(h)(1). If a vessel harvested both halibut IFQ and CDQ, only the halibut IFQ would accrue towards and be subject to the vessel use cap.

Halibut that is landed by a vessel operator harvesting CDQ and IFQ would be debited off two separate catch limits. Therefore, for purposes of catch accounting, participants would need to track what amount of halibut harvest is associated with the group's CDQ and what amount is associated with the IFQ permit held by the CDQ group. This distinction would be recorded on the fish ticket (Section 3.8.11.3 of the Analysis). If this proposed rule is approved, NMFS would need to make changes to the database that monitors transfers of IFQ between permit holders and that is used to issue hired master permits to allow for this new type of transfer (see Section 3.8.11.4 of the Analysis).

Under this proposed rule, CDQ groups would be responsible for cost recovery fees based on the IFQ pounds held on the IFQ permit. Section 304(d)(2)(A) of the Magnuson-Stevens Act obligates NMFS to recover the actual costs of management, data collection, and enforcement (direct program cost) of the IFQ fisheries. Therefore, NMFS implemented a cost recovery fee program for the IFQ fisheries in 2000 (65 FR 14919, March 20, 2000). While costs specific to the CDQ Program for halibut are recoverable through a separate cost recovery program (81 FR 150, January 5, 2016), this proposed rule would require regulatory changes to the IFQ transfer and hired master use provisions and therefore constitute changes in management of the IFQ Program. CDQ group participants receiving IFQ transfers would be required to pay an IFQ cost recovery fee as a portion of the ex-vessel value of their landed halibut.

Section 7(2) of the IPHC annual management measures (82 FR 12730, March 7, 2017) authorizes a vessel operator harvesting halibut CDQ in Areas 4D or 4E to retain halibut that are smaller than the size limit established by the IPHC for personal use. Under the status quo, a vessel operator harvesting halibut IFQ held by a CDQ group along with halibut CDQ may retain halibut less than legal size for personal use. Therefore, if this proposed action is approved, vessel operators harvesting both halibut CDQ and halibut IFQ transferred to a CDQ group in Areas 4D or 4E would be authorized to retain halibut smaller than the size limit established by the IPHC in length for personal use as specified in section 7 of the IPHC annual management measures. The personal use allotment would apply to all halibut IFQ transferred to a CDQ group under this exemption. Section 7(3) of the IPHC annual management measures requires a CDQ group to report on all retained halibut for personal use that are less than legal size and harvested on behalf of a CDQ group.

Proposed Regulations to Implement Action 1

This proposed rule would modify the definition of ''annual commercial catch limit'' at 50 CFR 300.61 to include definitions for Areas 3B and 4A, and for Areas 4B, 4C, 4D, and 4E.

This proposed rule would modify § 679.41 to allow transfer of halibut IFQ in Areas 4B, 4C, and 4D in years of low halibut catch limits in Areas 4B and 4CDE to CDQ groups along with the specific conditions under which this transfer activity could occur.

Additionally, a reporting requirement would be added at § 679.5(l)(10) to require a CDQ group to submit a report on the criteria it used to select IFQ holders from whom IFQ transfers would be received, the criteria it used to determine the persons who can harvest transferred IFQ, and the amount and type of IFQ transferred.

This proposed rule also includes a provision which would be added under § 679.42 to allow Area 4D IFQ that is transferred to a CDQ group to be harvested in Area 4E.

Finally, NMFS is proposing to add and reserve several paragraphs in this proposed rule to account for another rulemaking that proposes to modify the same sections of Part 679 that would be modified by this proposed rule.

Anticipated Effects of Action 1

The effects of Action 1 would depend on first the halibut resource falling

below the threshold of 1 million pounds in Area 4B and 1.5 million pounds in Area 4CDE and then IFQ holders choosing to transfer their halibut IFQ to a CDQ group. If, in the future these conditions are met, then this proposed rule would be expected to provide benefits most directly to CDQ community residents who have traditionally been involved in the halibut CDQ fishery by allowing for continued employment and income in years where commercial halibut catch limits are at extremely low levels. This opportunity may have a particularly meaningful impact on these residents, as there tends to be limited regional economic diversity in these communities, resulting in few substitute employment options for residents (Section 3.8.1 of the Analysis). This proposed rule would provide IFQ holders and CDQ groups with an opportunity to alleviate the adverse economic, social, and cultural impacts of extremely low levels of commercial halibut catch limits on Western Alaskan communities.

The benefits that could be derived from this proposed rule are different among CDQ groups and would likely even be distributional within a group. Overall, this action would not necessarily be expected to result in a financial gain for a CDQ group that chooses to receive halibut IFQ by transfer. It is likely that some, or all, of the fee an IFQ holder would incur to transfer his or her IFQ would be paid by the CDQ group. This proposed rule could also provide distributional benefits to some processing plants, secondary service providers, and communities as a whole (see Section 3.8 of the Analysis).

Allowing CDQ groups the flexibility to harvest any IFQ received by transfer for Area 4D in Area 4E would add to the existing flexibility CDQ groups have to move their halibut CDQ between IFQ regulatory areas. The Council determined and NMFS agrees that this potential for change in locational fishing intensity from this proposed action would not be a threat to overall stock conservation as long as the Area 4CDE total catch limit is not exceeded, while noting that there is a possibility of localized impacts on fishing opportunities if fishing effort patterns were to change substantially.

Halibut QS holders in Areas 4B, 4C, and 4D may also benefit from this proposed rule. These QS holders may feel constrained as their QS is associated with diminishing pounds of IFQ under the relatively low commercial halibut catch limits in recent years. In years of extremely low halibut abundance, it may not be economically viable for some QS holders to harvest their small amounts of IFQ, particularly in remote areas covered by this proposed rule where operating costs are higher relative to other IFQ regulatory areas. Depending on operating costs and catch limits, QS holders that transfer their IFQ to CDQ groups may be able to earn more revenue from transferring their IFQ than from harvesting it themselves or hiring a master to harvest the IFQ (if the QS holder is eligible). As the IFQ Program strictly limits leasing (transfers), this proposed rule would be the only opportunity for many QS holders to transfer their Area 4B, 4C, and 4D halibut IFQ (see Section 3.8.1) in years of extremely low commercial catch limits.

This proposed rule may have adverse indirect effects on some stakeholders of the halibut IFQ fishery (see Section 3.8.2 of the Analysis). This action could prompt some amount of temporary IFQ consolidation, impacting the number of trips taken or resulting in some vessels not being used in the halibut fishery at all in a season. This reduction in participation could result in reduced fishery revenues for affected participants. Consolidation could also result in a displacement of some captain and crew jobs for the duration of time that the halibut catch limits are low enough to allow IFQ transfers. To the extent that they are not the QS holder making the decision to transfer their IFQ to CDQ groups, this proposed rule may also disadvantage vessel owners that use their vessel to harvest halibut IFQ if QS holders who historically fished their IFQ on that vessel choose to lease the IFQ and the vessel owner has reduced revenues from the fishery. Section 3.8.2 of the Analysis notes that it is uncertain how much IFQ may be transferred, from whom, and how this would impact current operations.

As discussed in Section 3.8.1 of the Analysis, transferred IFQ received by a CDQ group and harvested by its community resident fleets would be expected to follow landing patterns similar to the current halibut CDQ operations. However, if the locations of port of origin and landings changes with IFQ received by this transfer provision, there is a potential some communities may not receive revenues from raw fish tax, business landing tax, and other economic activity associated with fishing, such as purchase of food and fuel. These are distributional impacts; therefore, they could represent losses to some communities, while communities with traditional halibut CDQ participation may benefit due to the increased activity from halibut IFQ.

Additionally, this proposed rule may motivate some QS holders who may otherwise consider selling, to hold onto their Areas 4B, 4C, or 4D halibut QS. For those individuals seeking entry into the halibut QS market, the lack of QS movement may not be a positive result. However, to prevent speculative purchases of QS with the intent of using the transfer provision allowed under this proposed rule, this proposed rule includes a cooling off period that limits the transfer of IFQ until 3 years after the QS is acquired. Areas 4B, 4C, and 4D already tend to have the lowest level of QS transactions of any regulatory area (although, this may also be because a portion of the catch limit is designated as CDQ, thus the QS pool is much smaller) and the QS prices, similar to other regulatory areas, appear to be increasing (Section 3.8.4 of the Analysis).

Additionally, this proposed rule would support one of the other goals of the IFQ Program, which is to increase the ability of the rural coastal communities adjacent to the BSAI to share in the wealth generated by the IFQ Program by providing community residents with the opportunity to benefit from fishing for additional halibut IFQ in years of extremely low commercial catch limits (see Section 3.8.3.1 of the Analysis).

Action 2

This proposed rule would remove an obsolete reference in the regulations at § 679.42(a)(2)(i). Currently, this regulation provides an exception in the wording. However, the paragraph (k) referred to in § 679.42(a)(2)(i) was modified by the final rule to revise regulations governing the use of commercial halibut QS and the processing of non-IFQ species when processed halibut is onboard a vessel (73 FR 8822; February 15, 2008). That final rule removed paragraph (k) and re-designated paragraph (l) as paragraph (k). NMFS inadvertently neglected to remove the cross-reference to paragraph (k) in § 679.42(a)(2)(i). Therefore, with this proposed rule, NMFS proposes removing the cross-reference to paragraph (k) to clarify that persons possessing unused Category B, C, or D halibut QS may be on board a catcher/processor vessel when that vessel is harvesting and processing Category A halibut or sablefish IFQ or is harvesting and processing non-IFQ species. The effects of this action are expected to be minor and beneficial by improving the clarity of the regulations.

Action 3

This proposed rule would clarify existing regulations pertaining to the IFQ vessel limitations, also referred to as the vessel use caps. NMFS proposes to add language to § 679.42(h)(1) and (h)(2) to clarify that the vessel use caps only apply to halibut and sablefish IFQ and not to halibut and sablefish CDQ. This action would improve the clarity of the regulations and help IFQ and CDQ participants understand what regulations to which they are subject. The effects of this action are expected to be minor and beneficial by improving the clarity of the regulations.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the BSAI FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

Regulations governing the U.S. fisheries for Pacific halibut are developed by the International Pacific Halibut Commission (IPHC), the Pacific Fishery Management Council, the North Pacific Fishery Management Council (Council), and the Secretary of Commerce. Section 5 of the Northern Pacific Halibut Act of 1982 (Halibut Act, 16 U.S.C. 773c) allows the Regional Council having authority for a particular geographical area to develop regulations governing the allocation and catch of halibut in U.S. Convention waters which are in addition to, and not in conflict with, IPHC regulations. This proposed rule is consistent with the Council's authority to allocate halibut catches among fishery participants in the waters in and off Alaska. The Halibut Act, at sections 773c(a) and (b), provides the Secretary of Commerce with the general responsibility to carry out the Convention with the authority to, in consultation with the Secretary of the department in which the U.S. Coast Guard is operating, adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. This proposed rule is consistent with the Halibut Act and other applicable laws.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

This proposed rule would revise IFQ Program regulations to authorize CDQ groups to receive halibut IFQ transfers in certain areas when catch limits are below the established thresholds, subject to specific limitations. The directly regulated entities (118 small entities in 2015) are persons that hold Areas 4B, 4C, or 4D halibut QS, CDQ groups, and harvesters, including CDQ community residents, who have traditionally harvested halibut CDQ and may have an opportunity to harvest halibut IFQ received by transfer. Almost all of the directly regulated entities are considered small entities. As described in the Analysis, the 118 directly regulated entities would only be impacted to the extent that they choose to (and are able to) participate in receiving halibut IFQ transfers as a result of the proposed regulatory changes.

Direct impacts would be expected to be positive for both CDQ community resident halibut fishery participants and QS holders that choose to utilize the IFQ transfer provision because the opportunity for this additional flexibility in years of low halibut abundance would be voluntary for both user groups and would only be undertaken if it would benefit the parties to the transfer. Direct impacts would be expected to be positive for CDQ community resident harvesters who have traditionally harvested halibut CDQ and may have an opportunity to harvest additional transfers of halibut IFQ under this proposed rule because it would provide an opportunity to continue to receive economic benefits from fishery participation in times of low abundance. This proposed rule therefore is not expected to have a significant economic impact on a substantial number of small entities regulated by this proposed rule.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

Collection-of-Information Requirements

This proposed rule contains collection-of-information requirements subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). NMFS has submitted these requirements to OMB for approval under Control Number 0648–0272 and Control Number 0648–0711. Public reporting burden is estimated to average per response: 2 hours for Application for Temporary Transfer of Halibut and Sablefish IFQ, 40 hours for the report, and 1 minute for electronic submission of cost recovery fees or 30 minutes for non-electronic fee submission. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection information.

Public comment is sought regarding whether these proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collections of information to NMFS (see **ADDRESSES**), and by email to *OIRA_Submission@omb.eop.gov* or fax to 202–395–5806.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to penalty for failure to comply with, a collection of information subject to the requirement of the PRA, unless that collection of information displays a currently valid OMB control number. All currently approved NOAA collections of information may be viewed at: *http://www.cio.noaa.gov/services_programs/prasubs.html.*

List of Subjects

50 CFR Part 300

Administrative practice and procedure, Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: February 15, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR parts 300 and 679 as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart E—Pacific Halibut Fisheries

■ 1. The authority for 50 CFR part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

■ 2. In § 300.61, revise the definition of ''Annual commercial catch limit'' to read as follows:

§ 300.61 Definitions.

* * * * *

Annual commercial catch limit, for purposes of commercial fishing in:

(1) Commission regulatory areas 2C and 3A, means the annual commercial allocation minus an area-specific estimate of commercial halibut wastage.

(2) Commission regulatory areas 3B and 4A, means the annual total allowable halibut removals by persons fishing IFQ.

(3) Commission regulatory areas 4B, 4C, 4D, and 4E, means the annual total allowable halibut removals by persons fishing IFQ and CDQ.

* * * * *

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

■ 3. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.;* 1801 *et seq.;* 3631 *et seq.;* Pub. L. 108–447; Pub. L. 111–281.

■ 4. In § 679.5:

■ a. Add and reserve paragraph (l)(9);

■ b. Add paragraph (l)(10);

■ c. Add and reserve paragraph (v); and

■ d. Add paragraph (w) to read as follows:

§ 679.5 Recordkeeping and reporting.

* * * * *

(l) * * *

(9) [Reserved]

(10) A report on annual IFQ regulatory areas 4B, 4C, and 4D Halibut IFQ transfer activities must be submitted to NMFS by a CDQ group as required at § 679.5(w).

* * * * *

(v) [Reserved]

(w) *Report on Area 4 halibut IFQ transfers to CDQ groups*—(1) *Applicability.* A CDQ group that receives IFQ regulatory area 4 halibut IFQ by transfer must submit a timely and complete report on the CDQ group's annual halibut IFQ transfer activities for each calendar year that it receives IFQ regulatory area 4 halibut IFQ by transfer. A CDQ group is not required to submit a report for any calendar year in which it did not receive any IFQ regulatory area 4 halibut IFQ by transfer.

(2) *Time limits and submittal.* A CDQ group must submit a complete report by January 31 of the year following a fishing year during which the CDQ group receives IFQ regulatory area 4B, 4C, or 4D halibut IFQ by transfer. The complete report must be submitted to the North Pacific Fishery Management Council, 605 West 4th Ave., Suite 306, Anchorage, AK 99501–2252, and to NMFS-Alaska Regional Administrator, P.O. Box 21668, Juneau, AK, 99802–1668.

(3) *Complete report.* A complete report contains all report requirements described in paragraphs (w)(4)(i) through (w)(4)(iii) of this section.

(4) *Report requirements.* A CDQ group must report the following information:

(i) The annual amount, IFQ regulatory area and vessel category of IFQ regulatory area 4B, 4C, and 4D halibut IFQ transferred to the CDQ group;

(ii) The criteria used to select IFQ holders to transfer IFQ regulatory area 4B, 4C, and 4D halibut IFQ to the CDQ group; and

(iii) The criteria used to determine the person(s) eligible to harvest IFQ regulatory area 4B, 4C, and 4D halibut IFQ received by transfer.

■ 5. In § 679.41:

■ a. Add and reserve paragraph (c)(12);

■ b. Add paragraph (c)(13);

■ c. Revise paragraphs (d)(1), (g)(1), and (h)(2);

■ d. Add and reserve paragraph (n); and

■ e. Add paragraph (o) to read as follows:

§ 679.41 Transfer of quota shares and IFQ.

* * * * *

(c) * * *

(12) [Reserved]

(13) If the person applying to receive halibut IFQ assigned to vessel categories B, C, or D in IFQ regulatory areas 4B, 4C, or 4D is a CDQ group, the following determinations are required:

(i) The CDQ group applying to receive halibut IFQ for an IFQ regulatory area receives an annual allocation of halibut CDQ for that IFQ regulatory area pursuant to § 679.31(b)(1);

(ii) The QS holder applying to transfer halibut IFQ to a CDQ group has not transferred any halibut IFQ assigned to vessel categories B, C, or D for that IFQ regulatory area to a CDQ group during the last two consecutive fishing years;

(iii) If the IFQ to be transferred to a CDQ group results from QS that was transferred to the QS holder after December 14, 2015, the QS holder applying to transfer halibut IFQ to a CDQ group has held the underlying QS for that IFQ for a minimum of 3 years from the date NMFS approved the transfer;

(iv) If the IFQ to be transferred to a CDQ group is assigned to vessel categories B, C, or D in IFQ regulatory area 4B, the QS holder applying to transfer that halibut IFQ to a CDQ group holds fewer than 76,355 halibut QS units in IFQ regulatory area 4B; and

(v) The CDQ group applying to receive halibut IFQ has submitted a complete report if required to do so by § 679.5(w).

(d) * * *

(1) *Application for Eligibility.* All persons, except as provided in paragraphs (d)(1)(i) and (d)(1)(ii) of this section, applying to receive QS or IFQ must submit an Application for Eligibility to Receive QS/IFQ (Application for Eligibility) containing accurate information to the Regional Administrator. The Regional Administrator will not approve a transfer of IFQ or QS to a person until the Application for Eligibility for that person is approved by the Regional Administrator. The Regional Administrator shall provide an Application for Eligibility form to any person on request.

(i) An Application for Eligibility is not required for a CQE if a complete application to become a CQE, as described in paragraph (l)(3) of this section, has been approved by the Regional Administrator on behalf of an eligible community.

(ii) An Application for Eligibility is not required for a CDQ group.

* * * * *

(g) * * *

(1) Except as provided in paragraph (f), paragraph (g)(2), paragraph (l), paragraph (n) or paragraph (o) of this section, only persons who are IFQ crew members, or who were initially issued QS assigned to vessel categories B, C, or D, and meet the eligibility requirements in this section, may receive by transfer QS assigned to vessel categories B, C, or D, or the IFQ resulting from it.

* * * * *

(h) * * *

(2) IFQ resulting from categories B, C, or D QS may not be transferred separately from its originating QS, except as provided in paragraph (d), paragraph (f), paragraph (k), paragraph (l), paragraph (m), or paragraph (o) of this section.

* * * * *

(n) [Reserved]

(o) *Transfer of IFQ to CDQ groups.* (1) A QS holder who holds fewer than 76,355 units of halibut QS in IFQ regulatory area 4B may transfer halibut IFQ assigned to vessel categories B, C, or D in IFQ regulatory area 4B to a CDQ group that receives an allocation of IFQ regulatory area 4B halibut CDQ if the annual commercial halibut catch limit, as defined in § 300.61 of this title, for Area 4B is less than 1 million pounds in that calendar year.

(2) A QS holder in IFQ regulatory areas 4C or 4D may transfer halibut IFQ assigned to vessel categories B, C, or D in IFQ regulatory areas 4C or 4D to a CDQ group that receives an allocation of halibut CDQ in that IFQ regulatory area

if the annual commercial halibut catch limit, as defined in § 300.61 of this title, for Area 4CDE is less than 1.5 million pounds in that calendar year.

(3) A QS holder must meet the requirements in paragraph (c)(13) of this section to transfer halibut IFQ assigned to vessel categories B, C, or D in IFQ regulatory areas 4B, 4C, or 4D to a CDQ group.

(4) A CDQ group that receives halibut IFQ by transfer may not transfer that halibut IFQ to any other person.

■ 6. In § 679.42:

■ a. Revise paragraph (a)(1);

■ b. Remove paragraph (a)(2)(i);

■ c. Redesignate paragraphs (a)(2)(ii) through (iv) as paragraphs (a)(2)(i) through (iii);

■ d. Add paragraph (a)(2)(iv); and

■ e. Revise paragraphs (h)(1) introductory text and (h)(2) introductory text to read as follows:

§ 679.42 Limitations on use of QS and IFQ.

(a) * * *

(1) The QS or IFQ specified for one IFQ regulatory area must not be used in a different IFQ regulatory area, except for the following:

(i) All or part of the QS and IFQ specified for regulatory area 4C may be harvested in either Area 4C or Area 4D.

(ii) All or part of the halibut CDQ specified for regulatory area 4D may be harvested in either Area 4D or Area 4E.

(iii) If a CDQ group is authorized to receive a transfer of halibut IFQ assigned to vessel categories B, C, or D in IFQ regulatory area 4D as specified in § 679.41(o) of this part, all or part of the halibut IFQ specified for regulatory area 4D that is held by or transferred to a CDQ group may be harvested in either Area 4D or Area 4E.

(2) * * *

* * * * *

(iv) Halibut IFQ assigned to vessel category B, C, or D held by a CDQ group may not be used on a vessel over 51 feet LOA, irrespective of the vessel category assigned to the IFQ.

* * * * *

(h) * * *

(1) *Halibut.* No vessel may be used, during any fishing year, to harvest more halibut IFQ than one-half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, except that:

* * * * *

(2) *Sablefish.* No vessel may be used, during any fishing year, to harvest more sablefish IFQ than one percent of the combined fixed gear TAC of sablefish for the GOA and BSAI IFQ regulatory areas, except that:

* * * * *

[FR Doc. 2018–03548 Filed 2–22–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 170703617–8097–01]

RIN 0648–BG97

Atlantic Highly Migratory Species; Proposed Rule To Revise Atlantic Shark Fishery Closure Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing to revise the current closure regulations for commercial shark fisheries. These changes would affect commercial shark fisheries in the Atlantic Ocean including the Gulf of Mexico and Caribbean. Proposed revisions include changes to the landings threshold that prompts a closure and the minimum time between filing of the closure with the **Federal Register** and the closure becoming effective. This action is necessary to allow more flexibility when closing shark fisheries and to facilitate the use of available quota while still preventing overharvests.

DATES: Written comments must be received March 26, 2018, NMFS will hold an operator-assisted public hearing via conference call and webinar for this proposed rule on March 2, 2018, from 10 a.m. to 12 p.m. For specific locations, dates and times, see the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0070, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0070,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Margo Schulze-Haugen, Chief, Atlantic HMS Management Division at 1315 East-West Highway, Silver Spring, MD 20910.

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 and generally will be posted for public viewing on *www.regulations.gov* without change. 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).

NMFS will hold one public hearing via conference call on this proposed rule. For specific locations, dates and times, see the **SUPPLEMENTARY INFORMATION** section of this document.

Copies of the supporting documents, including the draft Environmental Assessment (EA), Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) and amendments are available from the HMS website at *http://www.nmfs.noaa.gov/sfa/hms/* or by contacting Lauren Latchford at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford, Guý DuBeck, Gray Redding, or Karyl Brewster-Geisz by phone at 301–427–8503 or Delisse Ortiz at 240–681–9037.

SUPPLEMENTARY INFORMATION: Atlantic sharks are directly managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS published in the **Federal Register** (71 FR 59058, October 2, 2006) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This proposed rule considers modifying the current regulations related to closures for commercial shark fisheries.

Background

A brief summary of the background of this proposed action is provided below. Additional information regarding Atlantic HMS management, specifically the commercial fisheries season structure, can be found in the Draft EA for this proposed action and the 2006 Consolidated HMS FMP and its

amendments, found online at *http://www.nmfs.noaa.gov/sfa/hms/.*

NMFS initially required Federally-permitted dealers to report to NMFS every two weeks to effectively monitor quotas and close the shark fisheries when necessary to avoid exceeding the quotas. Because these reports were paper-based and had to be mailed, the data NMFS used to monitor the fisheries were often a month or more out of date.

As established in Amendment 2 to the 2006 Consolidated HMS FMP (Amendment 2), the Atlantic shark commercial fisheries season structure is managed with one fishing ''season'' that lasts the entire calendar year, beginning January 1 and closing on December 31, unless otherwise provided in an inseason action or other rule. NMFS closes a shark fishery when it calculates that the applicable overall, regional, and/or sub-regional landings for the species or management group has reached or is projected to reach 80 percent of the available applicable quota. Once closed, current regulations do not provide for re-opening the fishery.

When the 80-percent landings threshold was established in Amendment 2, all Federal shark dealers reported on a biweekly basis on paper reports. This 80-percent threshold was meant to account for the delay in data entry from the paper reports, landings that occurred during the five-day notice period, state water landings continuing to occur after a Federal closure, delayed landing reports from state only dealers, and the potential for late dealer reporting. However, since January 1, 2013 (77 FR 47303; August 8, 2012), all Atlantic HMS Federal dealers have been required to report commercial harvests of sharks, swordfish, and bigeye, albacore, yellowfin, and skipjack (BAYS) tunas on a weekly basis through a NMFS-approved electronic dealer reporting system (eDealer). Most states also require all state-registered dealers to report electronically; however, there are some states that still allow for paper reports, and some states require reporting once a month rather than weekly. Overall, electronic dealer reporting has resulted in more timely data on landings.

Current regulations provide that any shark fishery closure is effective no less than five days from notice of filing with the Office of the Federal Register. This minimum notice period was established to allow fishermen to complete their trip and land a portion of the remaining quota. As a result of changes in Amendment 2, however, most shark fishermen now take one or two day trips and may not need the full five-day notice.

Since 2010, NMFS has received numerous comments at several HMS Advisory Panel (AP) meetings and during various rulemakings on commercial shark management requesting that NMFS modify the current 80-percent threshold.

At the September 2017 HMS Advisory Panel Meeting, some Panel members suggested that NMFS consider maintaining the existing 80-percent closure threshold as a precautionary approach; raising the threshold to 90 percent only in the Atlantic region and maintaining the 80-percent threshold in the Gulf of Mexico region; and determining closure thresholds for each region and/or management group based on the stock status and characteristics of the fishery. Additionally, some Panel members commented that immediate closure at any quota threshold is infeasible given that some state regulations provide more than 24 hours of notice before closing a fishery. Therefore, requesting immediate closure can cause confusion in fisheries that occur in both state and Federal waters. Other Panel members suggested examining closure notice periods that are longer than five days.

As described above, both the 80-percent threshold and five-day notice requirement for commercial shark fisheries went into effect before electronic dealer reporting and before the impacts of Amendment 2 on fishing behavior, including trip lengths, were fully understood. This proposed rule considers modifying the five-day notice and 80-percent threshold with the goal of more fully utilizing available quota while also avoiding overharvests in these fisheries.

NMFS prepared a draft EA, RIR, and an IRFA, which present and analyze the anticipated environmental, social, and economic impacts of each alternative considered for this proposed rule. The complete list of alternatives and related analyses are provided in the draft EA/RIR/IRFA and are not repeated here in its entirety. A copy of the draft EA/RIR/IRFA prepared for this proposed rulemaking is available from NMFS (see **ADDRESSES**).

NMFS considered six alternatives for the shark fishery-closure threshold and three alternatives for the shark fishery-closure notice period.

Alternative 1a, the No Action alternative, would maintain the 80-percent threshold for shark fishery closures. Alternative 1b would change the shark fishery-closure threshold to 90 percent of the available applicable overall, regional, and/or sub-regional quota. Alternative 1c would change the shark fishery-closure threshold to 70 percent of the available applicable overall, regional, and/or sub-regional quota. Alternative 1d would increase the shark fishery-closure threshold to 90 percent in the Atlantic Region, while maintaining the Gulf of Mexico closure threshold and overall non-regional threshold at 80 percent. Alternative 1e would establish objective criteria to evaluate whether a shark species and/or management group should be closed when the relevant landings reach, or are projected to reach, 80 percent of the available applicable overall, regional, and/or sub-regional quota, or allowed to remain open until 90 percent of the available applicable overall, regional, and/or sub-regional quota is reached. These criteria include: (A) The stock status of the relevant species or management group and any linked species and/or management groups; (B) The patterns of over- and underharvest in the fishery over the previous five years; (C) The likelihood of continued landings after the Federal closure of the fishery; (D) The effects of the closure on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; (E) The likelihood of landings exceeding the quota by December 31 of each year; and (F) The impacts of the closure on the catch rates of other shark management groups, including likelihood of an increase in dead discards. Under Alternative 1f, the preferred alternative, when NMFS calculates that landings have reached, or are projected to reach, 80 percent of the available applicable overall, regional, and/or sub-regional quota, NMFS will determine whether landings are projected to reach 100 percent of the relevant quota before the end of the fishing season (December 31). If so, NMFS will close the fishery through publication in the **Federal Register** with the appropriate notice. If not, the fishery will continue to remain open, and NMFS will update the public about the landings levels in its next monthly shark landings update listserv notice.

Alternative 2a, the No Action alternative, would maintain the five-day period between filing of the closure notice with the Office of the Federal Register and the closure going into effect. Alternative 2b, the preferred alternative, would change the minimum notice time between filing of the closure notice with the Office of the Federal Register and the closure going into effect to three days. Alternative 2c would allow immediate closure of a shark fishery upon filing of the closure notice with the Office of the Federal Register.

Alternative 1f, the preferred alternative, would provide additional flexibility to achieve full quota utilization while still preventing overharvest of the quota. This alternative would also provide the flexibility to account for differences in regional reporting when monitoring quotas and the ability to close in time to ensure the quota is not exceeded. For instance, regions that are more timely in their reporting and have few landings after Federal closures (*i.e.,* Atlantic region) could remain open for the remainder of the season while other regions (*i.e.,* Gulf of Mexico) that have landings after a Federal closure and/or delays in reported landings from state-water vessels may need to be closed. This alternative would likely have both neutral direct and indirect short- and long-term ecological impacts on the shark fishery because it would not be expected to have any impacts on the allowable level of fishing pressure, catch rates, or distribution of fishing effort otherwise authorized under actions that had assumed full utilization of the quota when analyzed. This alternative would allow increased quota utilization by keeping the fishery open as long as available quotas are not projected to be exceeded before the end of the season. This alternative could, therefore, lead to neutral socioeconomic impacts, similar to Alternative 1a, the status quo alternative, if the fishery is projected to reach 100 percent before the end of the fishing season. If NMFS determined that a quota was not projected to reach 100 percent before the end of the fishing season, then the fishery would remain open under this alternative. Thus, in some scenarios, this alternative could lead to minor beneficial direct socioeconomic impacts since the quota could be fully utilized.

In combination with any of the notification alternatives (five-day notice, three-day notice, or immediate closure) NMFS expects Alternative 1f would have neutral direct and indirect short- and long-term ecological impacts to the shark fishery as shark quotas would remain unchanged, leaving the fishery to operate under the current conditions. This alternative would support full quota utilization while preventing overharvest of the quota. Given the flexibility and responsiveness this alternative would provide, combined with neutral ecological impacts to the fishery stocks, NMFS prefers this alternative at this time.

Under Alternative 2b, the preferred alternative, NMFS would change the minimum notice period to three days instead of the current five-day notice once landings reach a threshold necessitating a closure. According to the data presented in Amendment 2, historically, shark-fishing trips were up to nine days in length. In the directed shark fishery, recent observer reports show that most shark fishermen take trips of one or two days, and likely do not need the full five-day notice in order to land all sharks before the closure date is effective. As such, this alternative should not interfere with directed shark trips already underway at the time of closure, but may have impacts on pelagic longline trips that may last several weeks. This alternative would allow more timely action in closing shark fisheries, helping to prevent overharvests.

Specifically, in combination with Alternative 1f, Alternative 2b would reduce the risk of exceeding the quota, especially if landings rates are high before the closure date is effective. This alternative would likely have both neutral direct and indirect short- and long-term ecological impacts to shark stocks because the allowable level of fishing pressure, catch rates, distribution of fishing effort, and commercial quotas would remain the same as otherwise authorized under actions that had assumed full utilization of the quota when analyzed. This alternative could potentially result in interrupted fishing activities for longer fishing trips, potentially resulting in regulatory discards and minor adverse socioeconomic impacts if trips were underway at the time of the notice of the closure. For instance, pelagic longline fishing vessels, which can take trips that last several weeks, may need to discard any dead sharks onboard and in their hold if the vessel is unable to land the sharks before the closure is effective. However, NMFS expects few dead discards and potential lost revenue as a result of closure notice timing as most pelagic longline fishermen do not target sharks and are unlikely to land many sharks given recent management measures to reduce shark mortality on pelagic longline vessels. Because this alternative would increase flexibility to close the fishery as needed while still preventing overharvest of the quota and allowing sufficient time for most fishermen to complete trips underway at the time of the notice of the closure, NMFS prefers this alternative at this time.

As described above, NMFS also considered five other alternatives regarding the threshold for closure (Alternatives 1a, 1b, 1c, 1d, and 1e) and two other alternatives regarding the timing for a closure notice (Alternatives 2a and 2c). At this time, NMFS does not prefer any of those alternatives. NMFS does not prefer Alternative 1a (No Action Alternative) because this alternative could continue to leave some of the shark quotas underutilized. NMFS does not prefer Alternative 1b or 1d because increasing the closure threshold to 90 percent in either all (1b) or part (1d) of the region would increase the potential for overharvest. NMFS does not prefer Alternative 1c because of the potential for underharvest in the shark fisheries. NMFS does not prefer Alternative 1e because the additional inseason action required to assess these criteria and carry out this alternative would unnecessarily complicate the closure procedures and possibly confuse the regulated community given past, relatively simple protocols for shark fishery closures. NMFS does not prefer Alternative 2a (No Action Alternative) because this alternative does not increase flexibility in NMFS' ability to manage the shark fisheries in a timely manner. NMFS does not prefer Alternative 2c (change the timing of shark fishery species and or management groups closures to allow for immediate closure upon filing of the closure notice with the **Federal Register**) as this alternative could result in interrupted fishing activities with little or no warning, potentially increasing regulatory discards if trips were underway at the time of the notice of the closure. Regarding Alternative 2c, at the HMS AP meeting in September 2017, NMFS received comments from the Panel members who indicated that immediate closure (Alternative 2c) is infeasible given that most states provide more than 24 hours of notice before closing a fishery.

Public Hearing

Comments on this proposed rule may be submitted via *http://www.regulations.gov,* mail, or fax and comments may also be submitted at a public hearing. NMFS solicits comments on this proposed rule through March 26, 2018. During the comment period, NMFS will hold one conference call for this proposed rule. The hearing locations will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gray Redding at 301–427–8503, at least 7 days prior to the meeting.

TABLE 1—DATE AND TIME OF UPCOMING PUBLIC HEARING CONFERENCE CALL

Venue	Date/time	Location contact information
Conference call	March 2, 2018, 10 a.m.–12 p.m. ...	To participate in conference call, call: (888) 946–7204. Passcode: 1023240. To participate in webinar, RSVP at: *https://noaaevents2.webex.com/noaaevents2/onstage/g.php?MTID=e8805cc4b96307b6f3ad888ac845a0e6f.* A confirmation email with webinar log-in information will be sent after RSVP is registered.

The public is reminded that NMFS expects participants at the public hearings to conduct themselves appropriately. At the beginning of the conference call, the moderator will explain how the conference call will be conducted and how and when attendees can provide comments. The NMFS representative will attempt to structure the meeting so that all the attending members of the public will be able to comment, if they so choose, regardless of the controversial nature of the subject(s). Attendees are expected to respect the ground rules, and, if they do not they may be asked to leave the hearing or may not be allowed to speak during the conference call.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

This proposed rule is expected to be an Executive Order 13771 deregulatory action.

An IRFA was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule would have on small entities if adopted. A description of the action, why it is being considered, and the legal basis for this action are contained below. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Section 603(b)(1) requires Agencies to describe reasons why the action is being considered. The purpose of this proposed action is to consider modifications to the percent landings threshold to a level that allows fishermen to utilize the full quota while avoiding under- and overharvest, and to determine a length of time between public notice and the effective date of a given fishery closure while avoiding under- and overharvest.

Section 603(b)(2) requires Agencies to describe the objectives of the proposed rule. NMFS has identified the following objectives, which are consistent with existing statutes such as the Magnuson-Stevens Act and its objectives, with regard to this proposed action:

- Maintaining optimum yield for all shark fishery species and/or management groups; and
- Establishing an appropriate length of public notice for a fishery closure.

Section 603(b)(3) of the Regulatory Flexibility Act requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Provision is made under the SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register** (FR), which NMFS did on December 29, 2015 (80 FR 81194). In this final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they all had average annual receipts of less than $11 million for commercial fishing.

The proposed rule would apply to the approximately 496 commercial limited access permit holders in the Atlantic shark fishery (223 directed and 271 incidental permits) and 142 open access smoothhound shark permit holders, based on an analysis of permit holders as of October 2016. Not all permit holders are active in the shark fishery in any given year. Active directed permit holders are defined as those with valid permits that landed one shark, based on HMS electronic dealer reports. Of those 223 commercial directed limited access permit holders, 29, or 13 percent of permit holders, landed large coastal sharks (LCS) and 22, or 10 percent of permit holders, landed small coastal sharks (SCS) in the Atlantic. In the Gulf of Mexico region, 13, or 6 percent of permit holders, landed LCS in the western sub-region; 8, or 4 percent of the permit holders, landed LCS in the eastern sub-region; and 5, or 2 percent of permit holders, landed SCS throughout the region. Of directed limited access permit holders, 45, or 20 percent, landed pelagic sharks. Of the 142 open-access smoothhound shark permit holders, 75, or 53 percent of permit holders, landed sharks in the Atlantic region. NMFS has determined that the proposed rule would not likely affect any small governmental jurisdictions.

Section 603(b)(4) of the RFA requires Agencies to describe any new reporting, record-keeping and other compliance requirements. The action does not contain any new collection of information, reporting, or record-keeping requirements. The alternatives considered would review and modify the percent landings threshold that prompts a shark fishery closure, and the length of time between public notice and the effective date of a given fishery closure with the goal of avoiding under- and overharvests in these fisheries.

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and fishery management measures. These include the Magnuson-Stevens Act, the Atlantic Tunas Convention Act (ATCA), the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act (ESA), the National

Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed rule has been determined not to duplicate, overlap, or conflict with any Federal rules.

One of the requirements of an IRFA is to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below. Additionally, the RFA (5 U.S.C. 603 (c)(1)–(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities.

NMFS examined each of these categories of alternatives. Regarding the first, second, and fourth categories, NMFS cannot establish differing compliance requirements for small entities or exempt small entities from coverage of the rule or parts of it because all of the businesses impacted by this rule are considered small entities and thus the requirements are already designed for small entities. NMFS does not know of any performance or design standards that would satisfy the objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act. As described below, NMFS analyzed several different alternatives in this proposed rulemaking and provides rationales for identifying the preferred alternatives to achieve the desired objectives.

The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

Alternative 1a, the No Action alternative, would maintain the existing 80-percent threshold to close the shark fishery and maintain current shark quotas. Based on the 2016 ex-vessel prices, the potential annual gross revenues for the 13 active directed permit holders from blacktip, aggregated LCS, and hammerhead shark meat in the western Gulf of Mexico sub-region would be $433,308, while revenue from shark fins would be $229,723. Thus, potential total average annual gross revenues by each active directed permit holder for blacktip, aggregated LCS, and hammerhead shark landings in the western Gulf of Mexico sub-region would be $51,002 ($33,331 + $17,671). The potential annual gross revenues for the 8 active directed permit holders from blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $169,206, while revenue from shark fins would be $88,058. Thus, potential total average annual gross revenues by each active directed permit holder for blacktip, aggregated LCS, and hammerhead shark landings in the Gulf of Mexico region would be $32,158 ($21,151 + $11,007). The potential annual gross revenues for the 5 active directed permit holders for non-blacknose SCS and smoothhound in the Gulf of Mexico would be $89,909, while revenue from shark fins would be $55,450. Thus, potential total average annual gross revenues by each active directed permit holder for non-blacknose SCS in the Gulf of Mexico would be $29,072 ($17,982 + $11,090). Since there have been no landings of smoothhound sharks in the Gulf of Mexico, the annual gross revenue for the active directed permit holders would be zero. The potential annual gross revenues for the 29 active directed permit holders from aggregated LCS and hammerhead shark meat in the Atlantic would be $317,016, while revenue from shark fins would be $64,968. Thus, potential total average annual gross revenues by each active directed permit holder for aggregated LCS and hammerhead shark in the Atlantic would be $13,172 ($10,932 + $2,240). The potential annual gross revenues for the 22 active directed permit holders from non-blacknose SCS and blacknose shark meat in the Atlantic would be $317,016, while revenue from shark fins would be $64,968. Thus, potential total average annual gross revenues by each active directed permit holder for non-blacknose SCS and blacknose shark in the Atlantic would be $22,548 ($20,337 + $2,211). The potential annual gross revenues for the 75 active directed permit holders from smoothhound shark meat in the Atlantic would be $1,985,794, while revenue from shark fins would be $182,058. Thus, potential total average annual gross revenues by each active directed permit holder for smoothhound shark in the Atlantic would be $28,905 ($26,477 + $2,427). The potential annual gross revenues for the 45 active directed permit holders from pelagic sharks (blue, porbeagle, shortfin mako and thresher sharks) meat would be $2,113,982, while revenue from shark fins would be $162,530. Thus, potential total average annual gross revenues by each active directed permit holder for pelagic sharks would be $50,589 ($46,977 + $3,612). Alternative 1a would likely result in neutral direct short- and long-term socioeconomic impacts because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. The No Action alternative could also have neutral indirect impacts to those supporting the commercial shark fisheries, since the retention limits, and thus current fishing efforts, would not change under this alternative.

Under Alternative 1b, NMFS would change the shark fishery-closure threshold to 90 percent of the available overall, regional, and/or sub-regional quota. This alternative is likely to have neutral direct and indirect short- and long-term socioeconomic impacts because the base quotas would not change for any of the management groups and fishermen would still be limited in the total amount of sharks that could be harvested. This alternative could potentially lead to minor beneficial direct economic impacts if fishermen can land available quota that may have remained unharvested under the current 80-percent threshold. For example, in 2016, the quota for the aggregate LCS and blacktip management groups from the western Gulf of Mexico sub-region was underutilized by 241,579 lbs dw or 32 percent of the adjusted annual base quota, valued at $201,087 in potential ex-vessel revenue. Assuming all of this unharvested quota were caught, based on the 13 vessels that landed LCS in the western Gulf of Mexico sub-region, the individual vessel impact would be an approximate gain of $15,468 per year. This does not include incidental permit holders, who would receive a smaller amount per year. In the Atlantic, the blacknose shark management group was underutilized by 8,022 lbs dw or 23 percent of the quota, valued at $8,270 in potential ex-vessel revenue. Based on the 22 vessels that landed blacknose and non-blacknose SCS in the Atlantic region, the individual vessel impact would be an approximate gain of $276 per year. This does not include incidental permit holders, which would receive a smaller amount per year. Alternative 1b could also lead to minor adverse socioeconomic impacts in the short-term if the quotas are overharvested, which would lead to lower quotas the following year. In addition, this alternative could potentially lead to minor adverse socioeconomic impacts if

there is a large increase of landings combined with late dealer reporting, after the fishery is closed, that resulted in overharvest. For instance, the current 80-percent threshold has not been effective at closing in time to prevent overharvest of shark species that have small quotas, such as porbeagle sharks. As such, changing the percent closure threshold to 90 percent might be detrimental to the porbeagle shark fishery, as it may not provide sufficient buffer to prevent overharvest and fishery closures that occurred in 2013 and 2015. However, this negative impact would be only in the short-term as NMFS has the ability to monitor quotas on a weekly basis and promptly close the shark fishery.

Under Alternative 1c, NMFS would change the shark fishery-closure threshold to 70 percent of the available overall, regional, and/or sub-regional quota. This change would potentially leave a larger buffer for fishermen to complete trips and receive delayed dealer reports. It is likely the change in threshold to 70 percent would have neutral direct and indirect short- and long-term socioeconomic impacts since none of the commercial quotas are being changed and NMFS is not expecting an increase in effort or fishing. This alternative could potentially have minor adverse direct socioeconomic impacts if there is a large amount of underharvest remaining every year, after accounting for late dealer reports, that fishermen would no longer be able to harvest as compared to the No Action alternative. For instance, a 10-percent decrease in realized revenue for the western Gulf of Mexico blacktip, aggregated LCS, and hammerhead shark fisheries would equate to an approximate $66,303 (10 percent of $433,308 + $229,273) loss in ex-vessel revenue. Based on the 13 vessels that landed LCS in the western Gulf of Mexico sub-region, the individual vessel impact would be an approximate loss of $5,100 per year. This does not include incidental permit holders, which would receive a smaller amount per year. However, these would only be short-term losses because NMFS has achieved close to full quota utilization in recent years for some shark quotas.

Under Alternative 1d, NMFS would change the shark fishery-closure threshold to 90 percent in the Atlantic Region, while maintaining the Gulf of Mexico closure threshold and overall non-regional threshold at 80 percent. Alternative 1d provides some flexibility in assigning different closure thresholds between the Atlantic and Gulf of Mexico regions. In the Atlantic region, this alternative could potentially lead to minor beneficial direct economic impacts if fishermen can land available quota that may have remained unharvested under the current 80-percent threshold. For instance, a 10-percent increase in realized revenue for the Atlantic aggregated LCS and hammerhead shark fisheries would equate to an approximate $38,198 (10 percent of $317,016 + $64,968) gain in ex-vessel revenue. Based on the 29 vessels that landed LCS in the Atlantic region, the individual vessel impact would be an approximate increase of $1,317 per year. This does not include incidental permit holders, which would receive a smaller amount per year. In the Gulf of Mexico region and for fisheries with no region, this alternative could likely result in neutral direct and indirect, short- and long-term socioeconomic impacts because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. Impacts in the Gulf of Mexico would therefore be the same as those described in Alternative 1a.

Under Alternative 1e, when any shark fishery species and/or management group landings reach or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, NMFS would evaluate the criteria before determining if a closure is needed at the 80-percent threshold. This alternative would add additional flexibility to close a fishery depending on a set of criteria, helping to maximize management efficacy while preventing overharvest. If this increased flexibility in determining when to close a fishery leads to full quota utilization of management groups, while still preventing overharvest of shark fisheries, then fishermen could potentially see additional revenue from being able to land sharks that would otherwise have remained unharvested under the existing 80-percent threshold. For instance, a 20-percent increase in realized revenue for the Atlantic aggregated LCS and hammerhead shark fisheries would equate to an approximate $76,397 (20 percent of $317,016 + $64,968) gain in ex-vessel revenue. Based on the 29 vessels that landed LCS in the Atlantic region, the individual vessel impact would be an approximate increase of $2,634 per year. This does not include incidental permit holders, who would receive a smaller amount per year. Based upon these criteria, the fishery could still operate similarly to the status quo 80-percent closure threshold, which would result in neutral socioeconomic impacts as described for Alternative 1a, the status quo alternative. As examples, if a shark species/management group quota reaches 80 percent by September 1, then NMFS would evaluate the criteria in Alternative 1e before determining if a closure is needed at the 80-percent threshold in the Gulf of Mexico and Atlantic regions. Based on criteria A (stock status of the relevant species or management group and any linked species and/or management groups) and C (continued landings after the Federal closure), NMFS would likely close the shark species/management group quota in the Gulf of Mexico. In the Atlantic region, NMFS would likely also close the shark species/management group quota based on criteria A since all of the shark species/management groups in the region have an overfished or unknown stock status. This would lead to neutral socioeconomic impacts in both regions since there would be no change from current regulations. If a shark species/management group quota reaches 80 percent by December 1, then NMFS would need to evaluate all of the criteria closely before implementing a closure in either the Gulf of Mexico or Atlantic region. A key criterion to evaluate is the likelihood of landings exceeding the quota by December 31 of each year (Criteria E). In the Gulf of Mexico region, NMFS would also consider Criteria C (continued landings after the Federal closure) and how this would impact the fishery. In the Atlantic region, NMFS would likely keep the fishery open as long as landings are not projected to exceed the quota by the end of the year.

Under Alternative 1f, the preferred alternative, NMFS would maintain the 80-percent closure threshold but allow a shark fishery to remain open after the fishery's landings have reached or are projected to reach 80 percent as long as landings are not projected to reach 100 percent before the end of the fishing season. This alternative, similar to Alternatives 1d and 1e, would provide the flexibility of achieving full quota utilization while still preventing overharvest. This alternative could therefore lead to neutral socioeconomic impacts, similar to Alternative 1a, the status quo alternative, if the landings are projected to reach 100 percent before the end of the fishing season. As examples, if a shark species/management group landings reach 80 percent by September 1, then NMFS would likely have to close the fishery if it was in either the Gulf of Mexico or Atlantic regions because the landings would likely reach 100 percent before the end of the fishing season. This would cause neutral socioeconomic impacts since it would be the status quo

for the fishery. If a shark species/management group landings reach 80 percent by December 1, then NMFS would project whether the landings in the Gulf of Mexico and Atlantic regions would reach 100 percent before the end of the fishing season. If the landings would not reach 100 percent before the end of the fishing season, then NMFS would keep the fishery open. Thus, this could lead to minor beneficial socioeconomic impacts because the quota could be fully utilized.

Under Alternative 2a, NMFS would maintain the status quo and would not change the notice period of five days for the closure of a management group. This alternative would have no impact on the allowable level of fishing pressure, catch rates, or distribution of fishing effort. As such, it is likely that the No Action Alternative as well as this alternative in combination with any of the Alternatives 1b, 1c, 1d, 1e, or 1f would have both neutral direct and indirect, short- and long-term socioeconomic impacts. If there is a large amount of landings made during the five-day notice and a later closure under Alternatives 1b, 1c, or 1d, then there could be the potential for minor beneficial socioeconomic impacts for those fisheries who have underutilized the quota in recent years. The majority of fishing trips for sharks are currently one day in length, so a five-day closure notice should not result in regulatory discards for these trips. However, this alternative could potentially result in interrupted fishing activities, potentially resulting in regulatory discards if trips were underway at the time of the notice of the closure. For instance, pelagic longline fishing vessels, which can take trips that last several weeks, may need to discard any dead sharks onboard and in their hold if the vessel is unable to land the sharks before the closure is effective. However, NMFS expects few dead discards as a result of closure notices given that NMFS has implemented several management measures that prohibit retention of some sharks (*i.e.,* silky, oceanic whitetip, hammerhead sharks) on vessels with pelagic longline gear onboard. These management changes have made pelagic longline fishermen unlikely to land many sharks in recent years. In combination with all other alternatives (*i.e.,* 1a, 1c, 1d, 1e, and 1f), except Alternative 1b, this alternative would allow fishermen to complete their fishing trips while still preventing overharvest. In combination with Alternative 1b (*e.g.,* 90-percent closure threshold), there is a risk of overharvest if the landings rate was high before the closure date is effective and potential reduced quotas the following season.

Under Alternative 2b, the preferred alternative, NMFS would change the minimum notice period to three days instead of the current five-day notice once the fisheries reached a landings threshold necessitating a closure. This change would allow more timely action in closing shark fisheries, helping to prevent overharvest. In combination with all other Alternatives (1a, 1b, 1d, 1e, and 1f), except Alternative 1c, this alternative would reduce the risk of exceeding the quota, especially if the landings rate was high before the closure date is effective. In combination with Alternative 1c (*e.g.,* 70-percent closure threshold), this alternative would increase the risk of a significant underharvest and would cause minor adverse socioeconomic impacts. This alternative would have no impact on the allowable level of fishing pressure, catch rates, or distribution of fishing effort, as the commercial quotas would remain the same. Therefore, it is likely that this alternative would have both neutral direct and indirect, short- and long-term socioeconomic impacts. Because this alternative increases flexibility to close the fishery as needed while still preventing overharvest and allowing sufficient time for fishermen to complete trips underway at the time of the notice of the closure, NMFS prefers this alternative at this time. This alternative could potentially result in interrupted fishing activities for pelagic longline vessels, which generally take trips longer than nine days, potentially resulting in regulatory discards if trips were underway at the time of the closure. However, NMFS expects few dead discards as a result of the closure notice timing as most pelagic longline fishermen do not target sharks and are unlikely to land many sharks given recent management measures to reduce shark mortality on pelagic longline vessels. In addition, the preferred time before the closure is effective is well within the range of the current directed shark trip lengths (*i.e.,* 1–2 days).

Under Alternative 2c, NMFS would change the timing of shark fishery species and/or management group closures to allow immediate closure upon filing of the closure notice with the **Federal Register**. This action would allow timely action in closing shark fisheries, helping to prevent overharvest. In combination with all other alternatives, this alternative would either reduce the risk of exceeding the quota (*i.e.,* Alternatives 1a, 1b, 1d, 1e, and 1f) or increase the risk of a significant underharvest (*i.e.,* Alternative 1c). Therefore, it is likely that this alternative would have both neutral direct and indirect, short- and long-term economic impacts. However, as described above, this alternative could potentially result in interrupted fishing activities with little or no warning to the regulated community, potentially resulting in regulatory discards, if trips were underway at the time of the notice of the closure, with associated loss of revenue. Additionally, HMS AP members from several states indicated that some states would have difficulty closing state water fisheries immediately.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: February 16, 2018.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is proposed to be amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.24, revise paragraph (a)(8)(iii) to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(a) * * *

(8) * * *

(iii) Estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates and whether they are projected to reach 100 percent before the end of the fishing season;

* * * * *

■ 3. In § 635.28, revise paragraphs (b)(2) and (b)(3) to read as follows:

§ 635.28 Fishery closures.

* * * * *

(b) * * *

(2) *Non-linked quotas.* If the overall, regional, and/or sub-regional quota of a species or management group is not linked to another species or management group and that overall, regional, and/or sub-regional quota is available as specified by a publication in the **Federal Register**, then that overall, regional, and/or sub-regional

commercial fishery for the shark species or management group will open as specified in § 635.27(b). When NMFS calculates that the overall, regional, and/or sub-regional landings for a shark species and/or management group, as specified in § 635.27(b)(1), has reached or is projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and is projected to reach 100 percent of the relevant quota by the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure, as applicable, for that shark species and/or shark management group that will be effective no fewer than 3 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fisheries for that shark species or management group are closed, even across fishing years.

(3) *Linked quotas.* As specified in paragraph (b)(4) of this section, the overall, regional, and/or sub-regional quotas of some shark species and/or management groups are linked to the overall, regional, and/or sub-regional quotas of other shark species and/or management groups. For each pair of linked species and/or management groups, if the overall, regional, and/or sub-regional quota specified in § 635.27(b)(1) is available for both of the linked species and/or management groups as specified by a publication in the **Federal Register**, then the overall, regional, and/or sub-regional commercial fishery for both of the linked species and/or management groups will open as specified in § 635.27(b)(1). When NMFS calculates that the overall, regional, and/or sub-regional landings for any species and/or management group of a linked group have reached or are projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and are projected to reach 100 percent of the relevant quota before the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure for all of the species and/or management groups in that linked group that will be effective no fewer than 3 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fishery for all species and/or management groups in that linked group is closed, even across fishing years.

* * * * *

[FR Doc. 2018–03688 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 37
Friday, February 23, 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.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Kansas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Kansas Advisory Committee (Committee) will hold a meeting on Friday, February 9, 2018 at 2 p.m. Central time. The Committee will continue discussion and preparations to hold a public hearing as part of their current study on civil rights and school funding in the state.

DATES: The meeting will take place on Friday, February 9, 2018 at 2 p.m. Central time.

Public Call Information: Dial: 888–726–2458, Conference ID: 6219379.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. These meetings are available to the public through the above call in numbers. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Kansas Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=249*). Click on ''meeting details'' and then ''documents'' to download. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

Welcome and Roll Call
Civil Rights in Kansas: School funding
Future Plans and Actions
Public Comment
Adjournment

Dated: February 16, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03719 Filed 2–22–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a meeting via web conference on Friday March 9, 2018, from 12 p.m.–1:30 p.m. EST for the purpose of hearing public testimony on voting rights in the state.

DATES: The meeting will be held on Friday, March 9, 2018, at 12:00 p.m. EST.

Public Call Information: (audio only) Dial: 877–718–5095, Conference ID: 6801605.

Web Access Information: (visual only) The online portion of the meeting may be accessed through the following link: *https://cc.readytalk.com/r/ray86wto2gj&eom.*

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the above listed toll free number (audio only) and web access link (visual only). Please use *both* the call in number *and* the web access link in order to follow the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following

the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 55 W Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=268*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

This is the first in a series of public meetings the Committee will hold on this topic. Please consult the **Federal Register** or contact the Regional Programs Unit for additional information on other upcoming meetings.

Agenda

Welcome and Roll Call
Panel Presentations: Voting Rights in Ohio
Public Comment
Adjournment

Dated: February 16, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03718 Filed 2–22–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arizona Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of public meeting on voting rights in Arizona.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Arizona Advisory Committee (Committee) to the Commission will be held at 9:00 a.m. to 5:00 p.m. (Mountain Time) Friday, March 9, 2018. The purpose of the briefing is for the Committee to receive testimony regarding potential barriers to voting such as language access, access to the polls, early voting, and voter registration that may have a disparate impact on voters on the basis of race, color, religion, sex, age, disability, or national origin.

DATES: The meeting will be held on Friday, March 9, 2018 at 9:00 a.m. to 5:00 p.m. MT.

Location: Sandra Day O'Connor College of Law; Fifth Floor Conference Center, 111 E. Taylor Street, Phoenix, AZ 85004.

Public Call Information: Dial: 888–576–4387; *Conference ID:* 4884905.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–576–4387, conference ID number: 4884905. Any interested member of the public may call this number and listen to the meetings. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meetings. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Ana Victoria Fortes at *afortes@usccr.gov*. Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meetings at *https://facadatabase.gov/committee/meetings.aspx?cid=235.*

Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, *https://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Opening Remarks and Introductions (9:00–9:15 a.m.)
II. Government and Election Officials (9:15–10:30 a.m.)
  Eric Spencer, Election Director, State of Arizona
  Patty Hansen, Recorder, Coconino County Recorder's Office
  Adrian Fontes, Recorder, Maricopa County Recorder's Office
  Lisa Marra, Elections Director, Cochise County
III. Advocacy Organizations (10:40–11:45 a.m.)
  Walt Opaska, Member, Arizona Republican Lawyers Association
  Renaldo Fowler, Senior Staff Advocate, Arizona Center for Disability Law
  Joel Edman, Executive Director, Arizona Advocacy Network
  Darrell Hill, Attorney, ACLU of Arizona
IV. Election and Voting Experts (1:30–2:50 p.m.)
  Mary O'Grady, Staff Attorney, Osborn Maledon
  Timothy La Sota, Attorney, Timothy La Sota PLC
  Travis Lane, Assistant Director, Inter Tribal Council of Arizona
  Sarah Gonski, Political Law Associate, Perkins Coie
  Joseph Garcia, Director of the Latino Public Policy Center, Morrison Institute at Arizona State University
V. Voter Perspectives (3:00–4:00 p.m.)
  Eric Sainz, Arizona State Director, Mi Familia Vota
  Robyn Prud'homme-Bauer, Co-President, League of Women Voters
  Juliana Huereña, Operations Manager, Southwestern Institute for Families and Children, co-presenting with John Britton, Member
  Gina Roberts, Arizona Clean Elections Commission
VI. Open Forum (4:00–4:50 p.m.)
VII. Closing Remarks (4:50–5:00 p.m.)

Dated: February 16, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03705 Filed 2–22–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee; Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, March 15, 2018, from 9:00 a.m. to 4:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 12015–12017, 1401 Constitution Ave. NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230 (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the Secretary of Commerce regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, March 15, 2018 CINTAC meeting is as follows:

Public Session 9:00 a.m.–4:00 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be open to the public and will be accessible to people with disabilities. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EDT on Friday, March 9, 2018 in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 60 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, March 9, 2018. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, March 9, 2018. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: February 14, 2018.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2018–03710 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–080]

Cast Iron Soil Pipe From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 15, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew Renkey at (202) 482–2312, AD/CVD Operations, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On January 26, 2018, the Department of Commerce (Commerce) received a countervailing duty (CVD) petition concerning imports of cast iron soil pipe (soil pipe) from the People's Republic of China (China), filed in proper form, on behalf of the Cast Iron Soil Pipe Institute (the petitioner).[1] The petitioner is a trade association, whose members are all domestic producers of soil pipe.[2] The CVD petition [3] was accompanied by an antidumping duty (AD) petition for soil pipe from China.[4]

On January 30 and 31, 2018, Commerce requested additional information and clarification of certain areas of the Petition.[5] The petitioner filed responses to these requests on February 1 and 2, 2018.[6]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended

[1] *See* Letter to the Secretary of Commerce from the petitioner re: Cast Iron Pipe from the People's Republic of China—Petition for the Imposition of Antidumping and Countervailing Duties, dated January 26, 2018 (Petition).

[2] *See* Volume I of the Petition, at 2. The individual members of the Cast Iron Soil Pipe Institute are AB&I Foundry, Charlotte Pipe & Foundry, and Tyler Pipe.

[3] *See* Volume III of the Petition.

[4] *See* Volume II of the Petition.

[5] *See* Letters from Commerce, ''Petition for the Imposition of Countervailing Duties on Imports of Cast Iron Soil Pipe from the People's Republic of China: Supplemental Questions,'' dated January 30, 2018, and ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Cast Iron Soil Pipe from the People's Republic of China: General Issues Supplemental Questions,'' dated January 31, 2018.

[6] *See* Letters from the petitioner ''Cast Iron Soil Pipe from the People's Republic of China: Response to Supplemental Questions—General Issues,'' dated February 2, 2018 (General Issues Supplement), and ''Cast Iron Pipe from the People's Republic of China—Petitioner's Response to Supplemental Questionnaire Concerning Volume III,'' February 1, 2018 (CVD Supplement).

(the Act), the petitioner alleges that the Government of China (GOC) is providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, with respect to imports of soil pipe from China, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act and 19 CFR 351.202(b), for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the CVD investigation that the petitioner is requesting.[7]

Period of Investigation

Because the Petition was filed on January 26, 2018, pursuant to 19 CFR 351.204(b)(2), the period of investigation is January 1, 2017, through December 31, 2017.[8]

Scope of the Investigation

The product covered by this investigation is soil pipe from China. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on the Scope of the Investigation

On February 2, 2018, in response to a question from Commerce, the petitioner filed a revision to the scope language.[9]

As discussed in the preamble to Commerce's regulations,[10] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). Commerce will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[11] all such factual information should be limited to public information. In order to facilitate preparation of its questionnaire, Commerce requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Wednesday, March 7, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Monday, March 19, 2018, which is the next business day after the tenth calendar day from the deadline for initial comments.[12] All such comments must be filed on the record of the concurrent AD and CVD investigations.

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. As stated above, all such comments must be filed on the record of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement & Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[13] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement & Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A) of the Act, Commerce notified representatives of the GOC of the receipt of the Petition, and provided them the opportunity for consultations with respect to the CVD Petition.[14] In response to Commerce's invitation, the GOC met with Commerce Officials on February 7, 2018.[15] The invitation letter and memorandum to the file regarding the consultations are on file electronically *via* ACCESS.

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[16] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such

[7] *See* ''Determination of Industry Support for the Petition'' section, below.

[8] *See* 19 CFR 351.204(b)(2).

[9] *See* General Issues Supplement at Exhibit 1.

[10] *See Antidumping Duties; Countervailing Duties: Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[11] *See* 19 CFR 351.102(b)(21).

[12] *See* 19 CFR 351.303(b).

[13] *See* 19 CFR 351.303 (for general filing requirements); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[14] *See* Letter to the Embassy of China from Commerce, ''Countervailing Duty Petition on Cast Iron Soil Pipe from the People's Republic of China'' (January 29, 2018).

[15] *See* memorandum to the file, ''Consultations with Officials from the Government of China,'' dated February 8, 2018.

[16] *See* Section 771(10) of the Act.

differences do not render the decision of either agency contrary to law.[17]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in a petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that soil pipe, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[18]

In determining whether the petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition and the General Issues Supplement with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. The petitioner provided the 2017 production of the domestic like product by its members.[19] The petitioner states that its members are the only known producers of soil pipe in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[20]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[21] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[22] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[23] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[24] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(E) of the Act, and it has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting that Commerce initiate.[25]

Injury Test

Because China is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from China materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[26]

The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share and increasing market share of subject imports; underselling and price depression; lost sales and revenues; and negative impact on financial results, including total revenue, gross profits, operating income, and net income.[27] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[28]

Initiation of CVD Investigation

Section 702(b)(1) of the Act requires Commerce to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations.

The petitioner alleges that producers/exporters of soil pipe in China benefited from countervailable subsidies bestowed by the GOC. Commerce examined the Petition and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether manufacturers, producers, and/or exporters of soil pipe from China receive countervailable subsidies from the GOC.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[29] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, Commerce published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[30] The amendments to sections 776 and 782 of

[17] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[18] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Cast Iron Soil Pipe from the People's Republic of China (Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Cast Iron Soil Pipe from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[19] *See* Volume I of the Petition at 4.

[20] *Id.* at 3–4 and Exhibit I–1.

[21] *See* Initiation Checklist at Attachment II.

[22] *See* section 702(c)(4)(D) of the Act; *see also* Initiation Checklist at Attachment II.

[23] *See* Initiation Checklist at Attachment II.

[24] *Id.*

[25] *Id.*

[26] *See* Volume I of the Petition, at 13–14 and Exhibit I–7.

[27] *Id.* at 14–19 and Exhibits I–7, I–9 and I–10; *see also* General Issues Supplement, at 1.

[28] *See* Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Cast Iron Soil Pipe from the People's Republic of China.

[29] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[30] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this CVD investigation.[31]

Subsidy Allegations

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on all 32 alleged programs.[32] For a full discussion of the basis for our decision to initiate on each program, *see* the CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on *ACCESS.*

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination in this investigation no later than 65 days after the date of initiation.

Respondent Selection

The petitioner named numerous companies as producers/exporters of soil pipe from China. Commerce intends to follow its standard practice in CVD investigations and calculate company-specific subsidy rates in this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company based upon Commerce's resources, where appropriate, Commerce intends to select mandatory respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of soil pipe from China during the period of investigation under the appropriate Harmonized Tariff Schedule of the United States number listed in the ''Scope of the Investigation,'' in the Appendix.

On February 5, 2018, Commerce released CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO and indicated that interested parties wishing to comment regarding the CBP data and respondent selection must do so within three business days of the publication date of the notice of initiation of this CVD investigation.[33] Commerce will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on Commerce's website at *http://enforcement.trade.gov/apo.*

Comments for this investigation must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. ET, by the date noted above. We intend to finalize our decision regarding respondent selection within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the GOC *via* ACCESS. Because of the large number of producers/exporters identified in the Petition,[34] Commerce considers the service of the public version of the Petition to the foreign producers/exporters satisfied by delivery of the public version to the GOC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of soil pipe from China are materially injuring, or threatening material injury to, a U.S. industry.[35] A negative ITC determination will result in the investigation being terminated; [36] otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i) through (iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties are advised to review the regulations prior to submitting factual information in this investigation.

Extension of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[37] Parties must use the certification formats provided in 19 CFR 351.303(g).[38] [39] Commerce intends to

[31] *Id.,* at 46794–95.

[32] In the CVD Supplement, the petitioner withdrew its request that we initiate a CVD investigation on several programs.

[33] *See* Memorandum, ''*Cast Iron Soil Pipe from the People's Republic of China Countervailing Duty Petition:* Release of Customs Data from U.S. Customs and Border Protection,'' dated February 5, 2018.

[34] *See* Volume I of the Petition, at Exhibit I–4.

[35] *See* section 703(a)(2) of the Act.

[36] *See* section 703(a)(1) of the Act.

[37] *See* section 782(b) of the Act.

[38] *See also Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under Administrative Protective Order (APO) in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: February 15, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is cast iron soil pipe, whether finished or unfinished, regardless of industry or proprietary specifications, and regardless of wall thickness, length, diameter, surface finish, end finish, or stenciling. The scope of this investigation includes, but is not limited to, both hubless and hub and spigot cast iron soil pipe. Cast iron soil pipe is nonmalleable iron pipe of various designs and sizes. Cast iron soil pipe is generally distinguished from other types of nonmalleable cast iron pipe by the manner in which it is connected to cast iron soil pipe fittings.

Cast iron soil pipe is classified into two major types—hubless and hub and spigot. Hubless cast iron soil pipe is manufactured without a hub, generally in compliance with Cast Iron Soil Pipe Institute (CISPI) specification 301 and/or American Society for Testing and Materials (ASTM) specification A888, including any revisions to those specifications. Hub and spigot pipe has one or more hubs into which the spigot (plain end) of a fitting is inserted. All pipe meeting the physical description set forth above is covered by the scope of this investigation, whether or not produced according to a particular standard.

The subject imports are currently classified in subheading 7303.00.0030 of the Harmonized Tariff Schedule of the United States (HTSUS): Cast iron soil pipe. The HTSUS subheading and specifications are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

[FR Doc. 2018–03746 Filed 2–22–18; 8:45 am]

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[39] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee; Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, May 17, 2018, from 1:00 p.m. to 3:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held via conference call. The call-in number and passcode will be provided by email to registrants. Requests to register (including to speak or for auxiliary aids) and any written comments should be submitted to: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Room 20010, 1401 Constitution Ave. NW, Washington, DC 20230 (Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*). Members of the public are encouraged to submit registration requests and written comments via email to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230 (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the Secretary of Commerce regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, May 17, 2018 CINTAC meeting is as follows:

Public Session 1:00 p.m.–3:00 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be open to the public and will be accessible to people with disabilities. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EDT on Friday, May 11, 2018 in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 60 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EDT on Friday, May 11, 2018. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EDT on Friday, May 11, 2018. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: February 14, 2018.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2018–03711 Filed 2–22–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–905]

Certain Polyester Staple Fiber From the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty order on certain polyester staple fiber (PSF) from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable February 23, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Walker, Enforcement and Compliance, Office V, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0238.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2017, Commerce initiated the second sunset review of the antidumping duty order [1] on PSF from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On February 16, 2016, Commerce received a timely notice of intent to participate in the sunset review from the domestic producers, pursuant to 19 CFR 351.218(d)(1)(i).[3] The domestic producers in this sunset review claimed interested party status under section 771(9)(C) of the Act, as producers of the domestic like product.[4] On October 6, 2017, the domestic producers filed a substantive response in the sunset review within the 30-day deadline, as specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from any respondent interested party in the sunset review. On November 15, 2017, Commerce made its adequacy determination in the sunset review finding that Commerce did not receive a substantive response from any respondent interested party.[6]

Scope of the Order

The merchandise subject to the order is synthetic staple fibers, not carded, combed or otherwise processed for spinning, of polyesters measuring 3.3 decitex (3 denier, inclusive) or more in diameter. This merchandise is cut to lengths varying from one inch (25 mm) to five inches (127 mm). The merchandise is currently classifiable under the Harmonized Tariff Schedule (HTSUS) subheadings 5503.20.0045 and 5503.20.0065.[7]

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Order* were revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically *via* Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the web at *http://trade.gov/enforcement.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the antidumping duty order on PSF from China would likely lead to continuation or recurrence of dumping at weighted-average margins up to 44.30 percent.

Notice Regarding Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752(c), 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: February 16, 2018.

Prentiss Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

[FR Doc. 2018–03748 Filed 2–22–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 99–12A05]

Export Trade Certificate of Review

ACTION: Notice of issuance of an amended Export Trade Certificate of Review to California Almond Export Association, LLC (CAEA), Application No. 99–12A05.

SUMMARY: The Secretary of Commerce, through the Office of Trade and Economic Analysis (OTEA), issued an amended Export Trade Certificate of Review to CAEA on February 9, 2018. A previous amended Export Trade Certificate of Review was issued to CAEA on June 12, 2017, and a notice of its issuance was published in the

[1] *See Notice of Antidumping Duty Order: Certain Polyester Staple Fiber from the People's Republic of China,* 72 FR 30545 (June 1, 2007) (*Order*).

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews,* 82 FR 42078 (September 6, 2017).

[3] *See* letter from the domestic producers, ''Polyester Staple Fiber from China—Petitioners' Notice of Intent to Participate,'' dated September 21, 2017.

[4] The domestic producers in this sunset review are DAK Americas, LLC, Nan Ya Plastics Corporation, America and Auriga Polymers Inc.

[5] *See* Substantive Response.

[6] *See* Letter to the ITC from Commerce, ''Sunset Reviews Initiated in September 2017,'' dated November 15, 2017. In this letter, we stated that based on the lack of an adequate response in the sunset review from any respondent party, {Commerce} is conducting an expedited (120-day) sunset review consistent with section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). *See also Procedures for Conducting Five-year (Sunset) Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516, 13519 (March 20, 1998) (Commerce normally will conduct an expedited sunset review where respondent interested parties provide an inadequate response).

[7] *See* ''Issues and Decision Memorandum for the Final Results of the Expedited Sunset Review of the Antidumping Duty Order on Certain Polyester Staple Fiber from the People's Republic of China,'' dated concurrently with this notice (Issues and Decision Memorandum).

Federal Register on June 26, 2017 (82 FR 28826).

FOR FURTHER INFORMATION CONTACT: Joseph Flynn, Director, Office of Trade and Economic Analysis, International Trade Administration, (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) (the Act) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. The regulations implementing Title III are found at 15 CFR part 325 (2015). OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

CAEA's Export Trade Certificate of Review has been amended to:

- Add Stewart & Jasper Marketing, Inc. as a Member

CAEA's Export Trade Certificate of Review Membership, as amended, is listed below:

Almonds California Pride, Inc., Caruthers, CA
Baldwin-Minkler Farms, Orland, CA
Blue Diamond Growers, Sacramento, CA
Campos Brothers, Caruthers, CA
Chico Nut Company, Chico, CA
Del Rio Nut Company, Livingston, CA
Fair Trade Corner, Inc., Chico, CA
Fisher Nut Company, Modesto, CA
Hilltop Ranch, Inc., Ballico, CA
Hughson Nut, Inc., Hughson, CA
Mariani Nut Company, Winters, CA
Nutco, LLC d.b.a. Spycher Brothers, Turlock, CA
P–R Farms, Inc., Clovis, CA
Roche Brothers International Family Nut Co., Escalon, CA
RPAC, LLC, Los Banos, CA
South Valley Almond Company, LLC, Wasco, CA
Stewart & Jasper Marketing, Inc., Newman, CA
SunnyGem, LLC, Wasco, CA
Western Nut Company, Chico, CA
Wonderful Pistachios & Almonds, LLC, Los Angeles, CA

The effective date of the amended certificate is November 14, 2017, the date on which CAEA's application to amend was deemed submitted.

Dated: February 20, 2018.

Joseph E. Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2018–03747 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–079]

Cast Iron Soil Pipe From the People's Republic of China: Initiation of Less-Than-Fair Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable February 15, 2018.

FOR FURTHER INFORMATION CONTACT: Javier Barrientos at (202) 482–2243, AD/CVD Operations, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On January 26, 2018, the Department of Commerce (Commerce) received an antidumping duty (AD) petition concerning imports of cast iron soil pipe (soil pipe) from the People's Republic of China (China), filed in proper form, on behalf of the Cast Iron Soil Pipe Institute (the petitioner).[1] The petitioner is a trade association, whose members are all domestic producers of soil pipe.[2] The AD petition was accompanied by a countervailing duty (CVD) petition for soil pipe from China.[3]

On January 31, 2018, Commerce requested additional information and clarification of certain areas of the Petition.[4] The petitioner filed responses to these requests on February 2, 2018.[5]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of soil pipe from China are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that, such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(E) of the Act. Commerce also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigation that the petitioner is requesting.[6]

Period of Investigation

Because the Petition was filed on January 26, 2018, pursuant to 19 CFR 351.204(b)(1), the period of investigation (POI) is July 1, 2017, through December 31, 2017.

Scope of the Investigation

The product covered by this investigation is soil pipe from China. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on the Scope of the Investigation

On February 2, 2018, in response to a question from Commerce, the petitioner filed a revision to the scope language.[7]

[1] *See* Letter to the Secretary of Commerce from the petitioner re: Cast Iron Pipe from the People's Republic of China—Petition for the Imposition of Antidumping and Countervailing Duties, dated January 26, 2018 (Petition).

[2] See Volume I of the Petition at 2. The individual members of the Cast Iron Soil Pipe Institute are AB&I Foundry, Charlotte Pipe & Foundry, and Tyler Pipe.

[3] *See* Volume III of the Petition.

[4] *See* Letters from Commerce, ''Petition for the Imposition of Antidumping Duties on Imports of Cast Iron Soil Pipe from the People's Republic of China: Supplemental Questions,'' dated January 31, 2018, and ''Petition for the Imposition of Antidumping Duties on Imports of Cast Iron Soil Pipe from the People's Republic of China: General Issues Supplemental Questions,'' dated January 31, 2018.

[5] *See* Letters from the petitioner, ''Cast Iron Soil Pipe from the People's Republic of China: Response to Supplemental Questions—General Issues,'' dated February 2, 2018 (General Issues Supplement), and ''Cast Iron Soil Pipe from the People's Republic of China: Response to Supplemental Questions—Antidumping Duties,'' dated February 2, 2018 (AD Supplemental Response).

[6] *See* ''Determination of Industry Support for the Petition'' section, below.

[7] *See* General Issues Supplement at Exhibit 1.

As discussed in the preamble to Commerce's regulations,[8] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). Commerce will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[9] all such factual information should be limited to public information. In order to facilitate preparation of its questionnaire, Commerce requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Wednesday, March 7, 2018, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Monday, March 19, 2018, which is the next business day after the tenth calendar day from the deadline for initial comments.[10] All such comments must be filed on the record of each of the concurrent AD and CVD investigations.

Commerce requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact Commerce and request permission to submit the additional information. As stated above, all such comments must be filed on the record of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to Commerce must be filed electronically using Enforcement & Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[11] An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement & Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

Commerce requests comments from interested parties regarding the appropriate physical characteristics of soil pipe to be reported in response to Commerce's AD questionnaire. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties will have the opportunity to provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics; and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics used by manufacturers to describe soil pipe, it may be that only a select few product characteristics take into account commercially-meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, Commerce attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all comments must be filed by 5:00 p.m. ET on March 7, 2018. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on March 19, 2018. All comments and submissions to Commerce must be filed electronically using ACCESS, as explained above, on the record of the less-than-fair value investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, Commerce shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs Commerce to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both Commerce and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, Commerce's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in a petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product

[8] *See Antidumping Duties; Countervailing Duties: Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[9] *See* 19 CFR 351.102(b)(21).

[10] *See* 19 CFR 351.303(b).

[11] *See* 19 CFR 351.303 (for general filing requirements); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), for details of Commerce's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[12] *See* Section 771(10) of the Act.

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

distinct from the scope of the Petition. Based on our analysis of the information submitted on the record, we have determined that soil pipe, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[14]

In determining whether the petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition and the General Issues Supplement with reference to the domestic like product as defined in the ''Scope of the Investigation,'' in the Appendix to this notice. The petitioner provided the 2017 production of the domestic like product by its members.[15] The petitioner states that its members are the only known producers of soil pipe in the United States; therefore, the Petition is supported by 100 percent of the U.S. industry.[16]

Our review of the data provided in the Petition, General Issues Supplement, and other information readily available to Commerce indicates that the petitioner has established industry support for the Petition.[17] First, the Petition established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, Commerce is not required to take further action in order to evaluate industry support (*e.g.,* polling).[18] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[19] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[20] Accordingly, Commerce determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

Commerce finds that the petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(E) of the Act, and it has demonstrated sufficient industry support with respect to the AD investigation that it is requesting that Commerce initiate.[21]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[22] The petitioner contends that the industry's injured condition is illustrated by a significant and increasing volume of subject imports; reduced market share and increasing market share of subject imports; underselling and price depression; lost sales and revenues; and negative impact on financial results, including total revenue, gross profits, operating income, and net income.[23] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[24]

Allegations of Sales at Less-Than-Fair Value

The following is a description of the allegations of sales at less-than-fair value upon which Commerce based its decision to initiate the AD investigation of imports of soil pipe from China. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the Initiation Checklist.[25]

Export Price

The petitioner based the U.S. price on export price (EP) using average unit values (AUVs) of publicly available import data.[26] The petitioner made deductions to U.S. price for foreign inland freight and brokerage and handling.[27]

Normal Value

Commerce considers China to be a non-market economy (NME) country.[28] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by Commerce. The presumption of NME status for China has not been revoked by Commerce and, therefore, remains in effect for purposes of the initiation of this investigation. Accordingly, the NV of the product is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.

The petitioner argues that Brazil is an appropriate surrogate country for China because it is a market economy that is at a level of economic development comparable to that of China, it is a significant producer of comparable merchandise, and public information from Brazil is available to value all FOPs.[29] Based on the information provided by the petitioner, we determine that it is appropriate to use Brazil as a surrogate country for China. Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs no later than 30 days before the scheduled date of the preliminary determination.

Factors of Production

Because information regarding the volume of inputs consumed by Chinese producers/exporters is not reasonably available, the petitioner based the FOPs for materials, labor, and energy on the

[14] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Cast Iron Soil Pipe from the People's Republic of China (Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Cast Iron Soil Pipe from the People's Republic of China (Attachment II). This checklist is dated concurrently with this notice and on file electronically *via* ACCESS. Access to documents filed *via* ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[15] *See* Volume I of the Petition at 4.

[16] *Id.* at 3–4 and Exhibit I–1.

[17] *See* Initiation Checklist at Attachment II.

[18] *See* section 732(c)(4)(D) of the Act; *see also* Initiation Checklist at Attachment II.

[19] *See* Initiation Checklist at Attachment II.

[20] *Id.*

[21] *Id.*

[22] *See* Volume I of the Petition at 13–14 and Exhibit I–7.

[23] *See* Volume I of the Petition at 14–19 and Exhibits I–7, I–9 and I–10; *see also* General Issues Supplement at 1.

[24] *See* Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Cast Iron Soil Pipe from the People's Republic of China.

[25] *Id.* at 6–9.

[26] *See* Volume II of the Petition at 3 and Exhibit II–4.

[27] *Id.* at 3–4 and Exhibits II–5 and 6; *see* also AD Supplemental Response at 4–6 and Exhibits 4–6.

[28] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair-Value and Postponement of Final Determination,* 82 FR 50858, 50871 (November 2, 2017), and accompanying decision memorandum, China's Status as a Non-Market Economy; *see also* Volume II of the Petition at 1.

[29] *See* Volume II of the Petition at 2–3.

production experience of one of its member companies.[30] The petitioner maintains that the production process for soil pipe is similar regardless of whether the product is produced in the United States or in China.[31] The petitioner valued the estimated FOPs using surrogate values from Brazil.

Valuation of Raw Materials

The petitioner valued direct materials based on publicly-available import data for Brazil obtained from the Global Trade Atlas (GTA) for the period July 2017 through December 2017.[32] The petitioner excluded all import data from countries previously determined by Commerce to maintain export subsidies and countries previously determined by Commerce to be NME countries.[33]

Valuation of Labor

The petitioner relied on June through November 2017 data published by the Instituto Brasilero de Geografia e Estatistica for wage rates in manufacturing.[34]

Valuation of Energy

The petitioner valued natural gas and coke using GTA import data.[35] The petitioner valued electricity using POI values reported in Brazil's Ministry of Mines and Energy Monthly Energy Bulletin.[36]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

The petitioner calculated ratios for overhead, selling, general, and administrative expenses, and profit based on the 2015 consolidated financial statements of Tupy SA, a cast iron products producer in Brazil.[37]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of soil pipe from China are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margin for soil pipe from China is 93.32 percent.[38]

Initiation of Less-Than-Fair Value Investigation

Based upon the examination of the AD Petition on soil pipe from China, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of soil pipe from China are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[39] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, Commerce published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[40] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this AD investigation.[41]

Respondent Selection

The petitioner named numerous companies as producers/exporters of soil pipe from China.[42] In accordance with our standard practice for respondent selection in cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to producers/exporters of merchandise subject to this investigation. In the event Commerce determines that the number of companies is large and it cannot individually examine each company, where appropriate, Commerce intends to select mandatory respondents based on the responses received.[43] For this investigation, Commerce will request Q&V information from known exporters and producers identified, with complete contact information, in the Petition. In addition, Commerce will post the Q&V questionnaire along with filing instructions on the Enforcement & Compliance website at *http://www.trade.gov/enforcement/news.asp.*

Exporters/producers of soil pipe from China that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy from the Enforcement & Compliance website. The Q&V response must be submitted by all Chinese exporters/producers no later than February 26, 2018. All Q&V responses must be filed electronically *via* ACCESS.

Separate Rates

In order to obtain separate rate status in an NME investigation, exporters and producers must submit a separate-rate application.[44] The specific requirements for submitting a separate-rate application are outlined in detail in the application itself, which is available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[45] Exporters and producers who submit a separate-rate application and are selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of Commerce's AD questionnaire as mandatory respondents. Commerce requires that respondents submit a response to both the Q&V questionnaire and the separate-rate application by their respective deadlines in order to receive consideration for separate-rate status.

Use of Combination Rates

Commerce will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the

[30] *Id.* at 5–6 and Exhibit II–7. *See also* AD Supplemental Response at 3 and Exhibit 2.

[31] *Id.*

[32] *See* Volume II of the Petition at 5–6 and Exhibit II–9.

[33] *Id.*

[34] *Id.* at 7 and Exhibit II–12.

[35] *Id.* at 7 and Exhibit II–9.

[36] *Id.* at 7 and Exhibit II–11.

[37] *Id.* at 7–8 and Exhibit II–13.

[38] *See* AD Supplemental Response at 7 and Exhibit 6.

[39] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[40] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[41] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[42] *See* Volume I of the Petition at Exhibit I–6.

[43] *See, e.g., Carton-Closing Staples from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 19351 (April 27, 2017).

[44] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[45] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[46]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the Government of China (GOC) *via* ACCESS. Because of the large number of producers/exporters identified in the Petition,[47] Commerce considers the service of the public version of the Petition to the foreign producers/exporters satisfied by delivery of the public version to the GOC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of soil pipe from China are materially injuring, or threatening material injury to, a U.S. industry.[48] A negative ITC determination will result in the investigation being terminated;[49] otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i) through (iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties are advised to review the regulations prior to submitting factual information in this investigation.

Extension of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[50] Parties must use the certification formats provided in 19 CFR 351.303(g).[51] [52] Commerce intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under Administrative Protective Order (APO) in accordance with 19 CFR 351.305. On January 22, 2008, Commerce published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act.

Dated: February 15, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation is cast iron soil pipe, whether finished or unfinished, regardless of industry or proprietary specifications, and regardless of wall thickness, length, diameter, surface finish, end finish, or stenciling. The scope of this investigation includes, but is not limited to, both hubless and hub and spigot cast iron soil pipe. Cast iron soil pipe is nonmalleable iron pipe of various designs and sizes. Cast iron soil pipe is generally distinguished from other types of nonmalleable cast iron pipe by the manner in which it is connected to cast iron soil pipe fittings.

Cast iron soil pipe is classified into two major types—hubless and hub and spigot. Hubless cast iron soil pipe is manufactured without a hub, generally in compliance with Cast Iron Soil Pipe Institute (CISPI) specification 301 and/or American Society for Testing and Materials (ASTM) specification A888, including any revisions to those specifications. Hub and spigot pipe has one or more hubs into which the spigot (plain end) of a fitting is inserted. All pipe meeting the physical description set forth above is covered by the scope of this investigation, whether or not produced according to a particular standard.

The subject imports are currently classified in subheading 7303.00.0030 of the Harmonized Tariff Schedule of the United States (HTSUS): Cast iron soil pipe. The HTSUS subheading and specifications are provided for convenience and customs

[46] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[47] *See* Volume I of the Petition at Exhibit I–4.

[48] *See* section 733(a) of the Act.

[49] *Id.*

[50] *See* section 782(b) of the Act.

[51] *See also Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*). Answers to frequently asked questions regarding the *Final Rule* are available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[52] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

purposes only; the written description of the scope of this investigation is dispositive.

[FR Doc. 2018–03751 Filed 2–22–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable February 23, 2018.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with December anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, except for the review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (''solar cells and modules'') from the People's Republic of China (China), Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce has found that determinations concerning whether particular companies should be ''collapsed'' (*e.g.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*e.g.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

In the event the Commerce limits the number of respondents for individual examination in the administrative review of the antidumping duty order on solar cells and modules from the PRC, the Commerce intends to select respondents based on volume data contained in responses to Q&V Questionnaires. Further, Commerce intends to limit the number of Q&V Questionnaires issued in the review based on CBP data for U.S. imports of solar cells and solar modules from the PRC. The units used to measure the imported quantities of solar cells and solar modules are ''number''; however, it would not be meaningful to sum the number of imported solar cells and the number of imported solar modules in attempting to determine the largest PRC exporters of subject merchandise by volume. Therefore, Commerce will limit the number of Q&V Questionnaires issued based on the import values in CBP data which will serve as a proxy for imported quantities. Parties subject to the review to which Commerce does not send a Q&V Questionnaire may file a response to the Q&V Questionnaire by the applicable deadline if they desire to be included in the pool of companies from which Commerce will select mandatory respondents. The Q&V Questionnaire will be available on Commerce's website at *http://trade.gov/enforcement/news.asp* on the date of publication of this notice in the **Federal Register**. The responses to the Q&V Questionnaire must be received by Commerce no later than 21 days after the signature date of this initiation notice. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, Commerce does not intend to grant any extensions for the submission of responses to the Q&V Questionnaire. Parties will be given the opportunity to comment on the CBP data used by

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

Commerce to limit the number of Q&V Questionnaires issued. We intend to place CBP data on the record within five days of publication of this notice in the **Federal Register**. Comments regarding the CBP data and respondent selection should be submitted seven days after placement of the CBP data on the record.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when Commerce will exercise its discretion to extend this 90-day deadline, interested parties are advised that Commerce does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on Commerce's website at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to Commerce no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Furthermore, firms to Commerce issues a Q&V questionnaire in the antidumping duty administrative review of solar cells and modules from the PRC must submit a timely and complete response to the Q&V questionnaire, in addition to a timely and complete Separate Rate Application or Certification in order to receive consideration for separate-rate status. In other words, Commerce will not give consideration to any timely Separate Rate Certification or Application made by parties to whom Commerce issued a Q&V questionnaire but who failed to respond in a timely manner to the Q&V questionnaire. Exporters subject to the antidumping duty administrative review of solar cells and modules from the PRC to which Commerce does not send a Q&V questionnaire may receive consideration for separate-rate status if they file a timely Separate Rate Application or a timely Separate Rate Certification without filing a response to the Q&V questionnaire. All information submitted by respondents in the antidumping duty administrative review of solar cells and modules from the PRC is subject to verification. As noted above, the Separate Rate Certification, the Separate Rate Application, and the Q&V questionnaire will be available on Commerce's website on the date of publication of this notice in the **Federal Register**.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than December 31, 2018.

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
Antidumping Duty Proceedings	
India: Carbazole Violet Pigment 23, A–533–838	12/1/16–11/30/17
Pidilite Industries Limited	
India: Stainless Steel Wire Rod, A–533–808	12/1/16–11/30/17
Isinox Limited	
India: Welded Stainless Pressure Pipe,[4] A–533–867	5/10/16–10/31/17
Oman: Circular Welded Carbon-Quality Steel Pipe, A–523–812	12/1/16–11/30/17
Al Jazeera Steel Products Co. SAOG	
Republic of Korea: Welded Line Pipe, A–580–876	12/1/16–11/30/17
AJU Besteel Co., Ltd.	
BDP Interntional, Inc.	
Daewoo International Corporation	
Dongbu Incheon Steel Co.	
Dongbu Steel Co., Ltd.	
Dongkuk Steel Mill	
Dong Yang Steel Pipe	
EEW Korea Co., Ltd.	
HISTEEL Co., Ltd.	
Husteel Co., Ltd.	
Hyundai RB Co. Ltd.	
Hyundai Steel Company/Hyundai HYSCO	
Kelly Pipe Co., LLC.	
Keonwoo Metals Co., Ltd.	
Kolon Global Corp.	
Korea Cast Iron Pipe Ind. Co., Ltd.	
Kurvers Piping Italy S.R.L.	
MSTEEL Co., Ltd.	
Miju Steel MFG Co., Ltd.	
NEXTEEL Co., Ltd.	
Poongsan Valinox (Valtimet Division)	
POSCO	
POSCO Daewoo	
R&R Trading Co. Ltd.	
Sam Kang M&T Co., Ltd.	
SeAH Steel Corp.	
Sin Sung Metal Co., Ltd.	
SK Networks	
Soon-Hong Trading Company	
Steel Flower Co., Ltd.	
TGS Pipe	
Tokyo Engineering Korea Ltd	
Russia: Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products, A–821–809	12/1/16–11/30/17
Novolipetsk Steel (NLMK)	
Taiwan: Steel Wire Garment Hangers, A–583–849	12/1/16–11/30/17
Charles Enterprise Co., Ltd.	
Gee Ten Enterprise Co., Ltd.	
Inmall Enterprises Co., Ltd.	
Mindfull Life and Coaching Co., Ltd.	
Ocean Concept Corporation	
Su-Chia International Ltd.	
Taiwan Hanger Manufacturing Co., Ltd.	
Young Max Enterprises Co. Ltd.	
The People's Republic of China: Cased Pencils, A–570–827	12/1/16–11/30/17
Orient International Holding Shanghai Foreign Trade Co., Ltd.	
Shandong Rongxin Import & Export Co., Ltd.	
Shandong Wah Yuen Stationery Co. Ltd.	
Wah Yuen Stationery Co. Ltd.	
Tianjin Tonghe Stationery Co. Ltd.	
The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled into Modules, A–570–979	12/1/16–11/30/17
Anji DaSol Solar Energy Science & Technology Co., Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar International Limited/Canadian Solar Manufacturing (Changshu), Inc./Canadian Solar Manufacturing (Luoyang) Inc./CSI Cells Co., Ltd./CSI–GCL Solar Manufacturing (YanCheng) Co., Ltd./CSI Solar Power (China) Inc.	
Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd.	
Chint Solar (Zhejiang) Co., Ltd.	
De-Tech Trading Limited HK	
Dongguan Sunworth Solar Energy Co., Ltd.	
Eoplly New Energy Technology Co., Ltd.	
ERA Solar Co., Ltd.	

	Period to be reviewed
ET Solar Energy Limited	
Hangzhou Sunny Energy Science and Technology Co., Ltd.	
Hengdian Group DMEGC Magnetics Co., Ltd.	
JA Solar Technology Yangzhou Co., Ltd.	
Jiangsu High Hope Int'l Group	
Jiawei Solarchina (Shenzhen) Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
JingAo Solar Co., Ltd.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co., Ltd.	
Jinko Solar International Limited	
LERRI Solar Technology Co., Ltd.	
LightWay Green New Energy Co., Ltd.	
Nice Sun PV Co., Ltd.	
Ningbo ETDZ Holdings, Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Risen Energy Co., Ltd.	
Shanghai BYD Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenzhen Sungold Solar Co., Ltd.	
Shenzhen Topray Solar Co., Ltd.	
Sumec Hardware & Tools Co., Ltd.	
Sunpreme Solar Technology (Jiaxing) Co., Ltd.	
Systemes Versilis, Inc.	
Taizhou BD Trade Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Toenergy Technology Hangzhou Co., Ltd.	
Wuxi Suntech Power Co., Ltd/Luoyang Suntech Power Co., Ltd.	
Wuxi Tianran Photovoltaic Co., Ltd.	
Xiamen Eco-sources Technology Co., Ltd.	
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd./Tianjin Yingli New Energy Resources Co., Ltd./Hengshui Yingli New Energy Resources Co., Ltd./Lixian Yingli New Energy Resources Co., Ltd./Baoding Jiasheng Photovoltaic Technology Co., Ltd./Beijing Tianneng Yingli New Energy Resources Co., Ltd./Hainan Yingli New Energy Resources Co., Ltd./Shenzhen Yingli New Energy Resources Co., Ltd.	
Yingli Green Energy Holding Company Limited	
Yingli Green Energy International Trading Company Limited	
Zhejiang ERA Solar Technology Co., Ltd.	
Zhejiang Jinko Solar Co., Ltd.	
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	
The People's Republic of China: Honey, A–570–863	12/1/16–11/30/17
Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd.	
Shayang Xianghe Food Co., Ltd.	
The People's Republic of China: Multilayered Wood Flooring, A–570–970	12/1/16–11/30/17
A&W (Shanghai) Woods Co., Ltd.	
Anhui Boya Bamboo & Wood Products Co., Ltd.	
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Armstrong Wood Products (Kunshan) Co., Ltd.	
Baishan Huafeng Wooden Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Baroque Timber Industries (Zhongshan) Co., Ltd.	
Benxi Flooring Factory (General Partnership)	
Benxi Wood Company	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co., Ltd.	
Dalian Dajen Wood Co., Ltd.	
Dalian Guhua Wooden Product Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jaenmaken Wood Industry Co., Ltd.	
Dalian Jiahong Wood Industry Co., Ltd.	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Qianqiu Wooden Product Co., Ltd.	
Dalian Shumaike Floor Manufacturing Co., Ltd.	
Dalian T-Boom Wood Products Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dongtai Fuan Universal Dynamics, LLC.	
Dongtai Zhangshi Wood Industry Co. Ltd.	

	Period to be reviewed
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Jisen Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
DunHua SenTai Wood Co., Ltd.	
Dunhua Shengda Wood Industry Co., Ltd.	
Fine Furniture (Shanghai) Limited	
Fujian Wuyishan Werner Green Industry Co., Ltd.	
Fu Lik Timber (HK) Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fusong Jinqiu Wooden Product Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Fu Lin Timber Technology Limited	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)	
Hangzhou Hanje Tec Co., Ltd.	
Hangzhou Huahi Wood Industry Co., Ltd.	
Hangzhou Zhengtian Industrial Co., Ltd.	
Henan Xingwangjia Technology Co., Ltd.	
Hong Kong Easoon Wood Technology Co., Ltd.	
Huaxin Jiasheng Wood Co., Ltd.	
Huber Engineering Wood Corp.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou City Nanxun Guangda Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Muyun Wood Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Innomaster Home (Zhongshan) Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd..	
Jiangsu Kentier Wood Co., Ltd.	
Jiangsu Keri Wood Co., Ltd.	
Jiangsu Mingle Flooring Co., Ltd.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan Fengyun Timber Co., Ltd.	
Jiashan HuiJiaLe Decoration Material Co., Ltd.	
Jiashan On-Line Lumber Co., Ltd.	
Jiaxin Brilliant Import & Export Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited	
Kember Flooring, Inc.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Kingman Floors Co., Ltd.	
Kornbest Enterprises Limited	
Kunming Alston (AST) Wood Products Co., Ltd.	
Les Planchers Mercier, Inc.	
Liaoning Daheng Timber Group Co., Ltd.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd.	
Metropolitan Hardwood Floors, Inc.	
Mudanjiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Nanjing Minglin Wooden Industry Co., Ltd.	
Ningbo Tianyi Bamboo and Wood Products Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co., Ltd.	
Qingdao Barry Flooring Co., Ltd.	
Scholar Home (Shanghai) New Material Co., Ltd.	

	Period to be reviewed
Shandong Kaiyuan Wood Industry Co., Ltd.	
Shandong Longteng Wood Co., Ltd.	
Shandong Puli Trading Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Demeija Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd. (also known as The Lizhong Wood Industry Limited Company of Shanghai)	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation	
Shanghaifloor Timber (Shanghai) Co., Ltd.	
Shenyang Haobainian Wooden Co., Ltd.	
Shenyang Sende Wood Co., Ltd.	
Shenzhenshi Huanwei Woods Co., Ltd.	
Sino-Maple (Jiangsu) Co., Ltd.	
Suzhou Anxin Weiguang Timber Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Tak Wah Building Material (Suzhou) Co.	
Tech Wood International Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry Inc.	
Yihua Lifestyle Technology Co., Ltd.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry	
Zhejiang AnJi Xinfeng Bamboo and Wood Industry Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd..	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd.	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Jesonwood Co., Ltd.	
Zhejiang Jiechen Wood Industry Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Shiyou Timber Co., Ltd.	
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	
Zhejiang Simite Wooden Co., Ltd.	
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd.	
Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd.	
Turkey: Welded Line Pipe, A–489–822	12/1/16–11/30/17
Borusan Istikbal Ticaret	
Borusan Mannesmann Boru Sanayi ve Ticaret A.	
Cayirova Boru Sanayi veTicaret A.S.	
Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti.	
Emek Boru Makina Sanayi ve Ticaret A.S.	
Erbosan Erciyas Tube Industry and Trade Co. Inc.	
Erciyas Celik Boru Sanayii A.S.	
Guven Celik Boru Sanayii ve Ticaret Ltd. Sti.	
Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti	
HDM Steel Pipe Industry & Trade Co. Ltd.	
Metalteks Celik Urunleri Sanayii	
MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S.	
Noksel Steel Pipe Co. Inc.	
Ozbal Celik Boru	
Toscelik Profile and Sheet Industry, Co.	
Tosyali Dis Ticaret A.S.	
Umran Celik Boru Sanayii	
YMS Pipe & Metal Sanayii A.S.	
Yucelboru Ihracat Ithalat Pazzarlam	
United Arab Emirates: Circular Welded Carbon-Quality Steel Pipe, A–520–807	6/8/16–11/30/17
Abu Dhabi Metal Pipes and Profiles Industries Complex	
Ajmal Steel Tubes & Pipes Ind. L.L.C.	
Ferrolab LLC.	
Global Steel Industries	
KHK Scaffolding and Formwork LLC.	
Lamprell	
Link Middle East Ltd.	

	Period to be reviewed
PSL FZE	
Three Star Metal Ind LLC.	
Universal Tube and Plastic Industries, Ltd.	
Universal Tube and Pipe Industries Limited	
Countervailing Duty Proceedings	
Canada: Supercalendered Paper, C–122–854	1/1/16–12/31/16
Irving Paper Limted	
Port Hawkesbury Paper LP	
Resolute FP Canada Inc and Resolute FP US Inc.	
India: Carbazole Violet Pigment 23, C–533–839	1/1/16–12/31/16
Pidilite Industries Limited	
India: Welded Stainless Pressure Pipe,[5] C–533–868	3/11/16–12/31/16
Quality Stainless Pvt. Ltd.	
The People's Republic of China: Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled Into Modules, C–570–980	1/1/16–12/31/16
Baoding Jiasheng Photovoltaic Technology Co., Ltd.	
Baoding Tianwei Yingli New Energy Resources Co., Ltd.	
Beijing Tianneng Yingli New Energy Resources Co., Ltd.	
BYD (Shangluo) Industrial Co., Ltd.	
Canadian Solar (USA) Inc.	
Canadian Solar Inc.	
Canadian Solar International, Ltd.	
Canadian Solar Manufacturing (Changshu) Inc.	
Canadian Solar Manufacturing (Luoyang) Inc.	
Changzhou Trina Solar Energy Co., Ltd.	
Changzhou Trina Solar Yabang Energy Co., Ltd.	
Chint Solar (Zhejiang) Co., Ltd.	
Dongguan Sunworth Solar Energy Co., Ltd.	
ERA Solar Co. Limited	
ET Solar Energy Limited	
Hainan Yingli New Energy Resources Co., Ltd.	
Hangzhou Sunny Energy Science and Technology Co., Ltd.	
Hengdian Group DMEGC Magnetics Co., Ltd.	
Hengshui Yingli New Energy Resources Co., Ltd.	
JA Solar Technology Yangzhou Co., Ltd.	
JA Technology Yangzhou Co., Ltd.	
Jiangsu High Hope Int'l Group	
Jiawei Solarchina (Shenzhen) Co., Ltd.	
Jiawei Solarchina Co., Ltd.	
JingAo Solar Co., Ltd.	
Jinko Solar (U.S.) Inc.	
Jinko Solar Co., Ltd.	
Jinko Solar Import and Export Co., Ltd.	
Jinko Solar International Limited	
Lightway Green New Energy Co., Ltd.	
Lixian Yingli New Energy Resources Co., Ltd.	
Luoyang Suntech Power Co., Ltd.	
Nice Sun PV Co., Ltd.	
Ningbo Qixin Solar Electrical Appliance Co., Ltd.	
Risen Energy Co., Ltd.	
Shanghai BYD Co., Ltd.	
Shanghai JA Solar Technology Co., Ltd.	
Shenzhen Glory Industries Co., Ltd.	
Shenzhen Topray Solar Co., Ltd.	
Sumec Hardware & Tools Co., Ltd.	
Systemes Versilis, Inc.	
Taizhou BD Trade Co., Ltd.	
tenKsolar (Shanghai) Co., Ltd.	
Tianjin Yingli New Energy Resources Co., Ltd.	
Toenergy Technology Hangzhou Co., Ltd.	
Trina Solar (Changzhou) Science & Technology Co., Ltd.	
Wuxi Suntech Power Co., Ltd.	
Yancheng Trina Solar Energy Technology Co., Ltd.	
Yingli Energy (China) Co., Ltd.	
Yingli Green Energy Holding Company Limited	
Yingli Green Energy International Trading Company Limited	
Zhejiang Era Solar Technology Co., Ltd.	
Zhejiang Jinko Solar Co., Ltd.	
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	
The People's Republic of China: Multilayerd Wood Flooring, C–570–971	1/1/16–12/31/16
A&W (Shanghai) Woods Co., Ltd.	
Anhui Boya Bamboo & Wood Products Co., Ltd.	

	Period to be reviewed
Anhui Longhua Bamboo Product Co., Ltd.	
Anhui Suzhou Dongda Wood Co., Ltd.	
Armstrong Wood Products (Kunshan) Co., Ltd.	
Baishan Huafeng Wooden Product Co., Ltd.	
Baiying Furniture Manufacturer Co., Ltd.	
Baroque Timber Industries (Zhongshan) Co., Ltd.	
Benxi Flooring Factory (General Partnership)	
Benxi Wood Company	
Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.	
Changzhou Hawd Flooring Co., Ltd.	
Cheng Hang Wood Co., Ltd.	
Chinafloors Timber (China) Co., Ltd.	
Dalian Dajen Wood Co., Ltd.	
Dalian Huade Wood Product Co., Ltd.	
Dalian Huilong Wooden Products Co., Ltd.	
Dalian Jaenmaken Wood Industry Co., Ltd.	
Dalian Jiahong Wood Industry Co., Ltd	
Dalian Jiuyuan Wood Industry Co., Ltd.	
Dalian Kemian Wood Industry Co., Ltd.	
Dalian Penghong Floor Products Co., Ltd.	
Dalian Qianqiu Wooden Product Co., Ltd.	
Dalian Shumaike Floor Manufacturing Co., Ltd.	
Dalian T-Boom Wood Products Co., Ltd.	
Dalian Xinjinghua Wood Co., Ltd.	
Dongtai Fuan Universal Dynamics, LLC	
Dongtai Zhangshi Wood Industry Co. Ltd.	
Dun Hua Sen Tai Wood Co., Ltd.	
Dunhua City Dexin Wood Industry Co., Ltd.	
Dunhua City Hongyuan Wood Industry Co., Ltd.	
Dunhua City Jisen Wood Industry Co., Ltd.	
Dunhua City Wanrong Wood Industry Co., Ltd.	
Dunhua Shengda Wood Industry Co., Ltd.	
Fine Furniture (Shanghai) Limited	
Fu Lik Timber (HK) Co., Ltd.	
Fujian Wuyishan Werner Green Industry Co., Ltd.	
Fusong Jinlong Wooden Group Co., Ltd.	
Fuson Jinqiu Wooden Product Co., Ltd.	
Fusong Qianqiu Wooden Product Co., Ltd.	
GTP International Ltd.	
Guangdong Fu Lin Timber Technology Limited	
Guangdong Yihua Timber Industry Co., Ltd.	
Guangzhou Homebon Timber Manufacturing Co., Ltd.	
Guangzhou Panyu Kangda Board Co., Ltd.	
Guangzhou Panyu Southern Star Co., Ltd.	
HaiLin LinJing Wooden Products, Ltd.	
HaiLin XinCheng Wooden Products, Ltd.	
Hangzhou Dazhuang Floor Co., Ltd. (dba Dasso Industrial Group Co., Ltd.)	
Hangzhou Hanje Tec Company Limted	
Hangzhou Huahi Wood Industry Co., Ltd.	
Hangzhou Zhengtian Industrial Co., Ltd.	
Henan Xingwangjia Technology Co., Ltd.	
Hong Kong Easoon Wood Technology Co., Ltd.	
Huaxin Jiasheng Wood Co., Ltd.	
Huber Engineering Wood Corp.	
Hunchun Forest Wolf Wooden Industry Co., Ltd.	
Hunchun Xingjia Wooden Flooring Inc.	
Huzhou Chenghang Wood Co., Ltd.	
Huzhou City Nanxun Guangda Wood Co., Ltd.	
Huzhou Fulinmen Imp. & Exp. Co., Ltd.	
Huzhou Fuma Wood Co., Ltd.	
Huzhou Jesonwood Co., Ltd.	
Huzhou Muyun Wood Co., Ltd.	
Huzhou Sunergy World Trade Co., Ltd.	
Innomaster Home (Zhongshan) Co., Ltd.	
Jiafeng Wood (Suzhou) Co., Ltd.	
Jiangsu Guyu International Trading Co., Ltd.	
Jiangsu Kentier Wood Co., Ltd.	
Jiangsu Keri Wood Co., Ltd.	
Jingsu Mingle Flooring Co., Ltd.	
Jiangsu Senmao Bamboo and Wood Industry Co., Ltd.	
Jiangsu Simba Flooring Co., Ltd.	
Jiangsu Yuhui International Trade Co., Ltd.	
Jiashan Fengyun Timber Co., Ltd.	

	Period to be reviewed
Jiashan HuiJiaLe Decoration Material Co., Ltd.	
Jiashan On-Line Lumber Co., Ltd.	
Jiaxing Brilliant Import & Export Co., Ltd.	
Jiaxing Hengtong Wood Co., Ltd.	
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd.	
Jilin Xinyuan Wooden Industry Co., Ltd.	
Karly Wood Product Limited	
Kember Flooring, Inc.	
Kemian Wood Industry (Kunshan) Co., Ltd.	
Kingman Floors Co., Ltd.	
Kornbest Enterprises Limited	
Kunming Alston (AST) Wood Products Co., Ltd.	
Les Planchers Mercier, Inc.	
Linyi Anying Wood Co., Ltd.	
Linyi Bonn Flooring Manufacturing Co., Ltd.	
Linyi Youyou Wood Co., Ltd.	
Metropolitan Hardwood Floors, Inc.	
Mudanjiang Bosen Wood Industry Co., Ltd.	
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd.	
Nanjing Minglin Wooden Industry Co., Ltd.	
Ningbo Tianyi Bamboo and Wood Products Co., Ltd.	
Pinge Timber Manufacturing (Zhejiang) Co., Ltd.	
Power Dekor Group Co. Ltd.	
Qingdao Barry Flooring Co., Ltd.	
Riverside Plywood Corporation	
Samling Elegant Living Trading (Labuan) Ltd.	
Samling Global USA, Inc.	
Samling Riverside Co., Ltd.	
Scholar Home (Shanghai) New Material Co. Ltd.	
Shandong Kaiyuan Wood Industry Co., Ltd.	
Shandong Longteng Wood Co., Ltd.	
Shandong Puli Trading Co., Ltd.	
Shanghai Anxin (Weiguang) Timber Co., Ltd.	
Shanghai Demeija Timber Co., Ltd.	
Shanghai Eswell Timber Co., Ltd.	
Shanghai Lairunde Wood Co., Ltd.	
Shanghai Lizhong Wood Products Co., Ltd. (aka The Lizhong Wood Industry Limited Company of Shanghai)	
Shanghai New Sihe Wood Co., Ltd.	
Shanghai Shenlin Corporation	
Shanghaifloor Timber (Shanghai) Co., Ltd.	
Shenyang Haobainian Wooden Co., Ltd.	
Shenyang Sende Wood Co., Ltd.	
Shenzhenshi Huanwei Woods Co., Ltd.	
Sino-Maple (Jiangsu) Co., Ltd.	
Suzhou Anxin Weiguang Timber Co., Ltd.	
Suzhou Dongda Wood Co., Ltd.	
Suzhou Times Flooring Co., Ltd.	
Tak Wah Building Material (Suzhou) Co.	
Tech Wood International Ltd.	
Tongxiang Jisheng Import and Export Co., Ltd.	
Vicwood Industry (Suzhou) Co. Ltd.	
Xiamen Yung De Ornament Co., Ltd.	
Xuzhou Antop International Trade Co., Ltd.	
Xuzhou Shenghe Wood Co., Ltd.	
Yekalon Industry, Inc.	
Yihua Lifestyle Technology Co., Ltd.	
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd.	
Yixing Lion-King Timber Industry	
Zhejiang Anji Xinfeng Bamboo and Wood Industry Co., Ltd.	
Zhejiang Biyork Wood Co., Ltd.	
Zhejiang Dadongwu Green Home Wood Co., Ltd.	
Zhejiang Desheng Wood Industry Co., Ltd.	
Zhejiang Fudeli Timber Industry Co., Ltd.	
Zhejiang Fuerjia Wooden Co., Ltd.	
Zhejiang Fuma Warm Technology Co., Ltd.	
Zhejiang Haoyun Wooden Co., Ltd.	
Zhejiang Jesonwood Co., Ltd.	
Zhejiang Jiechen Wood Industry Co., Ltd.	
Zhejiang Longsen Lumbering Co., Ltd.	
Zhejiang Shiyou Timber Co., Ltd.	
Zhejiang Shuimojiangnan New Material Technology Co., Ltd.	
Zhejiang Simite Wooden Co., Ltd.	
Zhejiang Tianzhen Bamboo & Wood Development Co., Ltd.	

	Period to be reviewed
Zhejiang Yongyu Bamboo Joint-Stock Co., Ltd.	
Turkey: Steel Concrete Reinforcing Bar,[6] C–489–819	1/1/16–12/31/16
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S.	
Turkey: Welded Line Pipe, C–489–823	1/1/16–12/31/16
Borusan Istikbal Ticaret	
Borusan Mannesmann Boru Sanayi ve Ticaret A.S.	
Cayirova Boru Sanayii ve Ticaret A.S.	
Cimtas Boru Imalatlari ve Ticaret, Ltd. Sti.	
Emek Boru Makina Sanayi ve Ticaret A.S.	
Erbosan Erciyas Tube Industry and Trade Co. Inc.	
Erciyas Celik Boru Sanayii A.S.	
Guven Celik Boru Sanayii ve Ticaret Ltd. Sti	
Has Altinyagmur celik Boru Sanayii ve Ticaret Ltd. Sti.	
HDM Steel Pipe Industry & Trade Co. Ltd.	
Metalteks Celik Urunleri Sanayii	
MMZ Onur Boru Profil Uretim Sanayii ve Ticaret A.S.	
Noksel Steel Pipe Co. Inc.	
Ozbal Celik Boru	
Toscelik Profile and Sheet Industry, Co.	
Tosyali Dis Ticaret A.S.	
Umran Celik Boru Sanayii	
YMS Pipe & Metal Sanayii A.S.	
Yucelboru Ihracat Ithalat Pazzarlam	
Suspension Agreements	
Mexico: Sugar, A–201–845	12/1/16–11/30/17
Mexico: Sugar, C–201–846	1/1/17–12/30/17

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[7] Parties are hereby reminded that revised certification requirements are in effect for company/

[4] The case number for this order was listed incorrectly in the initiation notice that published on January 11, 2018 (83 FR 1329). The correct case number is listed above.

[5] The company name listed above was inadvertently misspelled in the initiation notice that published on January 11, 2018 (83 FR 1329). The correct spelling of the company is listed in this notice.

[6] This company was listed in the initiation notice that published on January 11, 2018 (83 FR 1329). However, entries of merchandise produced and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. are not subject to countervailing duties because Commerce's final determination with respect to this producer/exporter combination was negative. *See Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination Final Affirmative Critical Circumstances Determination,* 79 FR 54963 at 54964 (September 15, 2014). Commerce hereby clarifies that the initiation of the administrative review covers entries of merchandise produced by any other entity and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. or produced by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. and exported by another entity.

[7] *See* section 782(b) of the Act.

government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[8] Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. *See* 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: February 13, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–03403 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee; Meeting of the Civil Nuclear Trade Advisory Committee

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Civil Nuclear Trade Advisory Committee (CINTAC).

DATES: The meeting is scheduled for Thursday, July 19, 2018, from 9:00 a.m. to 4:00 p.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 48019, 1401 Constitution Ave. NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Chesebro, Office of Energy & Environmental Industries, International Trade Administration, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230 (Phone: 202–482–1297; Fax: 202–482–5665; email: *jonathan.chesebro@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the Secretary of Commerce regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the Thursday, July 19, 2018 CINTAC meeting is as follows:

Public Session 9:00 a.m.–4:00 p.m.

1. International Trade Administration's Civil Nuclear Trade Initiative Update
2. Civil Nuclear Trade Promotion Activities Discussion
3. Public comment period

The meeting will be open to the public and will be accessible to people with disabilities. Members of the public wishing to attend the meeting must notify Mr. Jonathan Chesebro at the contact information above by 5:00 p.m. EST on Friday, July 13, 2018 in order to pre-register. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may not be possible to fill.

A limited amount of time will be available for pertinent brief oral comments from members of the public attending the meeting. To accommodate as many speakers as possible, the time for public comments will be limited to two (2) minutes per person, with a total public comment period of 60 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Chesebro and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EST on Friday, July 13, 2018. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, U.S. Department of Commerce, Mail Stop 28018, 1401 Constitution Ave. NW, Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EST on Friday, July 13, 2018. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Dated: February 14, 2018.

Man Cho,

Deputy Director, Office of Energy and Environmental Industries.

[FR Doc. 2018–03709 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Manufacturing Extension Partnership Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Institute of Standards and Technology (NIST) announces that the Manufacturing Extension Partnership (MEP) Advisory Board will hold an open meeting on March 7, 2018.

DATES: The meeting will be held Wednesday, March 7, 2018, from 8:00 a.m. to 5:00 p.m. Eastern Time.

ADDRESSES: The meeting will be held at the Reagan Building at 1300 Pennsylvania Ave. NW, Washington, DC 20004. Please note admittance instructions in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Cheryl L. Gendron, Manufacturing Extension Partnership, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, telephone number (301) 975–2785, email: *cheryl.gendron@nist.gov.*

SUPPLEMENTARY INFORMATION: The MEP Advisory Board is authorized under Section 3003(d) of the America COMPETES Act (Pub. L. 110–69), as amended by the American Innovation and Competitiveness Act, Public Law 114–329 sec. 501 (2017), and codified at 15 U.S.C. 278k(m), in accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. The Hollings MEP Program (Program) is a unique program, consisting of centers in all 50 states and Puerto Rico with partnerships at the state, federal, and local levels. By statute, the MEP Advisory Board provides the NIST Director with: (1) Advice on the activities, plans, and policies of the Program; (2) assessments of the soundness of the plans and strategies of the Program; and (3) assessments of current performance against the plans of the Program. Background information on the MEP Advisory Board is available at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the MEP Advisory Board will hold an open meeting on Wednesday, March 7, 2018, from 8:00 a.m. to 5:00 p.m. Eastern Time. The meeting agenda will include an update on Hollings MEP programmatic operations, as well as provide guidance and advice on current activities related to the 2017–2022 MEP National Network Strategic Plan. The MEP Advisory Board will provide input to NIST on supply chain development with an emphasis on defense suppliers, in order to strengthen the defense industrial base; make recommendations on the development of research and performance metrics to support and enrich MEP Center evaluation; receive updates from external organizations that work closely with the Program regarding national and state economic challenges, opportunities, and data trends. The final agenda will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.*

Individuals and representatives of organizations who would like to offer comments and suggestions related to the MEP Advisory Board's business are invited to request a place on the agenda. Approximately 15 minutes will be reserved for public comments at the end of the meeting. 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 no more than three to five minutes each. Requests must be received in writing before February 28, 2018 to be considered. The exact time for public comments will be included in the final agenda that will be posted on the MEP Advisory Board website at *http://www.nist.gov/mep/about/advisory-board.cfm.* Questions from the public will not be considered during this period. Speakers who wish to expand upon their oral statements, those who wished to speak but could not be accommodated on the agenda, or those who are/were unable to attend in person are invited to submit written statements to the MEP Advisory Board, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 4800, Gaithersburg, Maryland 20899–4800, via fax at (301) 963–6556, or electronically by email to *cheryl.gendron@nist.gov.*

Admittance Instructions: Anyone wishing to attend the MEP Advisory Board meeting must submit their name, email address and phone number to Cheryl Gendron (*Cheryl.Gendron@nist.gov* or 301–975–2785) no later than Friday, March 2, 2018, 5:00 p.m. Eastern Time.

Kevin Kimball,

Chief of Staff.

[FR Doc. 2018–03683 Filed 2–22–18; 8:45 am]

BILLING CODE 3510–13–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to and deletions from the Procurement List.

SUMMARY: This action adds a service to the Procurement List that will be provided by a nonprofit agency employing persons who are blind or have other severe disabilities, and deletes products from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* March 25, 2018.

ADDRESSES: Committee for Purchase from People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Addition

On 1/12/2018 (83 FR 9), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed addition to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agency to furnish the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organization that will provide the service to the Government.

2. The action will result in authorizing a small entity to provide the service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the service proposed for addition to the Procurement List.

End of Certification

Accordingly, the following service is added to the Procurement List:

Service

Service Type: Janitorial and Related Service, GSA Region 5, FDA Forensic Chemistry Center, 6751 Steger Drive, Cincinnati, OH.

Mandatory Source of Supply: Portco, Inc., Portsmouth, VA.

Contracting Activity: Public Buildings Service, PBS R5.

Deletions

On 1/19/2018 (83 FR 13), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSNs—Product Names

6515–00–NIB–8007—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 5.5″

6515–00–NIB–8008—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 6″

6515–00–NIB–8009—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 6.5″

6515–00–NIB–8010—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 7″

6515–00–NIB–8011—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 7.5″

6515–00–NIB–8012—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 8″

6515–00–NIB–8013—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 8.5″

6515–00–NIB–8014—Gloves, Surgical, Powder-free, Latex, Signature Glide, Translucent Yellow, Size 9″

Mandatory Source of Supply: BOSMA Enterprises, Indianapolis, IN

Contracting Activity: Department of Veterans Affairs, Strategic Acquisition Center

NSNs—Product Names

9905–01–363–0874—Sign Kit, Contaminate, 8″ x 10″, CAUTION CONTROLLED SURFACE CONTAMINATION AREA

9905–01–363–0878—Sign Kit, Contaminate, CONTROL POINT AREA, CONTROL POINT WATCH, PERMISSION REQUIRED FOR ENTRY

9905–01–454–4649—Sign Kit, Contaminate, 4″ x 5.5″, HOT SPOT, ___ _MR/HR, __ON CONTACT, __ON CONTACT, WITH SHIELDING

9905–01–454–4651—Sign Kit, Contaminate, 8″ x 10″, CAUTION, HIGH RADIATION AREA, NO ENTRY BY UNAUTHORIZED PERSONNEL

9905–01–454–4655—Sign Kit, Contaminate, CAUTION RADIOLOGICALLY CONTROLLED AREA/RADIOLOGICAL CONTROLS REQUIRED FOR ENT

9905–01–454–4658—Sign Kit, Contaminate, 8″ x 10″, CAUTION RADIATION AREA

9905–01–454–4663—Sign Kit, Contaminate, 8″ x 10″, CAUTION RADIOACTIVE MATERIAL

Mandatory Source of Supply: Handicapped Development Center, Davenport, IA

Contracting Activity: NAVSUP WEAPON SYSTEMS SUPPORT

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–03765 Filed 2–22–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to deletes products from the Procurement List that was previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: March 25, 2018.

ADDRESSES: Committee for Purchase from People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following products are proposed for deletion from the Procurement List:

Products

NSN—Product Name: 7520–00–NIB–1620—Highlighters, Fluorescent, Flat

Mandatory Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC

Contracting Activity: General Services Administration, New York, NY

NSN(s)—Product Name(s):

8440–01–288–2178—Handkerchief, Plain Weave, Army, Men's, Brown

8440–00–261–4246—Handkerchief, Mans

Mandatory Source of Supply: Mount Rogers Community Services Board, Wytheville, VA

Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–03764 Filed 2–22–18; 8:45 am]

BILLING CODE 6353–01–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: EG18–47–000.

Applicants: Elk City Renewables II, LLC.

Description: Notice of Self-Certification of Exempt Wholesale

Generator Status of Elk City Renewables II, LLC.

Filed Date: 2/16/18.

Accession Number: 20180216–5172.

Comments Due: 5 p.m. ET 3/9/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER16–2401–001.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Compliance filing per 1/18/2018 order in Docket No. ER16–2401 to be effective 1/18/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5178.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER17–419–004.

Applicants: Transource Pennsylvania, LLC, Transource Maryland, LLC, PJM Interconnection, L.L.C.

Description: Compliance filing: Transource PA and MD submit Compliance Filing in ER17–419 re: 1/18/18 Order to be effective 2/1/2017.

Filed Date: 2/16/18.

Accession Number: 20180216–5006.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–473–001.

Applicants: Union Electric Company.

Description: Tariff Amendment: Supplement to Filing of Union Electric Company to be effective 1/1/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5164.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–861–000.

Applicants: New York Independent System Operator, Inc.

Description: Compliance filing: Procedures for revenue allocation from sale of non-historic fixed price TCCs to be effective 4/17/2018.

Filed Date: 2/15/18.

Accession Number: 20180215–5119.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: ER18–862–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2018–02–15 Planning Coordinator Agreement with Silicon Valley Power to be effective 4/17/2018.

Filed Date: 2/15/18.

Accession Number: 20180215–5143.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: ER18–863–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 4942; Queue No. AC1–154 to be effective 1/22/2018.

Filed Date: 2/15/18.

Accession Number: 20180215–5151.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: ER18–864–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original WMPA SA No. 4943; PJM Queue No. AC1–050 to be effective 1/22/2018.

Filed Date: 2/15/18.

Accession Number: 20180215–5155.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: ER18–865–000.

Applicants: Power 52 Inc.

Description: Baseline eTariff Filing: Power52 Market Based Rate Tariff to be effective 4/17/2018.

Filed Date: 2/15/18.

Accession Number: 20180215–5179.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: ER18–866–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Transmission Company of Illinois.

Description: § 205(d) Rate Filing: 2018–02–16_SA 3099 ATXI–UEC Construction Agreement (Adair) to be effective 1/18/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5004.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–867–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2018–02–16 Tariff revisions for the recovery of costs of TMEPs to be effective 4/18/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5088.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–868–000.

Applicants: Sierra Pacific Power Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 72—SPPC/Steamboat Scheduling Agr. to be effective 2/17/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5098.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–869–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised ISA, SA No. 3904; Queue No. AA1–108 to be effective 1/18/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5130.

Comments Due: 5 p.m. ET 3/9/18.

Docket Numbers: ER18–870–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OATT and RAA RE: Energy Efficiency to be effective 4/17/2018.

Filed Date: 2/16/18.

Accession Number: 20180216–5176.

Comments Due: 5 p.m. ET 3/9/18.

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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–03716 Filed 2–22–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–80–000]

Notice of Request Under Blanket Authorization: National Fuel Gas Supply Corporation

Take notice that on February 7, 2018, National Fuel Gas Supply Corporation (National Fuel), 6363 Main Street, Williamsville, New York 14221 filed a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act for authorization to abandon two wells lines and convert the two associated injection/withdrawal wells to observation wells in its Holland Storage Field located in Erie County, New York. The abandonment will have no effect on the service to any of National Fuel's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Alice

A. Curtiss, Deputy General Counsel for National Fuel, 6363 Main Street, Williamsville, New York 14221, by phone (716) 857–7075, by fax (716) 857–7206, or by email at *curtissa@natfuel.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commentary will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website (*www.ferc.gov*) under the e-Filing link. Persons unable to file electronically should submit original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: February 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–03717 Filed 2–22–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–463–000]

Notice of Schedule for Environmental Review of the Okeechobee Lateral Pipeline Project Florida Southeast Connection, LLC

On August 22, 2017, Florida Southeast Connection, LLC (FSC) filed an application to construct and operate certain natural gas pipeline facilities. The Federal Energy Regulatory Commission (Commission) is considering this application in Docket No. CP17–463–000 for a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act (NGA). The proposed project is known as the Okeechobee Lateral Pipeline Project (Project), and would connect FSC's mainline system with the Florida Power & Light Company's (FPL) Okeechobee Clean Energy Center (OCEC). The Project would be capable of transporting up to 400 million cubic feet per day of natural gas to the OCEC.

This Notice of Schedule for Environmental Review indicates the anticipated date for the Commission staff's issuance of an environmental assessment (EA) for this proposal. The issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

Schedule for Environmental Review

Issuance of EA—March 16, 2018
90-day Federal Authorization Decision Deadline—June 14, 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

FSC requests authorization to construct and operate approximately 5.2 miles of 20-inch-diameter natural gas transmission pipeline and associated facilities including an inspection tool launcher and a receiver and a meter station in Okeechobee County, Florida. As described above, this lateral pipeline would connect FSC's mainline system with FPL's OCEC. FSC anticipates construction would require four to five months.

Background

On October 24, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Okeechobee Lateral Pipeline 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 Treasure Coast Democratic Environmental Caucus, Seminole Tribe of Florida, Sierra Club, and the Economic Council of Okeechobee County. The primary issues raised by the commentors concern air quality, cumulative impacts, potential future projects and connected actions, cultural resources, purpose and need, alternatives, and greenhouse gas and upstream emissions.

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.,* CP17–463), 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 16, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–03715 Filed 2–22–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2018–0079] [ER–FRL–9037–7]

Availability of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Environmental Assessment (EA)/Finding of No Significant Impact (FONSI).

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA regulations, and EPA's regulations for implementing NEPA, EPA has prepared an Environmental Assessment (EA) to analyze the potential environmental impacts related to the issuance of credit assistance to the Indiana Finance Authority (IFA) for State Revolving Fund (SRF) Loans under the Water Infrastructure Finance and Innovation Act (WIFIA) program. The EA evaluates the potential environmental impacts of water infrastructure projects funded under the WIFIA credit assistance program in compliance with NEPA and the required environmental cross-cutters and other federal, state, and local environmental reviews. Based on the environmental impact analysis in the EA, EPA has made a preliminary determination that no significant environmental impacts are anticipated from the issuance of the credit assistance to IFA. This notice initiates the 30-day review period and invites comments from Federal, State, and local agencies, Indian tribes, and the public regarding EPA's preliminary determination.

DATES: Comments must be received by March 25, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2018–0079 to the *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Please follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish public comments received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Danusha Chandy, Water Infrastructure Division, Office of Wastewater Management, WIFIA Program, Mail Code: 4201T, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: 202–564–2165; email address *chandy.danusha@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA is seeking public comment regarding its preliminary Finding of No Significant Impact (FONSI) to document its determination that no significant environmental impacts are anticipated from the issuance of credit assistance to IFA for SRF Loans under the WIFIA program. EPA invites the public to submit comments through *Regulations.gov* during the 30-day comment period following the publication of this notice in the **Federal Register**.

Congress enacted the WIFIA as part of the Water Resources Reform and Development Act of 2014, as amended by sec. 1445 of Public Law 114–94 [1] and codified at 33 U.S.C. 3901–3914. WIFIA establishes a new federal credit program for water infrastructure projects to be administered by EPA.

The proposed federal action under consideration in this EA is approving or denying IFA's application by either issuing or not issuing a WIFIA loan. The IFA provides loans for the design, construction, operation, and maintenance of eligible water and wastewater infrastructure projects as described in section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)) and section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)). IFA applied for a WIFIA loan to help fund the 2017 3rd Quarter Project Priority Lists for the Drinking Water SRF (DWSRF) and Clean Water SRF (CWSRF) Loan Programs for projects applying for financial assistance in State Fiscal Year 2017. The proposed action involves the planning, design, construction, operation, and maintenance for a wide range of water and wastewater infrastructure projects, which are eligible for WIFIA credit assistance.

The environmental review process, which is documented by the EA, indicates that no potential significant adverse environmental impacts are anticipated from the proposed action. The EA, which analyzed the potential environmental impacts of issuing of credit assistance to IFA for SRF Loans under the WIFIA program, considered the potential environmental impacts from water and waste water infrastructure projects.

Based on the environmental impact analysis in the EA, EPA has determined that no significant environmental impacts are anticipated from the issuance of credit assistance to IFA for SRF Loans and the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, making the preparation of an Environmental Impact Statement (EIS) unnecessary. Therefore, EPA is issuing a preliminary FONSI.

Dated: February 20, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–03730 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9037–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–7156 or *http://www2.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements
Filed 02/12/2018 through 02/16/2018
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search*

EIS No. 20180021, Final, USFWS, CA, City of San Diego Vernal Pool Habitat Conservation Plan EIS/EIR, Review Period Ends: 03/26/2018, Contact: Susan Wynn, 760–431–9440

EIS No. 20180022, Final, USFS, BLM, USFWS, ID, Coeur d' Alene Basin Restoration Plan and Environmental Impact Statement, Review Period Ends: 03/26/2018, Contact: Jeffrey Johnson, 208–765–7442

EIS No. 20180023, Final, USAF, AK, Proposal to Improve F–22 Operational Efficiency at Joint Base Elmendorf-Richardson, Alaska, Review Period Ends: 03/26/2018, Contact: Major Matthew Smith, 907–552–8151

EIS No. 20180024, Draft, USFS, OR, East Hills Project DRAFT Environmental Impact Statement, Comment Period Ends: 04/09/2018, Contact: Jody Perozzi, 541–353–2723

Amended Notices

EIS No. 20170243, Draft, DOT, TX Dallas to Houston High Speed Rail DRAFT Environmental Impact Statement, Comment Period Ends: 02/20/2018, Contact: Kevin Wright (202) 493–0845, Revision to FR Notice Published 12/22/2017; Correction to Extend Comment Period from 02/20/2018 to 03/09/2018

Dated: February 20, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–03757 Filed 2–22–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 18–124]

Incentive Auction Task Force and Media Bureau Announce Post Incentive Auction Special Displacement Window April 10, 2018 Through May 15, 2018 and Make Location and Channel Data Available

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Incentive Auction Task Force and Media Bureau provide sixty days' advance notice of the opening of a displacement application filing window for low power television, TV translator stations, and analog-to-digital replacement translators that were displaced by the incentive auction and repacking process. The IATF and Media Bureau also announce that simultaneous with the release of the Public Notice they are releasing a channel study to assist stations in identifying potential new channels in the repacked television bands.

DATES: The Special Displacement Window will open April 10, 2018 and will close on May 15, 2018 at 11:59 p.m. EDT.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, *Shaun.Maher@fcc.gov,* (202) 418–2324.

SUPPLEMENTARY INFORMATION: The Incentive Auction Task Force (IATF) and the Media Bureau hereby provide sixty days' advance notice of the opening of a displacement application filing window for low power television (LPTV), TV translator stations, and analog-to-digital replacement translators (DRT) (referred to collectively as ''LPTV/translator stations'') that were displaced by the incentive auction and repacking process (Special Displacement Window). The Special Displacement Window will open on Tuesday, April 10, 2018, and close on Tuesday, May 15, 2018, at 11:59 p.m. EDT. The IATF and Media Bureau also announce that simultaneous with the release of this Public Notice they are releasing a channel study to assist stations in identifying potential new channels in the repacked television bands. The Public Notice provides details regarding the channel study, reiterate some of the eligibility and filing procedures for the window, and lifts the displacement application filing freeze for eligible stations. The Public Notice also reminds eligible full power television stations that they may begin filing applications for digital-to-digital replacement translators (DTDRTs) on April 10, 2018.

The Commission in 2015 sought comment on whether to preserve a vacant television channel for use by unlicensed white space devices and wireless microphones in all areas of the country. *See Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones,* MB Docket No. 15–146, Notice of Proposed Rulemaking, 30 FCC Rcd 6711 (2015). In that proceeding, the Commission proposed that applications filed in the displacement window would have to demonstrate that they do not eliminate the last remaining vacant channel in their proposed service area. *Id.* at 6719, para. 17. While the Commission has not issued an order in this proceeding to date, it is noted that the opening of the displacement window and acceptance of displacement applications does not preclude the preservation of a vacant television channel. Because new 600 MHz licensees have already begun to deploy service in the 600 MHz Band and the earliest transitioning full-power and Class A stations will begin testing on their post-auction channels in a few months, the IATF and Media Bureau believe time is of the essence in opening the special displacement window and processing displacement applications in order to ''preserve the important services provided by LPTV and TV translator stations.'' *In the Matter of Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions,* Report and Order, 29 FCC Rcd 6567, 6576, para. 21 (2014). In addition, the IATF and Media Bureau expect that in many areas of the country there will likely be vacant channels available even after displacement applications are processed and granted.

Channel Study. As described more fully in the Appendix to the Public Notice, the IATF and Media Bureau have compiled and are releasing data that identifies locations and channels where LPTV/translator stations filing applications in the Special Displacement Window likely cannot propose displacement facilities because of the presence of non-displaced LPTV/translator stations and permittees, full power and Class A television stations, or land mobile operations. The release of this data satisfies the Commission's directive to provide channel availability data to assist eligible LPTV/TV translator stations sixty days prior to the opening of the Special Displacement Window. *See Rules for Digital Low Power Television and Television Translator Stations,* MB Docket No. 03–185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14946–47, paras. 40–42 (2015). Identification of the locations and channels where eligible LPTV/translator stations likely cannot operate will provide important information to help facilitate the LPTV/translator displacement application process. Stations are encouraged to use this information to help identify available channels and to use TVStudy to ensure

the facilities they plan to propose will satisfy station needs. Stations are reminded that they must also use TVStudy to verify that the displacement facilities they propose will not create harmful interference. Additionally, given the public interest in promoting the efficient use of spectrum, LPTV/translator stations operating outside of the largest 40 DMAs are encouraged to select new channels for displaced stations that are adjacent to channels in use by other broadcast television stations to help provide flexibility in the future. Once a station has identified a suitable channel, it should file a construction permit application for it during the Special Displacement Window.

The data being provided is based on use of the incentive auction repacking and optimization software nationwide, and includes: (1) All other primary users in the repacked television band or in adjacent bands, including land mobile operations; (2) licenses and valid construction permits for LPTV/translator stations; (3) licenses and valid construction permits for full power and Class A stations that were not reassigned to new channels in repacking; (4) the full power and Class A television station technical parameters in the Closing and Channel Reassignment Public Notice; (5) full power and Class A television station modifications proposed in the two alternate channel/expanded facilities filing windows; and (6) full power and Class A television station applications filed during the period from November 28 to December 7, 2017, when the April 2013 freeze on the filing of applications for minor modifications was lifted. *See Media Bureau Temporarily Lifts the Freeze on the Filing of Minor Modification Applications That Expand the Contour of Full Power and Class A Television Stations From November 28 Through December 7, 2017,* Public Notice, 32 FCC Rcd 9328 (MB 2017). If an application filed during either of the alternate channel/expanded facilities filing windows is granted and supersedes the full power or Class A station's facility as listed in the Closing and Channel Reassignment Public Notice, then an LPTV/translator station filing an application in the Special Displacement Window need only demonstrate that it will not cause interference to the facility authorized in the granted window application. The data is provided on the same 2 x 2 kilometer basis as used in connection with the incentive auction. The data is available online at *https://data.fcc.gov/download/incentive-auctions/LPTV-Data.*

It is noted that the data shows those locations and channels that are potentially unavailable for displaced LPTV/translator stations. The data also indicates which LPTV/translator stations are potentially displaced as a result of causing interference or receiving interference based on certain assumptions that are described in more detail in the attached Appendix. This information is provided as guidance, and stations must conduct their own interference studies using TVStudy, particularly since technical parameters for stations may change. Technical showings will be required to demonstrate that LPTV/translator station displacement applications are predicted to cause less than the amount of interference prescribed in our rules to other TV stations, including other LPTV/translator stations.

In addition, the Incentive Auction Task Force and the Media Bureau announce today that they will host a webinar on the data on Wednesday, February 28, 2018 at 1 p.m., to review the assumptions described in the Appendix and the data we are providing, and to respond to questions from LPTV/translator stations. Additional information on this webinar will be provided in a future Public Notice.

Reminder of Certain Eligibility and Filing Procedures. To be eligible to file in the Special Displacement Window, an LPTV/translator station must be both ''operating'' and ''displaced.'' ''Operating'' LPTV/translator stations are those that had licensed their authorized construction permit facilities, or had an application for a license to cover on file with the Commission, as of April 13, 2017—the release date of the Closing and Channel Reassignment Public Notice. *See Media Bureau Announces Date By Which LPTV and TV Translator Stations Must Be ''Operating'' In Order To Participate In Post-Incentive Auction Special Displacement Window,* Public Notice, 31 FCC Rcd 5383 (MB 2016). In order to be ''displaced'' for purposes of filing in the Special Displacement Window, an LPTV/translator station must: (1) Be subject to displacement by a full power or Class A television station on the repacked television band (channels 2–36) as a result of the incentive auction and repacking process; (2) be licensed on frequencies repurposed for new, flexible use by a 600 MHz Band wireless licensee (channels 38–51); or (3) be licensed on frequencies that will serve as part of the 600 MHz Band guard bands (which includes the duplex gap).

During the Special Displacement Window, all of the requirements of the current displacement rules will continue to apply (*e.g.,* required interference showing and limits on transmitter moves), except for the requirement that displacement applications be submitted only after the primary full power or Class A station obtains a construction permit or license. Eligible digital stations may propose a change in transmitter site of not more than 48 kilometers from the reference coordinates of the existing station's community of license. Eligible analog stations may propose a change in antenna location of not more than 16.1 kilometers. In addition, eligible stations may apply only for a channel that continues to be allocated to broadcast television service (*i.e.,* channels 2–36), and not for channels that have been repurposed for the new, flexible 600 MHz Band for wireless services or reserved for the 600 MHz guard band and duplex gap (*i.e.,* former television channels 38–51).

In order to ensure that as many potential channels as possible are available for operating LPTV/translator stations that are subject to displacement, we will permit stations to file displacement applications proposing pre-auction channels in the repacked television band (channels 2–36) that full power and Class A stations will relinquish as a result of the incentive auction and repacking process. This includes channels that were voluntarily relinquished by License Relinquishment Stations, Channel Sharing Stations, and Band Changing Stations as well as the pre-auction channels of Reassigned Stations. Applicants proposing such channels must include a request to waive the contingent application rule. The Media Bureau expects to view favorably requests to waive the contingent application rule filed by operating LPTV/translator stations that are subject to displacement if the station demonstrates that the requested channel is necessary to allow the station to continue to serve its current viewers. In addition, in order to comply with Section 73.3700(g)(2), the station must agree to a condition that it will not begin transmitting on the requested channel prior to discontinuation of operation by the full power or Class A station that is currently licensed to use that channel. If a conditional grant would require an LPTV/translator station to be silent for a consecutive 12-month period prior to discontinuation of operation by the full power or Class A station, the Media Bureau will consider a request for extension or

reinstatement pursuant to Section 312(g) of the Communications Act and a request for waiver of the applicable Commission rule.

Lifting of Displacement Application Filing Freeze. To facilitate filing in the Special Displacement Window, the current freeze on the filing of displacement applications will be lifted on April 10, 2018, solely for the purposes of accepting applications by eligible stations during the Special Displacement Window. The displacement application filing freeze will be reinstated upon the completion of the Special Displacement Window on May 15, 2018, at 11:59 p.m. EST.

Displaced LPTV/translator stations that do not qualify for the Special Displacement Window (*e.g.,* permittees that were not operating as of the Closing and Channel Reassignment Public Notice), and stations that are eligible but do not file during the Special Displacement Window are reminded that they must wait until the freeze is lifted to submit a displacement application. In addition, stations are reminded that minor change filings and digital companion channel applications also remain frozen. The Media Bureau will announce a lifting of these three freezes in one or more subsequent public notices following the completion of the Special Displacement Window.

Applications for DTDRTs. Beginning April 10, 2018, eligible full power television stations may file applications for DTDRTs. Applications will continue to be accepted until July 13, 2021 (one year after completion of the post-incentive auction transition period). Additional information about eligibility and filing procedures for DTDRTs is contained in the May 2017 LPTV Procedures Public Notice.

Appendix A

Data To Assist LPTV/Translator Stations in Identifying Potential New Channels Prior to the Special Displacement Window

I. Introduction

This appendix describes the maps and data (collectively, ''Channel Study'') released in conjunction with this Public Notice. As previously indicatd, the Channel Study provides location and channel availability information to assist eligible low power television (''LPTV'') stations, TV translator stations, and analog-to-digital replacement translators (''DRT'') (referred collectively as ''LPTV/translator stations'') in identifying potential new channels in the repacked TV bands, consistent with the Commission's direction in *Rules for Digital Low Power Television and Television Translator Stations,* MB Docket No. 03–185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14946–47, paras. 40–42 (2015). The data is available at *https://data.fcc.gov/download/incentive-auctions/LPTV-Data.*

The Channel Study includes detailed information on a 2 x 2 km cell level about locations and channels that are likely not available for LPTV/translator station displacement facilities because of the presence of full power and Class A television stations, non-displaced LPTV/translator stations and permittees, or land mobile operations. The Channel Study also includes maps available in Tableau files to provide LPTV/translator stations a method to visually identify locations and channels that are likely unavailable as displaced channels. Both the maps and the detailed 2 x 2 km cell-level information should allow LPTV/translator stations to narrow their search options to the most viable locations and channels.

The Channel Study is based on the assumptions detailed in this appendix. Eligible displaced LPTV/translator stations must also conduct their own interference analysis using TVStudy prior to submitting displacement applications during the Special Displacement Window.

II. Overview of Study Process and Assumptions

a. Overview

The Channel Study examined potential interference caused by LPTV/translator stations to full power or Class A stations and interference received by LPTV/translator stations from full power and Class A stations. For each full power, Class A and LPTV/translator station, the Incentive Auction Task Force and Media Bureau (referred to collectively as ''we'') determine the station's current interference-free population and then determined how much interference it caused and how much interference it received from each other station using two post auction scenarios—one scenario utilizing the most recent universe of granted applications and the second scenario utilizing the most recent universe of both pending and granted applications.

b. Compiling the List of Stations

Compiling a complete list of stations and permittees was a necessary first step in developing the Channel Study. On January 17, 2018 (the ''pull date''), we pulled a station list from the Commission's Licensing and Management System (LMS) that included the following categories of stations:

- All licensed full-power and Class A stations that existed prior to the auction;
- all LPTV/translator licensees and permittees (including DRTs, digital companion channels, permittees whose status is currently ''CP Off Air,'' and the set of LPTVs which have already been displaced as a result of the auction); and
- all Mexican and Canadian stations.

More specifically, we included all Canadian and Mexican stations in the border regions that were protected during the incentive auction. This approach is consistent with what was done during the incentive auction, however, the data set also includes additional Mexican allotments which need to be protected after the auction.

c. Calculating Interference

We entered the compiled list of stations into TVStudy to calculate the interference-free populations for all LPTV/translator stations to create a baseline, using the methodology described in OET Bulletin 69 (OET–69) and at a 2 x 2 km cell level of granularity consistent with the repacking software used in connection with the incentive auction. We then used TVStudy to run pairwise studies to determine whether two TV stations on either the same channel or on an adjacent channel within the same region would create new pairwise interference greater than 0.5% between the two stations.

In order for a displaced LPTV/translator station to receive the most complete picture of likely channel availability, two separate sets of data were generated. The first set of data used the parameters from the most recent universe of granted construction permits or licenses. This set will inform LPTV/translator stations of the required protections for full power and Class A stations as of the pull date. The following parameters were used to create this first set of data:

- The operating parameters from the most recent granted construction permits for any full power, Class A and LPTV/translator station as of the pull date;
- the post-auction baseline parameters for full power and Class A stations that did not have a granted construction permit since the close of the auction;
- the licensed operating parameters of LPTV/translator stations that did not have a granted construction permit since the close of the auction; and
- the protected parameters of Canadian and Mexican stations (including Mexican auction allotments).

Note that in addition to granted construction permits and licensed operating facilities included in this first set, we also included a small number of pending minor modifications for LPTV/translator stations in this first set. These pending minor modifications are likely either awaiting international coordination or were otherwise filed prior to the December 20, 2017 freeze on LPTV/translator minor modifications and, in either case, will require protection from applications filed in the Special Displacement Window. *See Media Bureau Freezes the Filing of Minor Change Applications for LPTV/Translator Stations, Public Notice,* DA 17–1227 (rel. Dec. 20, 2017).

The second set of data used the operating parameters from the most recent universe of both granted and pending applications for any station that has an application still under consideration as of the pull date. This set will inform LPTV/translator stations of the pending operating parameters that may be granted by the Commission. Even if a full power or Class A application is still pending when a displacement application is considered, it must nevertheless be protected from interference, as must any pending LPTV/translator minor modification application filed before December 20, 2017. The following parameters were used in this second set of data:

• The operating parameters from the most recent pending construction permits for any full power, Class A, and LPTV/translator stations (including LPTV/translator stations that have already been displaced as a result of the incentive auction) as of the pull date;

• the operating parameters from the most recent granted construction permit for any full power, Class A, and LPTV/translator station that did not have a pending construction permit as of the pull date;

• the post-auction baseline parameters for full power and Class A stations that did not have a pending or granted construction permit since the close of the auction;

• the licensed operating parameters of LPTV/translator stations that did not have a pending or granted construction permit since the close of the auction; and

• the protected parameters of Canadian and Mexican stations (including Mexican auction allotments).

We had to make one minor correction to the set of stations included in the pending and granted applications study. WWDT–CD (facility ID: 58261) was accidentally not included in the data used by TVStudy to create this scenario. To provide a more accurate picture for this study, WWDT–CD's interference-free service area was added manually into the data used to create the Tableau maps. WWDT–CD was, however, correctly included in the study that considered only granted applications.

The results of these pairwise studies indicate, for each 2 x 2 km cell, whether the LPTV/translator station causes interference to a full power or Class A station or whether the LPTV/translator station receives interference from a full power or Class A station. If the LPTV/translator station was predicted to cause more than 0.5% new interference to the interference-free population of a full power or Class A station, it is considered displaced in the Channel Study due to interference caused. In addition, by aggregating the pairwise studies, the resulting output shows whether a LPTV/translator station receives in aggregate more than 2% new interference to its interference-free population from any combination of repacked full power and Class A stations. Any station that receives more than 2% new interference in aggregate but does not cause more than 0.5% interference will be considered displaced in the Channel Study due to interference received. We used the 2% threshold as a conservative measurement of displacement based on the pairwise protections that LPTV/translator stations owe other LPTV/translator stations.

LPTV/translator stations that are marked as displaced, either because they cause or receive more than the stated threshold amount of interference, may not in fact be displaced because LPTV/translator stations have the option to modify their facility to eliminate such interference issues and remain on their current channel. Nevertheless, for purposes of the Channel Study, we mark these stations as being potentially displaced so that other LPTV/translator stations will be aware of this fact. Also, LPTV/translator stations that currently broadcast on channels (38–51) are automatically displaced because they are in the new 600 MHz band for mobile broadband service and are not included in the interference studies underlying the Channel Study.

This data was then aggregated by point (*i.e.,* each 2 x 2 km cell) for each channel. Any point that exists in an interference-free service area (''service area'') for a given channel is categorized using the first valid condition from the following list:

• Protected due to land mobile or off shore radio;

• within a full power or Class A station's service area;

• within an LPTV/translator station's service area where that station does not cause more than 0.5% interference to a full power or Class A station or receive more the 2% aggregate interference;

• within an LPTV/translator station's service area where that station receives more the 2% aggregate interference; or

• within an LPTV/translator station's service area where that station causes more than 0.5% interference to a full power or Class A station.

Note that for purposes of generating the Channel Study, we continued to use the same distance-based protections that were used in the incentive auction. *See Incentive Auction Task Force Releases Information Related to Incentive Auction Repacking,* ET Docket No. 13–26, GN Docket No. 12–268, Public Notice, 28 FCC Rcd 10370, 10407–10 (2013). This conservative approach was adopted for ease of use, but displaced LPTV/translator stations can still make a technical showing to demonstrate that they can operate on these excluded channels and locations.

Points are categorized in this way to show areas likely to be unable to accommodate a displaced LPTV/translator station. Land mobile, full power and Class A stations, and LPTV/translator stations not causing or receiving interference are unlikely to modify their facilities and their current service areas are unlikely to be able to accommodate a displaced LPTV/translator station. LPTV/translator stations that are receiving interference may accept the interference and continue to broadcast or make modifications to mitigate the interference, or, if they cannot tolerate or eliminate the interference, they may file for a new channel in the Special Displacement Window. LPTV/translator stations causing interference must make modifications to mitigate the interference or file for a new channel in the Special Displacement Window.

III. Description of Maps and CSV Data Files

a. Maps Overview

We provide four types of maps as visual tools to assist LPTV/translator stations in identifying available channels in their service area. All visualizations are Tableau workbooks that can be viewed using the free Tableau Reader (available here *https://www.tableau.com/products/reader*).

The first and second workbooks show the locations and channels currently in the service area of full power, Class A, non-displaced LPTV/translator, or land mobile operations, and are therefore likely not available to displaced LPTV/translator stations. The third and fourth workbook show which LPTV/translator stations that remain in the TV band are displaced either as a result of causing or receiving interference. The four visualizations are identified in the bullets below and described in more detail in the following subsections.

• *Protected Points by Channel—Granted:* These maps provide a visual representation of granted construction permits or licensed stations, as described in detail in Section II.c, paragraph 6, to identify locations and channels that are potentially not available for displaced LPTV/translator stations.

• *Protected Points by Channel—Pending and Granted:* These maps provide a visual representation of pending construction permits, granted construction permits, or licensed stations, as described in detail in Section II.c, paragraph 7, to identify locations and channels that are potentially not available for displaced LPTV/translator stations.

• *Potentially Displaced LPTV Stations Map—Granted:* These maps provide a visual representation of granted construction permits or licensed stations, as described in detail in Section II.c, paragraph 6 (except those stations in the new 600 MHz band—*i.e.,* channels 38–51—which are automatically displaced), to identify LPTV/translator stations that are potentially displaced.

• *Potentially Displaced LPTV Stations Map—Pending and Granted:* These maps provide a visual representation of pending construction permits, granted construction permits, or licensed stations, as described in detail in Section II.c, paragraph 7 (except those stations in the new 600 MHz band—*i.e.,* channels 38–51—which are automatically displaced), to identify LPTV/translator stations that are potentially displaced.

b. Protected Points by Channel Maps

The two Protected Points by Channel visualizations display color coded maps. The colors identified below signify the existence of certain services in an area. Points that do not fall within any relevant service's or station's service area are not colored. Examples of these visualizations are provided in Figure 1 and Figure 2 below, and comprehensive information is available in the CSV files discussed below and posted online.

• Green denotes an area protected due to land mobile or off shore radio.

• Blue denotes an area within a full power or Class A station's service area.

• Light blue denotes an area within an LPTV/translator station's service area where that station does not cause more than 0.5% new interference to a full power or Class A station or receive more the 2% new aggregate interference.

• Orange denotes an area within an LPTV/translator station's service area where that station receives more than 2% new aggregate interference.

• Red denotes an area within an LPTV/translator station's service area where that station causes more than 0.5% interference to a full power or Class A station.

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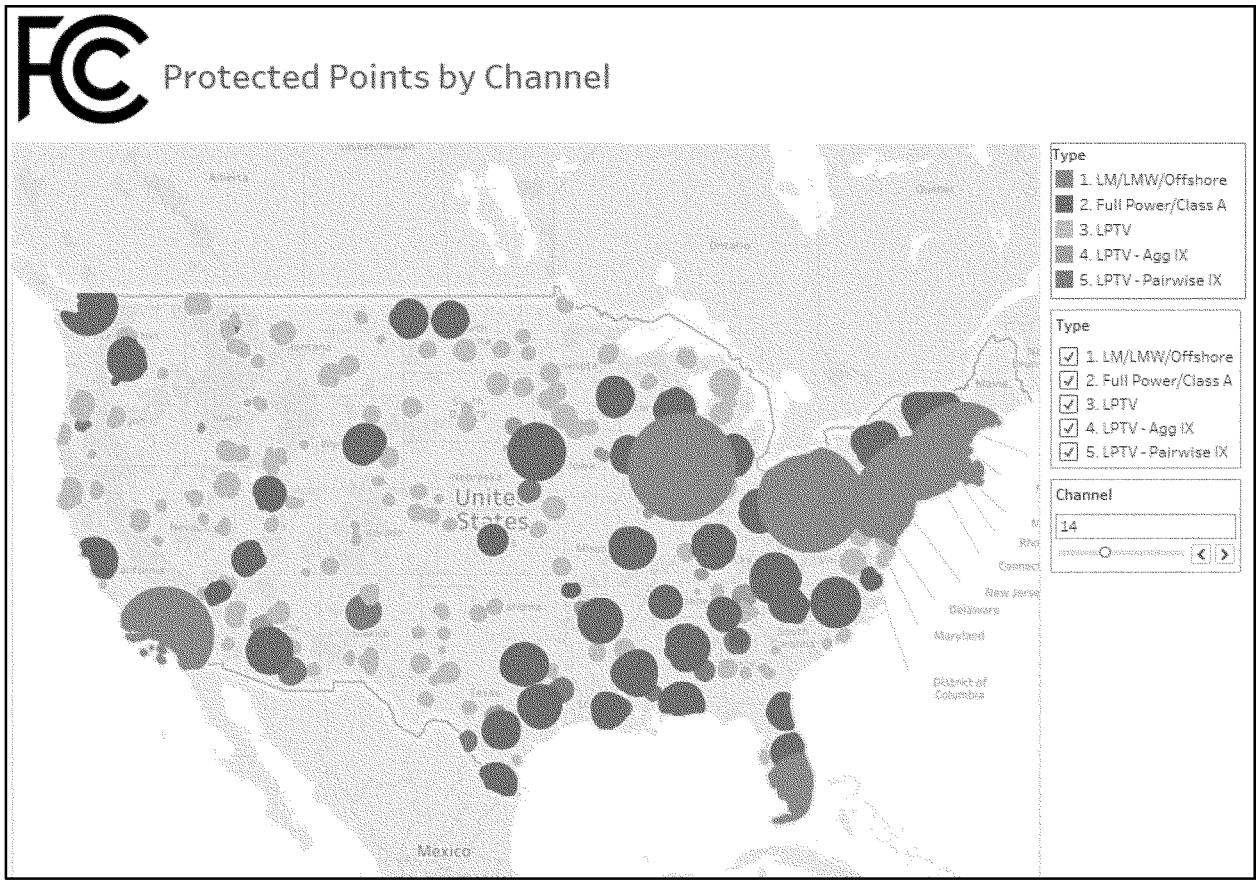

Figure 1: From Protected Points by Channel – Granted Workbook: Protected Service Areas for Channel 14

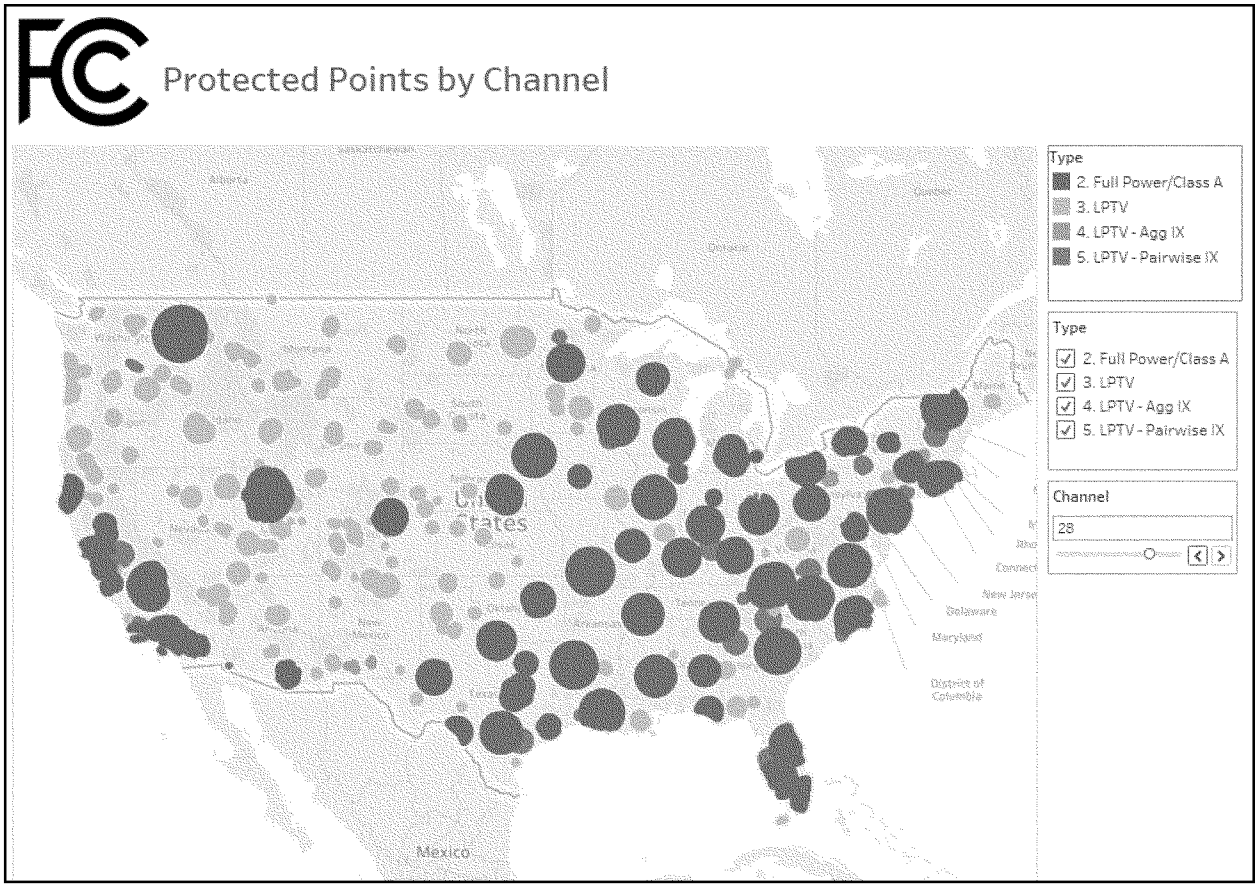

Figure 2: From Protected Points by Channel – Granted Workbook: Protected Service Areas for Channel 28

As noted above, there are two Tableau workbooks for each visualization. One workbook reflects the data set using the service area parameters from the most recently granted construction permits or licenses of full or Class A TV stations as of the pull date and the second workbook reflects the data set using the service area parameters from pending construction permits as of the pull date.

c. Potentially Displaced LPTV Stations Maps

The two Potentially Displaced LPTV Station Map visualizations show LPTV/translator stations that are potentially displaced because they cause new pairwise interference greater than 0.5% to a full power or Class A station or because they receive aggregate new interference greater than 2%. The 2% parameter is a default used in the data but it can be changed using a filter next to the map. Using the lasso tool within Tableau, the user can select a geographic region to generate a table containing the pairwise and aggregate interference data, and also view the interference free service area of individual LPTV stations to see the impact of new interference. Examples of the visualizations available are provided in Figure 3 through Figure 6 below and comprehensive information is available in the data provided online.

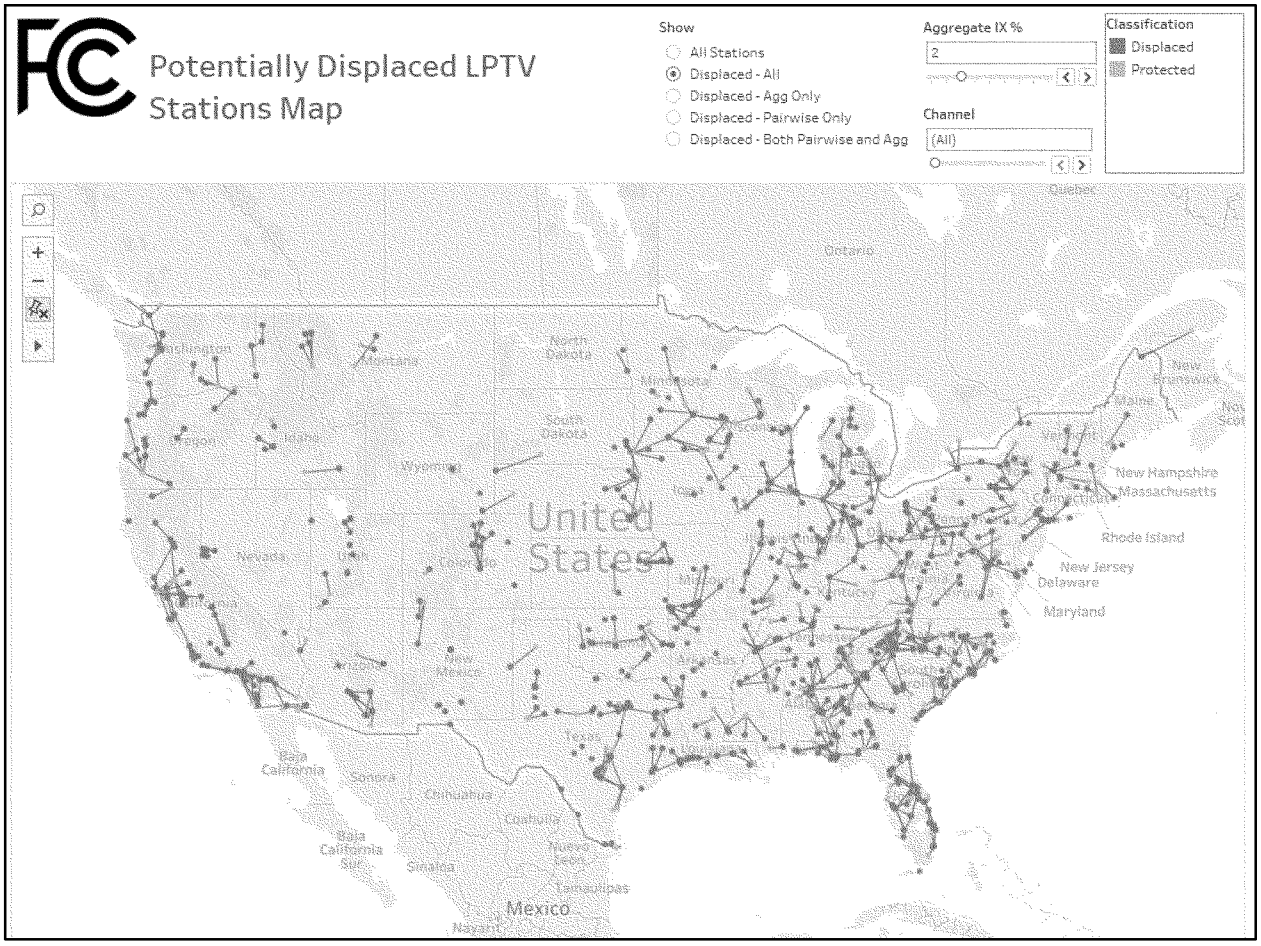

Figure 3: From Potentially Displaced LPTV Stations – Granted Workbook: LPTV stations displaced by causing new pairwise interference or receiving new aggregate interference. For pairwise-displaced stations, a line is drawn between the displaced LPTV station and the full power or Class A station (marked as "Protected" stations in the map shown above) receiving the pairwise interference.

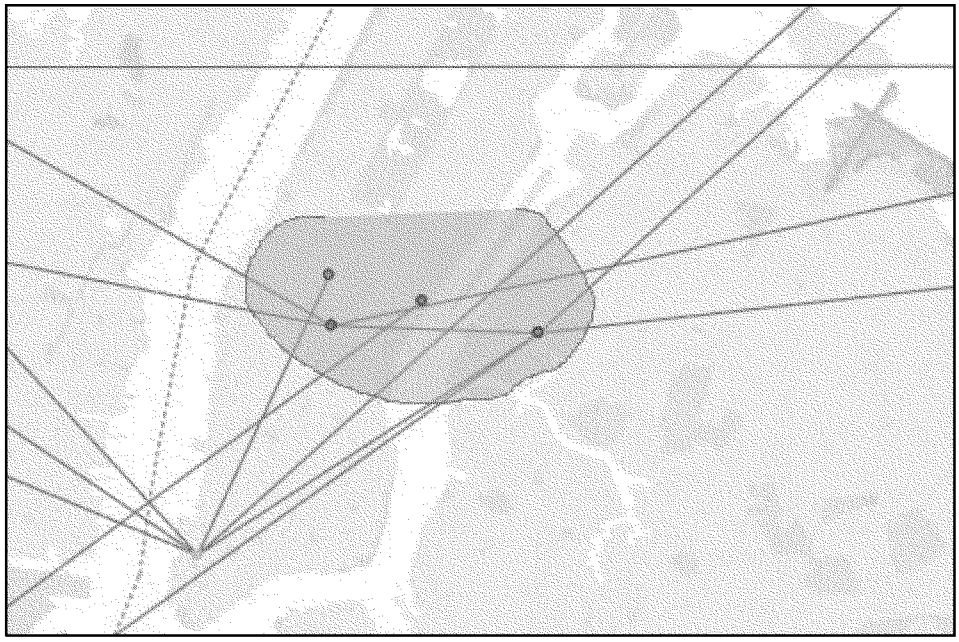

Figure 4: From Potentially Displaced LPTV Stations – Granted Workbook: Data captured by the lasso tool.

Back to Map

Selected Data

Data Type	Fac Id	Call Sign	Protected	Agg IX Pct	IX Pct	Displaced	Pairwise Di..	Agg Displac..
Stations	29231	WXNY-LD	False	24.0799	0	True	True	True
	29233	WNXY-LD	False	0	0	True	True	False
	29236	WNYX-LD	False	92.87844	0	True	True	True
	38945	WYXN-LD	False	94.99321	0	True	True	True
	51441	WKOB-LD	False	0	0	True	True	False
	56043	WNYZ-LP	False	0	0	True	True	False
	74502	W20EF-D	False	2.85783	0	True	False	True
	167320	WASA-LD	False	88.56539	0	True	True	True
IX Pairs	29231 -> 38336	WXNY-LD -> WLIW	False	24.0799	59.46762	True	True	False
	29233 -> 74109	WNXY-LD -> WTNH	False	0	0.55761	True	True	False
	29236 -> 73333	WNYX-LD -> WNJU	False	92.87844	3.86069	True	True	False
	38945 -> 60555	WYXN-LD -> WFUT-DT	False	94.99321	1.0955	True	True	False
	49882 -> 60555	W26DC-D -> WFUT-DT	False	78.92273	3.44377	True	True	False
	51441 -> 1283	WKOB-LD -> KJWP	False	0	11.42278	True	True	False
	56043 -> 8616	WNYZ-LP -> WPVI-TV	False	0	1.12557	True	True	False
	127813 -> 168..	W22EW-D -> WDVB-CD	False	82.46544	1.43606	True	True	False
	127912 -> 605..	W26DB-D -> WFUT-DT	False	26.38886	0.82708	True	True	False
	167320 -> 741..	WASA-LD -> WWOR-TV	False	88.56539	77.12527	True	True	False

Figure 5: From Potentially Displaced LPTV Stations – Granted Workbook: Table containing data captured by the lasso tool in Figure 4.

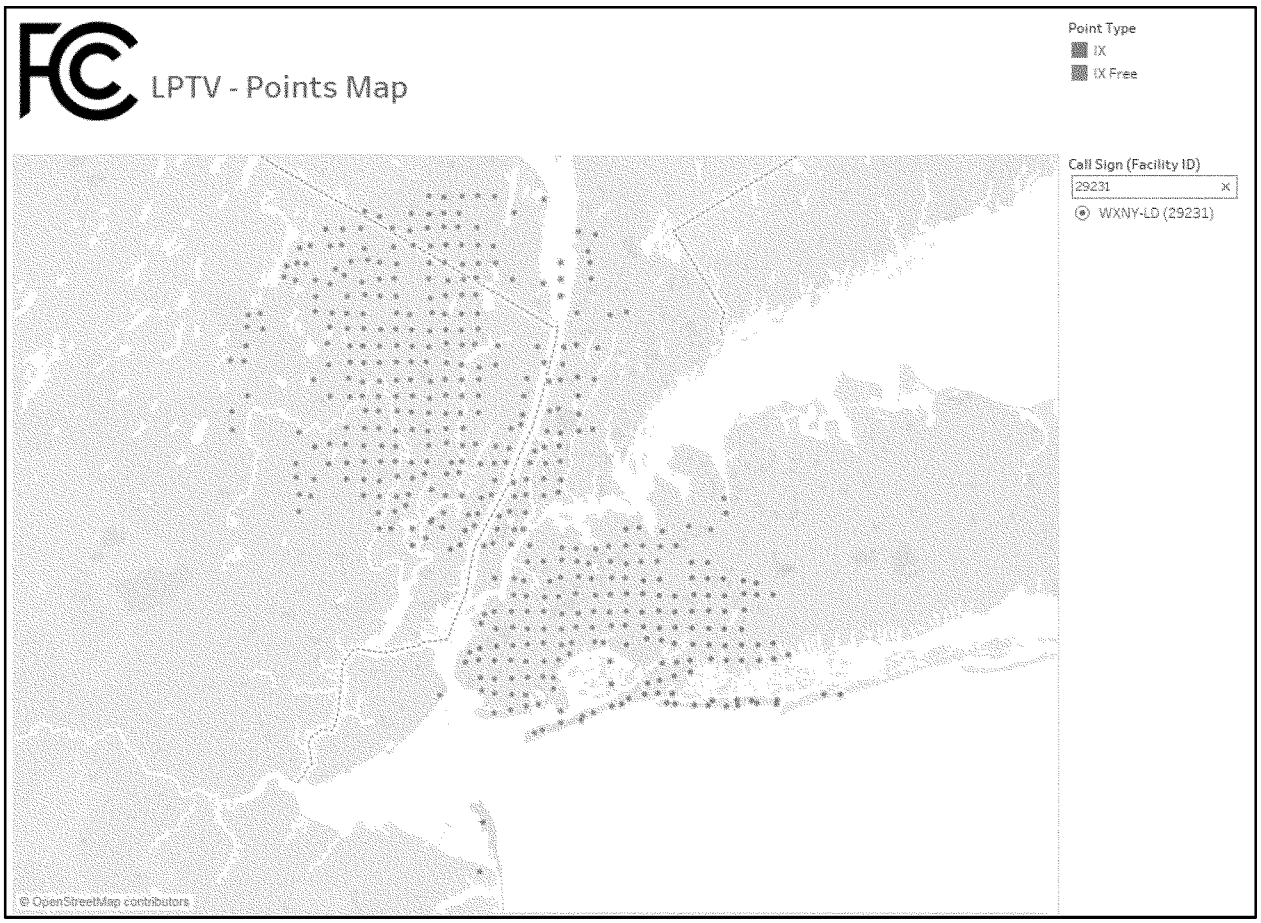

Figure 6: From Potentially Displaced LPTV Stations – Granted Workbook: Example of view of a single LPTV station's service area.

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d. CSV Data Files

The online Channel Study includes three zip files. The first zip file contains the three CSV files unique to the granted applications study. The second zip file contains the three CSV files unique to the pending and granted applications study. The third zip file contains the two CSV files common to both studies. The CSV files contained in these three zip files were used to generate the Tableau maps. Each study contains a CSV file, lptv_aggregated.csv, which is the aggregated 2 x 2 km point data as categorized above, and forms the basis for the Tableau maps. The other two CSV files combined with the common two CSV files contain the underlying point data for each LPTV/translator station used to generate the aggregated data. These are provided in comma separated value format and are available to users to generate their own study scenario or to replicate our analysis.

The following three files (detailed in Tables 1–3 below) are in the zip file unique to each study. The lptv_aggregated.csv file identifies, for each channel, any point that falls within a service area. The file contains the fields listed in Table 1 below:

TABLE 1—DATA DICTIONARY FOR LPTV_AGGREGATED.CSV

Field	Description	Type	Sample
Pointkey	The unique identification for a 2 x 2 grid cell determined by *TVStudy*.	Integer	*e.g.,* 62592057.
Channel	The channel number assigned to the station of the protection category indicated by the "type" field.	Integer	*e.g.,* 29.
Type	The classification of service for that point according to the priorities listed above.	String	Types will be one of the following: • LM/LMW/Offshore. • FP/CA. • LPTV. • LPTV—Agg IX. • LPTV—Pairwise IX.

The stations_points.csv file identifies the interference-free points for each station on the station's assigned channel in the study. These points establish the total interference-free population for a given station and also the possible locations for interference to that station. The file contains the fields listed in Table 2 below:

TABLE 2—DATA DICTIONARY FOR STATIONS_POINTS.CSV

Field	Description	Type	Sample
Facility_id	The unique facility ID assigned to the station	Integer	*e.g.,* 52887.
Channel_id	The channel number assigned to the station	Integer	*e.g.,* 29.
Pointkey	The unique ID of each 2 x 2 km cell	Integer	*e.g.,* 62592057.

The ix_paired.csv file identifies interference between any two stations (LPTV/translator stations and full power/Class A stations) according to TVStudy at a given point. The file contains the following fields listed in Table 3 below:

TABLE 3—DATA DICTIONARY FOR IX_PAIRED.CSV

Field	Description	Type	Sample
Facility_id	The unique facility ID assigned to the station receiving interference.	Integer	*e.g.,* 52887.
Channel_id	The channel number assigned to the station receiving interference.	Integer	*e.g.,* 29.
ix_facility_id	The unique facility ID assigned to the station causing interference.	Integer	*e.g.,* 53442
ix_channel_id	The channel number assigned to the station causing interference.	Integer	*e.g.,* 35.
Pointkey	The unique ID of the 2 x 2 km cell	Integer	*e.g.,* 62592057.

The following two files (detailed in Tables 4–5 below) are in the other zip file and are common to both runs. The lm_points.csv file identifies points that must be protected on a specific channel due to land mobile, land mobile waivers, and off shore radio (LM/LMW/OSR). The file contains the fields listed in Table 4 below:

TABLE 4—DATA DICTIONARY FOR LM_POINTS.CSV

Field	Description	Type	Sample
Facility_id	The unique facility ID assigned to the LM/LMW/OSR station.	Integer	*e.g.,* 52887. Note: facility_id 999999 is used for off shore radio.
Channel_id	The channel number assigned to the LM/LMW/OSR station.	Integer	*e.g.,* 29.
Pointkey	The unique ID of each 2 x 2 km cell	Integer	*e.g.,* 62592057.

The pointkeys.csv file identifies the characteristics associated with each point, specifically latitude, longitude, country and population. The file contains the fields listed in Table 5 below:

TABLE 5—DATA DICTIONARY FOR POINTKEYS.CSV

Field	Description	Type	Sample
Pointkey	The unique ID of each 2 x 2 km cell	Integer	*e.g.,* 62592057.
Latitude	The latitude coordinate of the 2 x 2 km point	Decimal	*e.g.,* 28.586667.
Longitude	The longitude coordinate of the 2 x 2 km point.	Decimal	*e.g.,* −81.082778.
Country	The country where the 2 x 2 km point is located.	String	One of the following: • US • CA • MX.
Population	The population of the 2 x 2 km cell	Integer	*e.g.,* 586.

e. TVStudy Scenarios

We are also making available on the website a zip file that contains the three TVStudy XML scenarios used to generate the interference data used in the Channel Study. The first scenario, ''180124-Pre.xml'', was used to generate the interference-free service areas of LPTV/translator stations on their current channels. The second scenario, ''180124-PostG.xml'', was used to calculate the interference to/from LPTV/translator stations in the granted applications study. The third scenario, ''180124-PostP.xml'', was used to calculate interference to/from LPTV/translator stations in the pending and granted applications study. These studies were run using the Interference Check template included with TVStudy 2.2.4. The output of these three TVStudy scenarios was combined into the data tables described in III.d. above.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2018–03732 Filed 2–22–18; 8:45 am]

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FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register.** Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012447–001.

Title: THE Alliance/Zim MED–USEC Slot Exchange Agreement.

Parties: Hapag-Lloyd AG; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yang Ming Marine Transport Corporation; Yang Ming (UK) Ltd.; and Zim Integrated Shipping Services Ltd.

Filing Party: Joshua Stein; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment revises the Agreement to provide for the transition that will occur following the combination of the container liner operations of Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha into a new company known as Ocean Network Express Pte. Ltd. effective April 1, 2018. Ocean Network Express Pte. Ltd. is added as a party. In addition, the amendment adds Yang Ming (UK) Ltd. as a party (operating as a single party with Yang Ming Marine Transport Corp.).

Agreement No.: 012488–001.

Title: THE Alliance/OOCL Vessel Sharing Agreement.

Parties: Hapag-Lloyd AG; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yang Ming Marine Transport Corporation; Yang Ming (UK) Ltd.; and Orient Overseas Container Line Limited.

Filing Party: Joshua Stein; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment revises the Agreement to provide for the transition that will occur following the combination of the container liner operations of Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha into a new company known as Ocean Network Express Pte. Ltd. effective April 1, 2018. Ocean Network Express Pte. Ltd. is added as a party. In addition, the amendment adds Yang Ming (UK) Ltd. as a party (operating as a single party with Yang Ming Marine Transport Corp.).

Agreement No.: 201240.

Title: Husky—Ports America Washington Marine Terminal Cooperative Working Agreement.

Parties: Ports America Washington, Inc. and Husky Terminal and Stevedoring, Inc.

Filing Party: Eric Lee; Holland & Knight LLP; 800 17th Street NW, Suite 1100, Washington, DC 20006.

Synopsis: The Agreement authorizes the parties to (1) establish and maintain terminal rates, service charges and fees, rules, and practices related to their operations at terminals owned and operated by them at the Port of Tacoma, and (2) meet, discuss, exchange information and data, and agree on issues regarding their respective operations, facilities, and services at the Port.

Agreement No.: 201241.

Title: Tacoma Marine Terminal Operator Conference Agreement.

Parties: Husky Terminal and Stevedoring, Inc. and Washington United Terminals, Inc.

Filing Party: Eric Lee; Holland & Knight LLP; 800 17th Street NW, Suite 1100, Washington, DC 20006.

Synopsis: The Agreement authorizes the parties to establish and maintain rates, charges, schedules, classifications, regulations, rules, and practices related to operations, facilities, and services at marine terminals owned or operated by the parties at the Port of Tacoma.

Agreement No.: 201242.

Title: Tacoma Marine Terminal Operator Cooperative Working Agreement.

Parties: Husky Terminal and Stevedoring, Inc. and Washington United Terminals, Inc.

Filing Party: Eric Lee; Holland & Knight LLP; 800 17th Street NW, Suite 1100, Washington, DC 20006.

Synopsis: The Agreement authorizes the parties to discuss and agree on various operational issues at facilities in the Port of Tacoma.

Dated: February 20, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–03750 Filed 2–22–18; 8:45 am]

BILLING CODE 6731–AA–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 19, 2018.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *TriCo Bancshares, Chico, California;* to acquire and merge with FNB Bancorp, and thereby indirectly acquire First National Bank of Northern California, both of South San Francisco, California.

Board of Governors of the Federal Reserve System, February 16, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–03684 Filed 2–22–18; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0293; Docket No. 2017–0001; Sequence 9]

Submission for OMB Review; Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements

AGENCY: Office of Technology Strategy/Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of the currently approved information collection requirement concerning the reporting and use of information concerning integrity and performance of recipients of grants and cooperative agreements.

DATES: Submit comments on or before March 26, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0293. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0293.

Instructions: Please submit comments only and cite Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Harrison, Integrated Award Environment, GSA, 202–215–9767, or via email at *dennis.harrison@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requirement, OMB Control No. 3090–0293, currently titled ''Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements'' is necessary in order to comply with section 872 of the Duncan Hunter National Defense Authorization Act of 2009, Public Law 110–417, as amended by Public Law 111–212, hereafter referred to as ''the Act.'' The Duncan Hunter National Defense Authorization Act of 2009 (Pub. L. 110–417) was enacted on October 14, 2008. Section 872 of this Act required the development and maintenance of an information system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees.

The Federal Awardee Performance and Integrity Information System (FAPIIS) was developed to address these requirements. FAPIIS provides users access to integrity and performance information from the FAPIIS reporting module in the Contractor Performance Assessment Reporting System (CPARS), proceedings information from the Entity Management section of the System for Award Management (SAM) database, and suspension/debarment information from the Performance Information section of SAM.

As stated in 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the Federal awarding agency is required to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, as appropriate.

The Federal awarding agency is required to review the non-public segment of the OMB-designated integrity and performance system accessible through SAM (currently the FAPIIS), prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold (currently $150,000), defined in 41 U.S.C. 134, over the period of performance.

For non-federal entities (NFEs), if the total value of the NFEs currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of the Federal award, then the NFE must disclose semiannually, and maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently the FAPIIS) about civil, criminal, or administrative proceedings, as described in the award terms and conditions, for the most recent five year period.

B. Annual Reporting Burden

Proceedings Screening Question #1

Respondents: 13,683.
Responses per respondent: 1.
Total annual responses: 13,683.
Hours per response: .1.
Total response burden hours: 1,368.

Proceedings Screening Question #2

Respondents: 1,663.
Responses per respondent: 1.
Total annual responses: 1,663.
Hours per response: .1.
Total response burden hours: 166.

Proceedings Details

Respondents: 24.
Responses per respondent: 2.
Total annual responses: 48.
Hours per response: .5.
Total response burden hours: 24.

C. Public Comments

A notice was published in the **Federal Register** at 82 FR 57267 on December 4, 2017. No comments were received. Public comments are particularly invited on: Whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from

the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. Please cite OMB Control No. 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements, in all correspondence.

Dated: February 20, 2018.

David A. Shive,

Chief Information Officer.

[FR Doc. 2018–03745 Filed 2–22–18; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Patient Safety Organizations: Expired Listing for Quality Solutions

AGENCY: Agency for Healthcare Research and Quality (AHRQ), Department of Health and Human Services (HHS).

ACTION: Notice of delisting.

SUMMARY: The Patient Safety Rule authorizes AHRQ, on behalf of the Secretary of HHS, to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' by the Secretary if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. The listing for Quality Solutions has expired and AHRQ has delisted the PSO accordingly.

DATES: The directories for both listed and delisted PSOs are ongoing and reviewed weekly by AHRQ. The delisting was effective at 12:00 Midnight ET (2400) on January 6, 2018.

ADDRESSES: Both directories can be accessed electronically at the following HHS website: *http://www.pso.ahrq.gov/listed.*

FOR FURTHER INFORMATION CONTACT: Eileen Hogan, Center for Quality Improvement and Patient Safety, AHRQ, 5600 Fishers Lane, Room 06N94B, Rockville, MD 20857; Telephone (toll free): (866) 403–3697; Telephone (local): (301) 427–1111; TTY (toll free): (866) 438–7231; TTY (local): (301) 427–1130; Email: *pso@ahrq.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. 299b–21 to b–26, (Patient Safety Act) and the related Patient Safety and Quality Improvement Final Rule, 42 CFR part 3 (Patient Safety Rule), published in the **Federal Register** on November 21, 2008, 73 FR 70732–70814, establish a framework by which hospitals, doctors, and other health care providers may voluntarily report information to Patient Safety Organizations (PSOs), on a privileged and confidential basis, for the aggregation and analysis of patient safety events.

The Patient Safety Act authorizes the listing of PSOs, which are entities or component organizations whose mission and primary activity are to conduct activities to improve patient safety and the quality of health care delivery. HHS issued the Patient Safety Rule to implement the Patient Safety Act. AHRQ administers the provisions of the Patient Safety Act and Patient Safety Rule relating to the listing and operation of PSOs. The Patient Safety Rule authorizes AHRQ to list as a PSO an entity that attests that it meets the statutory and regulatory requirements for listing. A PSO can be ''delisted'' if it is found to no longer meet the requirements of the Patient Safety Act and Patient Safety Rule, when a PSO chooses to voluntarily relinquish its status as a PSO for any reason, or when a PSO's listing expires. Section 3.108(d) of the Patient Safety Rule requires AHRQ to provide public notice when it removes an organization from the list of federally approved PSOs.

Quality Solutions, PSO number P0165, is a component entity of: Chest Medicine Associates, Coastal Women's Healthcare, Eyecare Medical Group, Maine Nephrology Associates, New England Cancer Specialists, Plastic & Hand Surgical Associates, Portland Gastroenterology, and Spectrum Medical Group. The PSO chose to let its listing expire by not seeking continued listing. Accordingly, Quality Solutions was delisted effective at 12:00 Midnight ET (2400) on January 6, 2018.

More information on PSOs can be obtained through AHRQ's PSO website at *http://www.pso.ahrq.gov.*

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–03744 Filed 2–22–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Public Comment Request; State Annual Long-Term Care Ombudsman Report Known as the National Ombudsman Reporting System (NORS) and Instructions (OMB No: 0985–0005)

AGENCY: Administration for Community Living/Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living/Administration on Aging (ACL/AoA) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995. This 30-day notice collects comments on the information collection requirements related to the Long-Term Care Ombudsman Program (Proposed Extension with Changes of a Currently Approved Collection (ICR Rev)).

DATES: Submit written comments on the collection of information by March 26, 2018.

ADDRESSES: Submit written comments on the collection of information by fax to 202.395.5806, Attn: OMB Desk Officer for ACL; by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL; or by mail to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW, Rm. 10235, Washington, DC 20503, Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Louise Ryan, telephone: (206) 615–2514; email: *louise.ryan@acl.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, ACL/AoA has submitted the following proposed collection of information to OMB for review and clearance.

States provide the following data and narrative information in the report:

1. Numbers and descriptions of cases filed and complaints made on behalf of long-term care facility residents to the statewide ombudsman program;

2. Major issues identified that impact the quality of care and life of long-term care facility residents;

3. Statewide program operations; and

4. Ombudsman activities in addition to complaint investigation.

The report form and instructions have been in continuous use, with minor modifications, since they were first approved by OMB for the FY 1995 reporting period. This current request is for a Revision of a Currently Approved Collection (ICR Rev) to acquire new approval for a revised modification of instruction and data collection elements for FFY 2019–2021.

The data collected on complaints filed with ombudsman programs and narrative on long-term care issues provide information to the Centers for Medicare and Medicaid Services and others on patterns of concerns and major long-term care issues affecting residents of long-term care facilities. Both the complaint and program data collected assist the states and local Ombudsman programs in planning strategies and activities, providing training and technical assistance, and developing performance measures.

Comments in Response to the 60 Day Federal Register Notice

A notice was published in the **Federal Register**, Vol. 81, No. 152, Page 52438 on Monday, August 8, 2016 announcing that ACL/AoA was requesting comments on: (1) Whether the proposed collection of information is necessary for the proper performance of ACL/AoA's functions, including whether the information will have practical utility; (2) the accuracy of ACL/AoA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology. Readers were directed to the ACL/AoA website where the documents were posted and provided an opportunity to comment. ACL received comments from 18 individuals and groups. Comments were received by the following groups and individuals: National Association of State Ombudsman Programs (NASOP); National Association of Local LTC Ombudsman (NALLTCO); one software vendor; the California Association of Local LTC Ombudsmen; the Consumer Voice for Quality LTC Care. Individuals included one researcher with expertise in dementia, abuse and neglect and one local representative of the Office of State Ombudsman. The following State Ombudsman programs provided comment: California; Florida; Maryland; New York; Iowa; Pennsylvania; Arizona; New Hampshire; Texas; Alaska; Virginia. Many of the state Ombudsman comments were identical to NASOP's comments.

In general, there were no significant comments on the proposed data elements. Instead, comments focused on ways to enhance the quality, utility, and clarity of the information to be collected. These comments were very helpful and many of the proposed edits and language suggestions were adopted.

Concerns regarding burden included: Disagreement about the burden hours because of changes in data collection requirements and additional structured requirements of narrative complaint examples, systems issues and conflicts of interest reporting. The new reporting system will streamline these current reporting activities, allowing for flexibility and the ability to import data from the previous year for use in the next year, where appropriate, and will reduce overall reporting burden for State LTC Ombudsmen. Several commenters expressed concern about undue burden of a name change from ''board and care'' to ''residential care community'', but did not provide a specific estimate of burden hours. In response to their concerns the definition of residential care was revised to eliminate any confusion about the jurisdiction of the program with regards to the types of settings the program serves. ACL does not believe that a change in definition and title will cause confusion at the state and local level because there will not be a change in state level practice. These concerns are addressed in detail in the response to comments tables posted on the ACL website. Some responders expressed concern about burden with a data collection item to indicate if a complaint was a complaint on behalf of more than one complainant, *i.e.,* a ''group complaint'' (Table 1, code C5 on the 60 day submission). ACL removed this data element. Some commenters expressed concerns about the cost to update and revise their reporting systems, but the estimates of impact on data collection burden varied. One State that has developed their own software utilizing in-house IT services, estimates a range from 9–52 days of work for software changes and 5–55 days to update training materials, update their in-house reference guide, provide training, etc. Another state estimates that the changes required will cost around $10,000. One vendor commented that they see ''no issue'' with the proposed changes and that they are committed to keeping all of their customers using their Ombudsman product up to date with any NORS reporting changes. Since the comments were not consistent in this area no changes have been made. Additional concerns about the wording in proposed definitions and requests to add additional data collection elements are addressed in the response to comments tables.

Some commenters expressed concerns about training needs and time required to adapt their software. ACL is working with the contractor developing the reporting software to develop training modules on how to use the new software. ACL anticipates that states will not need to develop training materials or host training to meet the federal reporting requirements. Training will be offered as webinars and in person at national conferences, when possible. User support materials and recorded webinars will also be available on the submission website. The National Ombudsman Resource Center will develop modules on how to interpret the new definitions and codes similar to past training. This includes hosting webinars and providing in-person training at their annual spring training for state LTC Ombudsmen. In addition, they will host all tools and modules on their website. The contractor is holding meetings with vendors and state information technology staff on the technical requirements of the new system and will provide data templates in various formats; and detailed crosswalks of the current data collection to the new data collection. Despite the concerns addressed, there was an overall positive tone to the comments. State Ombudsman programs largely support the changes made by ACL to NORS. They indicated they appreciate ACL's efforts to incorporate many of the revisions previously recommended. Further, they indicated these changes will result in more accurate and consistent reporting as well as more precise identification of trends and the systems advocacy needed to address common complaints.

Estimated Program Burden

In consideration of the comments, additional burden time has been factored in to accommodate changes in data collection at the case level resulting in an average increase of 75.6 hours per state for a total 223.6 hours annually. Despite the decrease in the number of data elements we believe this more adequately reflects the overall burden. This increase in burden hours also recognizes that this revision is the most significant change to NORS data collection since its implementation in 1995.

The reporting form tables and a crosswalk from the old data collection to the new may be viewed at the ACL website: *https://www.acl.gov/about-acl/public-input.*

AoA estimates the burden of this collection and entering the additional report information as follows:

Instrument	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Annual State Ombudsman Report	52	1	223.6	11,628.6

Dated: February 16, 2018.

Mary Lazare,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2018–03767 Filed 2–22–18; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2015–E–2602; FDA–2015–E–2615]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZYDELIG—New Drug Application 206545

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 ZYDELIG based on new drug application (NDA) 206545 and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications 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 24, 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 22, 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 24, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 24, 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 Nos. FDA–2015–E–2602 and FDA–2015–E–2615 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ZYDELIG–NDA 206545.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the dockets 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 ZYDELIG (idelalisib). As approved in both NDA 206545 and NDA 205858, ZYDELIG is indicated for treatment of patients with:

- Relapsed chronic lymphocytic leukemia in combination with rituximab, in patients for whom rituximab alone would be considered appropriate therapy due to other co-morbidities.
- Relapsed follicular B-cell non-Hodgkin lymphoma (FL) in patients who have received at least two prior systemic therapies.
- Relapsed small lymphocytic lymphoma (SLL) in patients who have received at least two prior systemic therapies.

Accelerated approval was granted for FL and SLL based on overall response rate. Improvement in patient survival or disease related symptoms has not been established. Continued approval for these indications may be contingent upon verification of clinical benefit in confirmatory trials.

Subsequent to the approvals, the USPTO received patent term restoration applications for ZYDELIG (U.S. Patent Nos. RE44599 and RE44638) from ICOS Corporation, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated November 4, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approvals of ZYDELIG under NDA 206545 and NDA 205858 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 ZYDELIG is 2,247 days. Of this time, 2,017 days occurred during the testing phase of the regulatory review period, while 230 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:* May 30, 2008. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was on May 30, 2008. This is the same IND and the same date FDA determined as the beginning of the regulatory review period for ZYDELIG approved under NDA 205858. The regulatory review period for ZYDELIG approved under NDA 205858 is publishing in this issue of the **Federal Register**.

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 6, 2013. FDA has verified the applicant's claims that the NDA for ZYDELIG (NDA 206545) was initially submitted on December 6, 2013.

3. *The date the application was approved:* July 23, 2014. FDA has verified the applicant's claims that NDA 206545 was approved on July 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 applications for patent extension, this applicant seeks 494 days or 708 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 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03701 Filed 2–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0478]

Sebela Ireland, Ltd. et al.; Withdrawal of Approval of 24 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of 24 abbreviated

new drug applications (ANDAs) from multiple applicants. The holders of the applications notified the Agency in writing that the drug products were no longer marketed and requested that the approval of the applications be withdrawn.

DATES: Approval is withdrawn as of March 26, 2018.

FOR FURTHER INFORMATION CONTACT: Trang Tran, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1671, Silver Spring, MD 20993–0002, 240–402–7945, *Trang.Tran@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The holders of the applications listed in the table have informed FDA that these drug products are no longer marketed and have requested that FDA withdraw approval of the applications under the process in § 314.150(c) (21 CFR 314.150(c)). The applicants have also, by their requests, waived their opportunity for a hearing. Withdrawal of approval of an application or abbreviated application under § 314.150(c) is without prejudice to refiling.

Application No.	Drug	Applicant
ANDA 040398	MiCort-HC (hydrocortisone acetate) Cream USP, 2%	Sebela Ireland, Ltd., c/o Sebela Pharmaceuticals, Inc., 645 Hembree Parkway, Suite 1, Roswell, GA 30076.
ANDA 071893	Acetohexamide Tablets, 250 milligrams (mg)	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc., 425 Privet Rd., Horsham, PA 19044.
ANDA 071894	Acetohexamide Tablets, 500 mg	Do.
ANDA 073143	Cyclobenzaprine Hydrochloride (HCl) Tablets USP, 10 mg	Do.
ANDA 074576	Captopril Tablets USP, 12.5 mg, 25 mg, 50 mg, and 100 mg	Do.
ANDA 076607	Quinapril Tablets USP, Equivalent to (EQ) 5 mg base, EQ 10 mg base, EQ 20 mg base, and EQ 40 mg base.	Sun Pharmaceutical Industries, Ltd., c/o Sun Pharmaceutical Industries, Inc., 2 Independence Way, Princeton, NJ 08540.
ANDA 076786	Donepezil HCl Tablets USP, 5 mg and 10 mg	Do.
ANDA 077483	Benazepril HCl and Hydrochlorothiazide Tablets, 5 mg/6.25 mg, 10 mg/12.5 mg, 20 mg/12.5 mg, and 20 mg/25 mg.	Do.
ANDA 078502	Eliphos (calcium acetate) Tablets USP, 667 mg	Cypress Pharmaceutical, Inc., 10 North Park Pl., Suite 201, Morristown, NJ 07960.
ANDA 081019	Chlorzoxazone Tablets USP, 500 mg	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc.
ANDA 083821	Brompheniramine Maleate Injection, 10 mg/milliliter (mL)	Do.
ANDA 084408	Bethanechol Chloride Tablets USP, 10 mg	Do.
ANDA 084441	Bethanechol Chloride Tablets USP, 25 mg	Do.
ANDA 085283	Theolair (theophylline) Tablets, 125 mg and 250 mg	3M Drug Delivery Systems, 3M Center, Bldg. 275–3E–02, 2510 Conway Ave., St. Paul, MN 55144.
ANDA 085738	Betamethasone Sodium Phosphate Injection, EQ 3 mg base/mL.	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc.
ANDA 087444	Bethanechol Chloride Tablets USP, 50 mg	Watson Laboratories, Inc., Subsidiary of Teva Pharmaceuticals USA, Inc.
ANDA 087792	Fluorouracil Injection USP, 50 mg/mL	Spectrum Pharmaceuticals, Inc., 157 Technology Dr., Irvine, CA 92618.
ANDA 087978	Diphenhydramine HCl Capsules, 50 mg	LNK International, Inc., 145 Ricefield Ln., Hauppauge, NY 11788.
ANDA 090417	Carbinoxamine Maleate Tablets USP, 4 mg	Cypress Pharmaceutical, Inc.
ANDA 090418	Carbinoxamine Maleate Oral Solution, 4 mg/5 mL	Do.
ANDA 090468	Zyfrel (acetaminophen and hydrocodone bitartrate) Oral Solution, 325 mg/7.5 mg per 15 mL.	Do.
ANDA 091034	Dorzolamide HCl Ophthalmic Solution USP, EQ 2% base	Zambon S.p.A., c/o Camargo Pharmaceutical Services, LLC, 9825 Kenwood Rd., Suite 203, Cincinnati, OH 45242.
ANDA 200794	Pantoprazole Sodium Delayed-Release Tablets USP, EQ 20 mg base and EQ 40 mg base.	Sun Pharmaceutical Industries, Ltd., c/o Sun Pharmaceutical Industries, Inc.
ANDA 206438	Hydrocodone Bitartrate and Chlorpheniramine Maleate Oral Solution, 5 mg/4 mg per 5 mL.	Tris Pharma, Inc., 2033 Route 130, Suite D, Monmouth Junction, NJ 08852.

Therefore, approval of the applications listed in the table, and all amendments and supplements thereto, is hereby withdrawn as of March 26, 2018. Introduction or delivery for introduction into interstate commerce of products without approved new drug applications violates section 301(a) and (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(a) and (d)). Drug products that are listed in the table that are in inventory on March 26, 2018 may continue to be dispensed until the inventories have been depleted or the drug products have reached their expiration dates or otherwise become violative, whichever occurs first.

Dated: February 16, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03700 Filed 2–22–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Secretary's Advisory Committee on Human Research Protections

AGENCY: Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, notice is hereby given that the Secretary's Advisory Committee on

Human Research Protections (SACHRP) will hold a meeting that will be open to the public. Information about SACHRP and the full meeting agenda will be posted on the SACHRP website at: *http://www.dhhs.gov/ohrp/sachrp-committee/meetings/index.html.*

DATES: The meeting will be held on Tuesday, March 13, 2018, from 8:30 a.m. until 5:00 p.m., and Wednesday, March 14, 2018, from 8:30 a.m. until 4:00 p.m.

ADDRESSES: Fishers Lane Conference Center, Terrace Level, 5635 Fishers Lane, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Julia Gorey, J.D., Executive Director, SACHRP; U.S. Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, Maryland 20852; telephone: 240–453–8141; fax: 240–453–6909; email address: *SACHRP@hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of 42 U.S.C. 217a, Section 222 of the Public Health Service Act, as amended, SACHRP was established to provide expert advice and recommendations to the Secretary of Health and Human Services (HHS), through the Assistant Secretary for Health, on issues and topics pertaining to or associated with the protection of human research subjects.

The Subpart A Subcommittee (SAS) was established by SACHRP in October 2006 and is charged with developing recommendations for consideration by SACHRP regarding the application of subpart A of 45 CFR part 46 in the current research environment.

The Subcommittee on Harmonization (SOH) was established by SACHRP at its July 2009 meeting and charged with identifying and prioritizing areas in which regulations and/or guidelines for human subjects research adopted by various agencies or offices within HHS would benefit from harmonization, consistency, clarity, simplification and/or coordination.

The SACHRP meeting will open to the public at 8:30 a.m., on Tuesday, March 13, 2018, followed by opening remarks from Dr. Jerry Menikoff, Director of the Office for Human Research Protections and Dr. Stephen Rosenfeld, SACHRP Chair.

The SAS and SOH subcommittees will present their recommendations regarding the description of ''key information,'' as required by the revised Common Rule's § 46.116(a)(5)(i). This will be followed by a discussion of SOH recommendations on the research use of repositories and registries under various consent models, under both the current and the revised Common Rule. The Tuesday, March 13, meeting will adjourn at approximately 5:00 p.m.

The Wednesday, March 14, meeting will begin at 8:30 a.m. The SOH will present and discuss recommendations on the European Union's General Data Protection Regulation and its impact on U.S. human subjects research. Modifications to the previous day's work will be discussed and finalized. The meeting will adjourn at approximately 4:00 p.m.

Time for public comment sessions will be allotted both days. On-site registration is required for participation in the live public comment session. Note that public comment must be relevant to issues currently being addressed by the SACHRP. Individuals submitting written statements as public comment should email or fax their comments to SACHRP at *SACHRP@hhs.gov* at least five business days prior to the meeting.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated SACHRP point of contact at the address/phone number listed above at least one week prior to the meeting.

Dated: February 16, 2018.

Julia G. Gorey,

Executive Director, Secretary's Advisory Committee on Human Research Protections.

[FR Doc. 2018–03768 Filed 2–22–18; 8:45 am]

BILLING CODE 4150–36–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Findings of research misconduct have been made on the part of Colleen T. Skau, Ph.D., former postdoctoral fellow in the Cell Biology and Physiology Center, National Heart, Lung, and Blood Institute (NHLBI), National Institutes of Health (NIH). Dr. Skau engaged in research misconduct in research supported by NHLBI, NIH. The administrative actions, including three (3) years of supervision, were implemented beginning on January 25, 2018, and are detailed below.

FOR FURTHER INFORMATION CONTACT: Wanda K. Jones, Ph.D., Interim Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

SUPPLEMENTARY INFORMATION:

Colleen T. Skau, Ph.D., National Institutes of Health: Based on Respondent's admission, an assessment conducted by NIH, and analysis conducted by ORI in its oversight review, ORI found that Dr. Colleen T. Skau, former postdoctoral fellow in the Cell Biology and Physiology Center, NHLBI, NIH, engaged in research misconduct in research supported by NHLBI, NIH.

ORI found that Respondent engaged in research misconduct by intentionally, knowingly, or recklessly reporting falsified and/or fabricated data and/or falsifying and/or fabricating data in the following two (2) papers:

- *Cell* 167(6):1571–1585, 2016 (hereafter referred to as ''Paper 1'')
- *Proceedings of the National Academy of Sciences* 112(19):E2447–E2456, 2015 (hereafter referred to as ''Paper 2'')

ORI found that Respondent engaged in research misconduct by intentional, knowing, or reckless falsification and/or fabrication of the research record by selectively reporting by inappropriate inclusion/omission or alteration of data points in ten (10) figures and falsely reporting the statistical significance based on falsified data in ten (10) figures across the two (2) papers and supplementary material. Specifically, ORI found that:

- In Paper 1, Respondent falsified and/or fabricated the research record in:

—Figure 3B, by selectively omitting/including data points in the Rescue condition

—Figure 5B, by reporting a significant difference between conditions by performing statistical calculations based on fabricated primary data

—Figure 5C (bottom), by selectively omitting images and conditions from the analysis

—Figure 6I (bottom left), by reporting data from the same data set as Figure 6B (top)

—Figure S5B, by reporting statistical significance despite performing a T test calculation that returned an insignificant p-value

—Figure 7F, by reporting that error bars represented standard deviation, when they actually represented standard error of the mean (SEM.)

—Figure S4D, by performing different normalizing calculations in the Rescue condition than performed in other conditions and by omitting three data points from the Rescue conditions calculated average

- In Paper 2, Respondent falsified and/or fabricated the research record in:

—Figure 1E, by selectively omitting data points from the analysis
—Figure 2A, by selectively omitting data points from the analysis
—Figure 2C (left and right), by changing selected raw measurements by multiplying with a fixed value to make the data consistent with data collected in other experiments
—Figure 5B, by selectively including and omitting data points from the analysis
—Figure 5C, by selectively including and omitting data points from the analysis
—Figure 7A (right), by reporting that error bars represented standard deviation, when they actually represented standard error of the mean (SEM.)

ORI found that Respondent engaged in research misconduct by intentionally, knowingly, or recklessly falsely claiming in the methods and results to have performed validation of deletion/re-expression of FMNR2 levels in genetically modified B16 cell lines when that genetic modification was not validated for data reported in Figures 7 and 7S of Paper 1.

ORI found that Respondent engaged in research misconduct by intentionally, knowingly, or recklessly falsely reporting a larger number of data points than actually were collected in fourteen (14) figures across the two (2) papers and supplementary materials. Specifically:

• In Paper 1, Respondent falsified and/or fabricated the reported data in:

—Figure 2B (top), by reporting ten (10) cells per condition when nine (9) Knock Down (KD) and eight (8) Rescue were included in the analysis
—Figure 2B (middle), by reporting ten (10) cells per condition when eight (8) Rescue were included in the analysis
—Figure 3B (top), by reporting twenty-five (25) cells per condition when nineteen (19) Control, nineteen (19) KD, and fourteen (14) Rescue were included in the analysis
—Figure 3B (bottom), by reporting twenty-five (25) cells per condition when twenty-four (24) Control and twenty-three (23) Rescue were included in the analysis
—Figure 5A, by reporting to have examined fifty (50) cells per condition, when only twenty-three (23), twenty-three (23), and twelve (12) for the 2mg/mL conditions (Control, KD, and Rescue, respectively) and twenty-five (25), twenty (20), and nine (9) for the 3mg/mL conditions (Control, KD, and Rescue, respectively) were recorded
—Figure 6D, by reporting ten (10) cells per condition when only eight (8) Control were recorded
—Figure 7D, by reporting four (4) mice for each of two (2) independent clones (8 total) for each condition when only four (4) Vector+GFP, four (4) WT, and two (2) B16 conditions were examined
—Figure S2E (top), by reporting to have measured two hundred fifty (250) Focal Adhesions per condition, when only fifty-six (56) measurements were recorded for the Leading Edge Adhesions (LEA) analysis
—Figure S2E (3rd row left and 4th row left), by reporting twenty-five (25) cells per condition when only ten (10) cells were recorded
—Figure S4C, by reporting ten (10) cells per condition when only five (5) cells were recorded
—Figure S5B, by reporting ten (10) cells per condition when only seven (7) and six (6) cells were recorded for Control and KD respectively
—Figure S6E, by reporting twenty-five (25) cells per condition when only twenty-four (24), eighteen (18), and sixteen (16) cells were recorded for Control (48hr), KD (24hr), and KD (48hr) respectively

• In Paper 2, Respondent falsified and/or fabricated the reported data in:

—Figure 1E (top), by reporting six (6) cells per condition when only three (3) were recorded in Tropomyosin (Tpm) analysis
—Figure 2C (middle and right), by reporting twenty (20) cells per condition when only sixteen (16), sixteen (16), and five (5) cells were recorded for Control, KD, and Rescue respectively
—Figure 3A (right), by reporting the data from one of four analyses in the KD condition as the average of five
—Figure 3C (right), by reporting examination of ten (10) stress fibers per condition when only three (3), four (4), and seven (7) cells were recorded for Control, KD, and Rescue respectively
—Figure 5B, overstating the number of adhesions examined
—Figure 5C, overstating the number of cells examined in all conditions
—Figure 7D (right), by reporting examination of ten (10) cells per condition when only five (5), four (4), and five (5) cells were recorded for Control, KD, and Rescue respectively

ORI found that Respondent engaged in research misconduct by intentionally, knowingly, or recklessly fabricating results and/or falsely labelling experimental results that arose from alternate experimental conditions/experiments in seven (7) figures across the two (2) papers and supplementary materials. Specifically:

• In Paper 1, Respondent falsified and/or fabricated the record in:

—Figure 5B (top right), by reporting results of 8 and 12 um pore migration, which did not originate from experimental observations
—Figure 5B (bottom left), by reporting results for the Rescue condition, which did not originate from experimental observations
—Figure 5B (left), by using selected regions from the same original image to represent both the control (top) and rescue conditions (bottom)
—Figure 5C (bottom), by reporting data derived from 2.5um channels as originating from 3.5um channels
—Figure 6B (top), by reporting results for the ''Glass'' condition (all treatments) and rescue treatment (both conditions) that did not originate from experimental observations
—Figure 6B (bottom), by reporting results for the 8um pore condition that did not originate from experimental observations
—Figure 6E, by reporting results for the ATRi and ATMi treatments (Control and KD conditions) and DMSO control (Rescue condition) that did not originate from experimental observations and reporting results as originating from DMSO (Control and KD conditions) controls that had originated from a different treatment
—Figure 6G, by reporting results for the ''No Drug'' conditions that did not originate from experimental observations
—Figure 6I, by reporting results in all conditions that originated in part from the same experimental dataset reported in Figure 6B (top)
—Figure S4D, by reporting results that did not originate from experimental observations for the KD condition
—Figure S6C (right), by shifting selected data points in the KD condition from their original time points to different time points
—Figure S7A, by using bands to represent FMN2 expression in six separate conditions, which originated from different molecular weight regions in three lanes on the original Western blot, and by representing absence of FMN2 expression in two conditions (CRISPR1 and CRISPR2) by reporting absence of bands in lanes in which no protein had been loaded
—Figure S7F (rightmost), by selecting single data points from different treatments and reporting them as means and standard deviations for all of the treatments

• In Paper 2, Respondent falsified and/or fabricated the record in:

—Figure 2A (top), by reporting results for the Rescue condition that did not originate from experimental observations

—Figure 3C (right), by reporting results for the Rescue condition that did not originate from experimental observations

Dr. Skau entered into a Voluntary Settlement Agreement and voluntarily agreed, beginning on January 25, 2018:

(1) To have her research supervised for a period of three (3) years; Respondent agreed to ensure that prior to the submission of an application for PHS support for a research project on which Respondent's participation is proposed and prior to Respondent's participation in any capacity on PHS-supported research, the institution employing her must submit a plan for supervision of Respondent's duties to ORI for approval; the plan for supervision must be designed to ensure the scientific integrity of Respondent's research contribution; Respondent agreed that she will not participate in any PHS-supported research until a plan for supervision is submitted and approved by ORI; Respondent agreed to maintain responsibility for compliance with the agreed upon plan for supervision.

(2) that for a period of three (3) years, any institution employing her must submit in conjunction with each application for PHS funds, or report, manuscript, or abstract involving PHS supported research in which Respondent is involved, a certification to ORI that the data provided by Respondent are based on actual experiments or are otherwise legitimately derived and that the data, procedures, and methodology are accurately reported in the application, report, manuscript, or abstract;

(3) if no supervisory plan is provided to ORI, to provide certification to ORI on annual basis that she has not engaged in, applied for, or had her name included on any application, proposal, or other request for PHS funds without prior notification to ORI;

(4) to exclude herself voluntarily from serving in any advisory capacity to PHS including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant for a period of three (3) years; and

(5) to the correction or retraction of:

• *Cell* 167(6):1571–1585, 2016

• *Proceedings of the National Academy of Sciences* 112(19):E2447–E2456, 2015

Wanda K. Jones,

Interim Director, Office of Research Integrity.

[FR Doc. 2018–03766 Filed 2–22–18; 8:45 am]

BILLING CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Drug Development and Therapeutics.

Date: March 19–20, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Lilia Topol, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892 301–451–0131, *ltopol@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Disease Prevention and Management, Risk Reduction and Health Behavior Change.

Date: March 19–20, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Westin Grand, 2350 M Street NW, Washington, DC 20037.

Contact Person: Michael John McQuestion, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, Bethesda, MD 20892, 301–480–1276, *mike.mcquestion@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR17–316: Biomedical Technology Research Resource (P41).

Date: March 19, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301–435–1042, *capraramg@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

Date: March 19, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard G Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240–519–7808, *kostrikr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business Hematology.

Date: March 19–20, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, 301–806–7314, *shahb@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03702 Filed 2–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Center for Scientific Review Advisory Council.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to

attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Center for Scientific Review Advisory Council.

Date: March 26, 2018.

Time: 7:30 a.m. to 3:30 p.m.

Agenda: Provide advice to the Director, Center for Scientific Review (CSR), on matters related to planning, execution, conduct, support, review, evaluation, and receipt and referral of grant applications at CSR.

Place: National Institutes of Health, 6701 Rockledge Drive, Third Floor Conference Center, Bethesda, MD 20892.

Contact Person: Noni Byrnes, Ph.D., Acting Deputy Director, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3030, Bethesda, MD 20892, (301) 435–1023, *byrnesn@csr.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into NIH buildings.

Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://public.csr.nih.gov/aboutcsr/CSROrganization/Pages/CSRAC.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03703 Filed 2–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research 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 National Human Genome Research Institute.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; Genomic Resources.

Date: March 5, 2018.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, Room 3146, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; DAP (Diversity Action Plan).

Date: March 20, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, Room 3146, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

Name of Committee: National Human Genome Research Institute Special Emphasis Panel; LRP (Loan Repayment Plan).

Date: March 22, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, 5635 Fishers Lane, Room 3146, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Keith McKenney, Ph.D., Scientific Review Officer NHGRI, 5635 Fishers Lane, Suite 4076, Bethesda, MD 20814, 301–594–4280, *mckenneyk@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 16, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03704 Filed 2–22–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0092]

Certificate of Alternative Compliance for the GLOBAL PROVIDER

AGENCY: Coast Guard, DHS.

ACTION: Notification of issuance of a certificate of alternative compliance.

SUMMARY: The Coast Guard announces that the Thirteenth District has issued a certificate of alternative compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for the M/V GLOBAL PROVIDER (O.N. CG1427905). We are issuing this notice because its publication is required by statute. Due to the construction and placement of the aft and forward masts, and required lights, M/V GLOBAL PROVIDER (O.N. CG1427905) cannot fully comply with the light, shape, or sound signal provisions of the 72 COLREGS without interfering with the vessel's design and construction. This notification of issuance of a certificate of alternative compliance promotes the Coast Guard's marine safety mission.

DATES: The Certificate of Alternative Compliance was issued on February 14, 2018.

FOR FURTHER INFORMATION CONTACT: For information or questions about this notice call or email LT B. Luke Woods, Thirteenth District, U.S. Coast Guard; telephone 206–220–7232, email *Bert.L.Woods@uscg.mil*@uscg.mil.

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, or sound signal provisions of the 72 COLREGS. Under statutory law [1] and Coast Guard regulation,[2] the vessel's owner, builder, operator, or agent of those vessels may apply for a certificate of alternative compliance (COAC).[3] For vessels of special construction, the cognizant Coast Guard District Office determines whether the vessel for which the COAC is sought complies as closely as possible with the 72 COLREGS, and decides whether to issue the COAC which must specify the required alternative installation. If the Coast Guard issues a COAC, under the

[1] 33 U.S.C. 1605(c).

[2] 33 CFR 81.3.

[3] 33 CFR 81.5.

governing statute [4] and regulations,[5] the Coast Guard must publish notice of this action. Once issued, a COAC remains valid until information supplied in the COAC application or the COAC terms become inapplicable to the vessel.

The Chief, Prevention Division, of the Thirteenth Coast Guard District, certifies that the M/V GLOBAL PROVIDER (O.N. CG1427905) is a vessel of special construction or purpose, and that, with respect to the position of the forward and aft masts, and required lights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS, without interfering with the normal operation, construction, or design of the vessel. The unique design of the vessel did not lend itself to full compliance with Annex I part 2(a)(i), Annex 1 part 2(a)(ii), and Annex 1 part 2(i)(i) of the 72 COLREGS of the International Navigational Rules. The Chief, Prevention Division further finds and certifies that the forward and aft masts, and required lights, are in the closest possible compliance with the applicable provisions of the 72 COLREGS.[6]

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: February 14, 2018.

B.S. Gilda,

CAPT, U.S. Coast Guard, Chief, Prevention Division, Thirteenth Coast Guard District.

[FR Doc. 2018–03729 Filed 2–22–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0132]

National Offshore Safety Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Offshore Safety Advisory Committee and its subcommittees will meet in New Orleans, Louisiana to discuss the safety of operations and other matters affecting the offshore oil and gas industry. These meetings are open to the public.

DATES:

Meetings. The Committee's subcommittee will meet on Tuesday March 27, 2018 from 1:00 p.m. to 5:00 p.m. (Central Time).

The full Committee will meet on Wednesday, March 28, 2018, from 8:00 a.m. to 6:00 p.m. (Central Time). These meetings may end early if the Committee has completed its business, or the meetings may be extended based on the number of public comments.

Comments and supporting documentation: Submit your comments no later than March 20, 2018.

ADDRESSES: All meetings will be held at the Omni Riverfront Hotel, 701 Convention Center Boulevard, New Orleans, Louisiana 70130. *https://www.omnihotels.com/hotels/new-orleans-riverfront*

For information on facilities or services for individuals with disabilities, or to request special assistance at the meetings, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section as soon as possible.

Written comments must be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section below.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than March 20, 2018. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number USCG–2018–0132. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. For more about privacy and the docket, review the Privacy Security Notice for the Federal Docket Management System at *https://regulations.gov/privacyNotice.*

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* insert USCG–2018–0132 in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Commander Jose Perez, Designated Federal Officer of the National Offshore Safety Advisory Committee, Commandant (CG–OES–2), U.S. Coast Guard, 2703 Martin Luther King Jr. Avenue SE, Stop 7509, Washington, DC 20593–7509; telephone (202) 372–1410, fax (202) 372–8382 or email *jose.a.perez3@uscg.mil,* or Mr. Patrick Clark, telephone (202) 372–1358, fax (202) 372–8382 or email *Patrick.w.clark@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* Title 5 United States Code Appendix. The National Offshore Safety Advisory Committee provides advice and recommendations to the Department of Homeland Security on matters relating to activities directly involved with or in support of the exploration of offshore mineral and energy resources insofar as they relate to matters within Coast Guard jurisdiction.

Agenda

Day 1

The National Offshore Safety Advisory Committee's subcommittee on Regulatory Review will meet on March 27, 2018 from 1:00 p.m. to 5:00 p.m. (Central Time) to review, discuss and formulate recommendations.

Day 2

The National Offshore Safety Advisory full Committee will hold a public meeting on March 28, 2018 from 8:00 a.m. to 6:00 p.m. (Central Time) to review and discuss the progress of, and any reports and recommendations received from the above listed subcommittees from their deliberations on December 12, 2017. The Committee will then use this information and consider public comments in formulating recommendations to the United States Coast Guard. Public comments or questions will be taken at the discretion of the Designated Federal Officer during the discussion and recommendation portions of the meeting and during the public comment period, see Agenda item (5).

A complete agenda for March 28, 2018 full Committee meeting is as follows:

(1) Welcoming remarks.

(2) General Administration and accept minutes from July 2017 National Offshore Safety Advisory Committee public teleconference.

(3) Current Business—Presentation and discussion of progress from the Regulatory Review Subcommittee.

(4) New Business—

(a) Alaska Outer Continental Shelf Activities Presentation.

(b) Classification Society Panel Discussion.

(c) Bureau of Safety and Environmental Enforcement Update.

(d) Outer Continental Shelf National Center of Expertise Update.

(e) International Association of Drilling Contractors Presentation.

[4] 33 U.S.C. 1605(c).

[5] 33 CFR 81.18.

[6] 33 U.S.C. 1605(a); 33 CFR 81.9.

(f) Outer Continental Shelf Operators Panel Discussion on 2017 Hurricane Season Impacts.

(g) Introduction of a new task statement: Lessons Learned from the 2017 Hurricane Response Efforts—an Industry Point of View.

(5) Public comment period.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/missions/ports-and-waterways/safety-advisory-committees/nosac/meetings* no later than March 20, 2018. Alternatively, you may contact Mr. Matthew Layman or Mr. Patrick Clark as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

A public oral comment period will be held during the meeting on March 28, 2018, and speakers are requested to limit their comments to 3 minutes. Contact one of the individuals listed below to register as a speaker.

Dated: February 5, 2018.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standard.

[FR Doc. 2018–03758 Filed 2–22–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0140]

Commercial Fishing Safety Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee teleconference meeting.

SUMMARY: The Commercial Fishing Safety Advisory Committee (CFSAC) will meet via teleconference to discuss the Regulatory Reform tasking efforts (CFSAC task statement #01–17) and may take action to submit their report to the United States Coast Guard. The teleconference will be open to the public. The U.S. Coast Guard will consider CFSAC recommendations as part of the process of identifying regulations, guidance, and collections of information to be repealed, replaced, or modified pursuant to the three Executive Orders discussed above.

DATES:

Meeting. The full Committee is scheduled to meet by teleconference on Thursday, March 15, 2018, from 1 p.m. to 4:30 p.m. Eastern Daylight Time. Please note that this teleconference may adjourn early if the Committee has completed its business.

Comments and supporting documents: To ensure your comments are reviewed by Committee members before the teleconference, submit your written comments no later than March 12, 2018.

ADDRESSES: To join the teleconference or to request special accommodations, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 1 p.m. on March 12, 2018. The number of teleconference lines is limited and will be available on a first-come, first-served basis.

Instructions: You are free to submit comments at any time, including orally at the teleconference, but if you want Committee members to review your comments before the teleconference, please submit your comments no later than March 12, 2018. We are particularly interested in comments on the issue in the ''Agenda'' section below. You must include the words ''Department of Homeland Security'' and the docket number [USCG–2018–0140]. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. For more about privacy and the docket, review Privacy and Security Notice for the Federal Docket Management at *https://www.regulations.gov/privacyNotice.* Written comments may also be submitted using the Federal e-Rulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Docket Search: For access to the docket or to read documents or comments related to this notice, go to *http://www.regulations.gov,* insert ''USCG–2018–0140'' in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph D. Myers, Alternate Designated Federal Officer of the Commercial Fishing Safety Advisory Committee, (202) 372–1249, or email *joseph.d.myers@uscg.mil* or Mr. Jonathan Wendland, Alternate Designated Federal Officer of the Commercial Fishing Safety Advisory Committee, telephone (202) 372–1245, or email *jonathan.g.wendland@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the Federal Advisory Committee Act, Title 5 U.S.C., Appendix.

The Commercial Fishing Safety Advisory Committee is authorized by Title 46 United States Code Section 4508. The Committee's purpose is to provide advice and recommendations to the United States Coast Guard and the Department of Homeland Security on matters relating to the safe operation of commercial fishing industry vessels.

Agenda

The agenda for the March 15, 2018, is as follows:

(1) Introduction.

(2) Roll call of Committee members and determination of a quorum.

(3) Old Business from the 37th Commercial Fishing Safety Advisory Committee meeting.

(4) New Business.

(5) Discussion of Regulatory Reform Task #01–17 Input to Support Regulatory Reform of Coast Guard Regulations—Executive Orders 13771 and 13783.

(6) Public Comment period.

(7) Formulate recommendations regarding Task #01–17.

A copy of all meeting documentation is available at *http://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Inspections-Compliance-CG-5PC-/Commercial-Vessel-Compliance/Fishing-Vessel-Safety-Division/CFSAC-Meetings/.* Alternatively, you may contact Mr. Joseph D. Myers or Mr. Jonathan Wendland as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments will be limited to three minutes. Please note that the public comment period may end before the period allotted, following the last call for comments. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: February 20, 2018.

Jennifer F. Williams,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2018–03749 Filed 2–22–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4353–DR; Docket ID FEMA–2018–0001]

California; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of

California (FEMA–4353–DR), dated January 2, 2018, and related determinations.

DATES: This amendment was issued February 9, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Bipartisan Budget Act of 2018, the Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such Act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs. The adjustment to the Federal share applies to assistance provided before, on, or after the date of enactment of the Act. The major disaster declared on January 2, 2018, for the State of California is amended as follows:

Federal funds for debris removal (Category A), including direct federal assistance, under the Public Assistance program is authorized at 90 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–03743 Filed 2–22–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4355–DR; Docket ID FEMA–2018–0001]

New Hampshire; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Hampshire (FEMA–4355–DR), dated January 2, 2018, and related determinations.

DATES: This amendment was issued February 8, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of New Hampshire is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of January 2, 2018.

Merrimack County for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–03740 Filed 2–22–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3397–EM; Docket ID FEMA–2018–0001]

American Samoa; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the territory of American Samoa (FEMA–3397–EM), dated February 11, 2018, and related determinations.

DATES: The declaration was issued February 11, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 11, 2018, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the territory of American Samoa resulting from Tropical Storm Gita beginning on February 7, 2018, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the territory of American Samoa.

You are authorized to provide appropriate assistance for required emergency measures, authorized under title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved

assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Benigno Bern Ruiz, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the territory of American Samoa have been designated as adversely affected by this declared emergency:

The territory of American Samoa for emergency protective measures (Category B), limited to direct Federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–03742 Filed 2–22–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2018–0001]

California; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued February 9, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, pursuant to the Bipartisan Budget Act of 2018, the Federal share of assistance, including direct Federal assistance, provided under section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173), with respect to a major disaster declared pursuant to such act for damages resulting from a wildfire in calendar year 2017, shall be 90 percent of the eligible costs. The adjustment to the Federal share applies to assistance provided before, on, or after the date of enactment of the Act. The major disaster declared on October 10, 2017, for the State of California is amended as follows:

Federal funds for debris removal (Category A), including direct federal assistance, under the Public Assistance program is authorized at 90 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–03741 Filed 2–22–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2018–N005; FXES11130300000–189–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on applications for permits to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

DATES: We must receive any written comments on or before March 26, 2018.

ADDRESSES: Send written comments by U.S. mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov.*

Requesting Copies of Applications or Public Comments: Copies of applications or public comments concerning any of the applications in this notice may be obtained by any party who submits a written request for a copy of such documents to the above-mentioned office within 30 days of the date of publication of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5.U.S.C. 552).

Submitting Comments: You may submit comments by one of the following methods. Please specify applicant name(s) and application number(s) to which your comments pertain (*e.g.,* TE*XXXXXX*).

- *Email: permitsR3ES@fws.gov.* Please refer to the respective permit number (*e.g.,* Application No. TE*XXXXXX*) in the subject line of your email message.
- *U.S. Mail:* Regional Director, Attn: Carlita Payne (address above).

FOR FURTHER INFORMATION CONTACT: Carlita Payne, 612–713–5343; *permitsR3ES@fws.gov.*

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the propagation or survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Permit Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Applications

Proposed activities in the following permit requests are for the recovery and enhancement of propagation or survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE64079B	Minnesota Zoological Garden, Apple Valley, MN.	Dakota skipper (*Hesperia dacotae*), Poweshiek skipperling (*Oarisma poweshiek*).	IA, MI, MN, ND, SD, WI	Conduct presence/absence surveys, conduct population monitoring.	Capture, handle, collect eggs, propagate, release.	Amend, renew.
TE85228B	Eric Schroder, Fairmont, WV.	Add Indiana bat (*Myotis sodalis*) and Virginia big-eared bat (*Corynorhinus townsendii virginianus*) to existing permitted species: Northern long-eared bat (*M. septentrionalis*).	Add new locations—AL, AR, CT, GA, IL, KY, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, TN, VT, WI, WV—to existing authorized locations: Northern IA, northern MI, central/southern AL, central/southern AR, central/southern GA, LA, central/southern MS, central/eastern NC, SC, northern CT, DE, DC, southern/eastern MD, MA, NH, southern NJ, RI, eastern VT, central/eastern VA, KS, MT, NE, ND, SD, IA.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, radio-tag, band, release.	Amend, renew.
TE73587A	Missouri Department of Conservation, Jefferson City, MO.	Ozark hellbender (*Cryptobranchus alleganiensis bishop*).	MO	Research, conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, collect sperm and eggs, transport, hold, propagate, pit-tag, augment, reintroduce, release.	Renew.
TE71682A	Megan Martin, Indianapolis, IN.	Add northern long-eared bat (*Myotis septentrionalis*) to existing permitted species: Indiana bat (*M. sodalis*), gray bat (*M. grisescens*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, MA, MD, MI, MS, MN, MO, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activity—band—to existing authorized activities: Capture, handle, mist-net, radio-tag, release.	Amend, renew.
TE62286A	Jason Whittle, Richfield, OH.	Indiana bat (*Myotis sodalis*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, GA, IL, IN, IA, KY, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OK, OH, PA, SC, TN, VT, VA, WV.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, wing biopsy, collect hair, fungal lift tape and swab samples, release.	Renew.
TE151107	Redwing Ecological Services, Inc., Louisville, KY.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	AL, AR, CT, DE, GA, IL, IN, IA, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OK, OH, PA, RI, SC, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, enter hibernacula, release.	Renew.
TE64074B	TeaLeaf Ecological, LLC, Chambersburg, PA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Virginia big-eared bat (*Corynorhinus towsendii virginianus*).	AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, wing biopsy, collect hair, fungal lift tape and swab samples, release.	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE74592A	Robert Brown, Cincinnati, OH.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	Add new locations—DC, FL, LA, ME, MN, MT, NE, ND, SD, WY—to existing authorized locations: AL, AR, CT, DE, GA, IL, IN, IA, KS, KY, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activities—collect hair and guano samples—to existing authorized activities: Capture, handle, mist-net, harp trap, radio-tag, band, enter hibernacula, release.	Amend, renew.
TE30970B	Jeffrey Miller, Vancouver, WA.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*).	AR, CT, DE, DC, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, ND, OH, OK, PA, RI, SD, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, release, salvage.	Renew.
TE21829B	Larisa Bishop-Boros, Laramie, WY.	Add lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) to existing permitted species: Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*), Ozark big-eared bat (*Corynorhinus towsendii ingens*), Virginia big-eared bat (*C.t. virginianus*).	Add new locations—AZ, NM—to existing authorized locations: AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Add new activities—collect pollen samples, light-tag, enter roosts—to existing authorized activities: Capture, handle, mist-net, harp trap, radio-tag, wing biopsy, collect hair, guano, fungal lift tape and swab samples, enter hibernacula, release, salvage.	Amend, renew.
TE70488C	Scott Bergeson, Fort Wayne, IN.	Indiana bat (*Myotis sodalis*), gray bat (*M. grisescens*), northern long-eared bat (*M. septentrionalis*).	AL, AR, CT, DE, FL, GA, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, NE, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, harp trap, radio-tag, band, wing biopsy, collect hair samples, enter hibernacula and maternity roost caves, release, salvage.	New.
TE35859B	Charles Mills, Newburgh, IN.	Least tern (*Sterna antillarum*).	IN	Conduct population monitoring, document reproductive behavior and productivity.	Harass, handle eggs, salvage.	Amend, renew.
TE90090B	Power Engineers Inc., Freeport, Maine.	Remove 83 mussel species and 41 fish species from existing permitted species: Northern long-eared bat (*Myotis septentrionalis*).	DE, KS, ME, MA, MN, MT, NE, NH, ND, OK, RI, SD, WI, WY.	Conduct presence/absence surveys, document habitat use, conduct population monitoring, evaluate impacts.	Capture, handle, mist-net, release.	Amend, renew.

Public Availability of Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. 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.

Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to

influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

Authority

Section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 10, 2018.

Lori H. Nordstrom,

Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2018–03725 Filed 2–22–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0025008; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Tennessee Valley Authority, Knoxville, TN

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Tennessee Valley Authority (TVA) has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribe or Native Hawaiian organization. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to TVA. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to TVA at the address in this notice by March 26, 2018.

ADDRESSES: Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D, Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of TVA. The human remains were removed from the following archeological sites in Lauderdale County, AL: 1LU15, 1LU18, 1LU114, 1LU275, 1LU276, and 1LU277.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by TVA professional staff in consultation with representatives of the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

On an unknown date after April of 1982, human remains representing, at minimum, 10 individuals were removed from sites 1LU15, 1LU18, 1LU114, 1LU275, 1LU276, and 1LU277 in Lauderdale County, AL. In 1981, the Tennessee Valley Authority (TVA) entered into a contract with Auburn University for a survey of the cultural resources on Seven Mile Island and adjacent Coffee Slough. This area is part of the Seven Mile Island Archeological District which is on the National Register of Historic Places. Natural erosion exacerbated by persistent looting raised questions regarding the condition of the sites on the island, which had not been professionally surveyed since the 1930s. Fieldwork took place from mid-December of 1981 to mid-April of 1982. Details regarding this survey may be found in a report, *The Archaeology of Seven Mile Island: A Cultural Resource Survey of the National Register District, Volume 1 & 2,* by Gregory A. Waselkov and Robert T. Morgan.

Sometime after the fieldwork, TVA was notified that erosion and looting had exposed human remains along the shoreline of the island. At TVA's request, archeologists from Auburn University removed these human remains and curated them at the University. Human remains representing one individual each were collected from the surface of sites 1LU15, 1LU18, 1LU114, 1LU276, and 1LU277. Human remains representing four individuals were excavated from an eroding shoreline of site 1LU275. Human remains representing one individual were collected from a south beach surface collection unit between 1LU276 and 1LU277. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Tennessee Valley Authority

Officials of TVA have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on osteological analysis and archeological context.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 10 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of Cherokee Nation, Eastern Band of Cherokee Indians, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Treaties, Acts of Congress, or Executive Orders indicate that the land from which the Native American human remains were removed is the aboriginal land of The Chickasaw Nation.

Additional Requestors and Disposition

Representatives of any federally recognized Indian Tribe not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas O. Maher, TVA, 400 West Summit Hill Drive, WT11D,

Knoxville, TN 37902–1401, telephone (865) 632–7458, email *tomaher@tva.gov,* by March 26, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

TVA is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma; Alabama-Coushatta Tribe of Texas (previously listed as the Alabama-Coushatta Tribes of Texas); Alabama-Quassarte Tribal Town; Cherokee Nation; Coushatta Tribe of Louisiana; Eastern Band of Cherokee Indians; Eastern Shawnee Tribe of Oklahoma; Kialegee Tribal Town; Poarch Band of Creeks (previously listed as the Poarch Band of Creek Indians of Alabama); Shawnee Tribe; The Chickasaw Nation; The Muscogee (Creek) Nation; The Seminole Nation of Oklahoma; Thlopthlocco Tribal Town; and the United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: February 6, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–03756 Filed 2–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024985; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Utah Museum of Natural History, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Utah Museum of Natural History has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Utah Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Utah Museum of Natural History at the address in this notice by March 26, 2018.

ADDRESSES: Michelle Knoll, Utah Museum of Natural History, 301 Wakara Way, Salt Lake City, UT 84108, telephone (801) 581–3876, email *mknoll@nhmu.utah.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Utah Museum of Natural History, Salt Lake City, UT. The human remains and associated funerary objects were removed from 42GA34 (Coombs Village), Garfield County, UT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Utah Museum of Natural History professional staff in consultation with representatives of the Hopi Tribe of Arizona and the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)), hereafter referred to as ''The Consulted Tribes.'' Requests for consultation were also sent to the Havasupai Tribe of the Havasupai Reservation, Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico, and Utah; Pueblo of Jemez, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

In 1958 and 1959, human remains representing 37 individuals were removed by the University of Utah from privately-owned land in the town of Boulder, Garfield County, UT. One additional set of human remains and associated funerary objects were excavated by the University of Utah in 1969 after the property had been transferred to the State of Utah. The human remains and associated funerary objects were transferred from the University of Utah to the Utah Museum of Natural History in 1973. All of the human remains and associated funerary objects are currently in the possession of Anasazi State Park, but under the control of the Utah Museum of Natural History. Individual ages range from newborns to elderly and consist of both sexes. No known individuals were identified. The 97 associated funerary objects are 57 ceramic vessels, 12 lots ceramic sherds, 5 minerals, 5 lots debitage, 4 beads, 4 pendants, 4 chipped stone tools, 2 bone awls, 1 beaded necklace, 1 beaded bracelet, 1 seed, and 1 faunal bone. The majority of the ceramics were identified as Kayenta Branch Puebloan.

Coombs Village (42GA34) is an Ancestral Puebloan village site occupied circa A.D. 1070–1250. Most of the archeological lines of evidence clearly indicate a Kayenta Branch Puebloan occupation. The Kayenta Branch Puebloan are generally recognized as an Ancestral Puebloan group with direct ties to the Hopi Tribe of Arizona. The biological data from Coombs Village strongly supports this conclusion. The culture history line of evidence using linguistics is inconclusive and the Indian Claims Commission did not recognize the Eastern Plateaus district as the aboriginal homeland of the Hopi. However, migration evidence to and from this region using Hopi oral history and archeological evidence of Kayenta Branch Puebloan and Hopi presence in the region in the PIV period support a proposed shared group identity between the Kayenta Branch Puebloan occupants of Coombs Village and the Hopi Tribe of

Arizona. Thus, the physical and culture history lines of evidence both support the Hopi Tribe of Arizona's claim of cultural affiliation. A draft cultural affiliation report was issued to The Consulted Tribes for their review and comments prior to any determination of cultural affiliation.

Determinations Made by the Utah Museum of Natural History

Officials of the Utah Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 38 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the ninety-seven objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of a death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Hopi Tribe of Arizona.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Michelle Knoll, Utah Museum of Natural History, 301 Wakara Way, Salt Lake City, UT 84108, telephone (801) 581–3876, email *mknoll@nhmu.utah.edu,* by March 26, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Hopi Tribe of Arizona may proceed.

The Utah Museum of Natural History is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: February 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–03753 Filed 2–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024987; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Utah Museum of Natural History, Salt Lake City, UT

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Utah Museum of Natural History has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Utah Museum of Natural History. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Utah Museum of Natural History at the address in this notice by March 26, 2018.

ADDRESSES: Michelle Knoll, Utah Museum of Natural History, 301 Wakara Way, Salt Lake City, UT 84108, telephone (801) 581–3876, email *mknoll@nhmu.utah.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Utah Museum of Natural History, Salt Lake City, UT. The human remains were removed from 42WS50 (Three Mile Ruin), Washington County, UT.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Utah Museum of Natural History professional staff in consultation with representatives of the Hopi Tribe of Arizona and the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)), hereafter referred to as ''The Consulted Tribes.'' Requests for consultation were also sent to the Havasupai Tribe of the Havasupai Reservation, Arizona; Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation, Arizona, New Mexico, and Utah; Pueblo of Jemez, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; and the Zuni Tribe of the Zuni Reservation, New Mexico, (hereafter referred to as ''The Invited Tribes'').

History and Description of the Remains

In 1962, human remains representing one individual were removed by the University of Utah from privately-owned land near the town of Ivins, Washington County, UT. The individual was transferred to the Utah Museum of Natural History in 1973. The highly fragmented remains of a juvenile's mandible and several teeth were recovered from a pit in a room block on a Virgin Branch Puebloan site, which had at least two occupations dating from A.D. 1050–1300. The circumstances of the burial suggest that the pit was not intended for the individual and that the partial human remains washed or blew into the pit after the site's abandonment. No associated funerary objects were identified. No known individuals were identified.

In addition to the Virgin Branch Puebloan occupation, the Southern Paiute have occupied the immediate area since A.D. 1400, possibly earlier. The questionable context of the burial precludes any determination of cultural affiliation given the current evidence, other than Native American, which was confirmed through dental analysis.

Determinations Made by the Utah Museum of Natural History

Officials of the Utah Museum of Natural History have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry, based on dental morphology.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)).
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)).
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)).

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Michelle Knoll, Utah Museum of Natural History, 301 Wakara Way, Salt Lake City, UT 84108, telephone (801) 581–3876, email *mknoll@nhmu.utah.edu,* by March 26, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes (formerly Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)) may proceed.

The Utah Museum of Natural History is responsible for notifying The Consulted Tribes and The Invited Tribes that this notice has been published.

Dated: February 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–03754 Filed 2–22–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024990; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: San Luis Obispo County Archaeological Society, San Luis Obispo, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The San Luis Obispo County Archaeological Society (SLOCAS), assisted by the Fowler Museum at UCLA, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to SLOCAS. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to SLOCAS at the address in this notice by March 26, 2018.

ADDRESSES: Christina MacDonald, SLOCAS, P.O. Box 109, San Luis Obispo, CA 93406, telephone (805) 549–3493, email *christina@slocas.org.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of SLOCAS, San Luis Obispo, CA. The human remains were removed from Los Osos, San Luis Obispo County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Fowler Museum at UCLA professional staff in consultation with representatives of Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, and the Northern Chumash Tribe, a non-federally recognized Indian group.

History and Description of the Remains

In 2014, human remains representing, at minimum, two individuals were identified in an archived collection at SLOCAS from CA–SLO–14, also known as the Sweet Springs and/or the Cypress Village site, which is located in Los Osos, San Luis Obispo County, CA. Between 1970 and 1975, Jay Von Werlhoff directed excavations at CA–SLO–14 with the assistance of his students at Cuesta College and Cal Poly San Luis Obispo, as well as members of SLOCAS. Following completion of the excavation, SLOCAS took possession of the collection. Neither Von Werlhoff nor SLOCAS ever published a report on this work. Later work at the site produced material that yielded a radiocarbon date of 3706 BP.

Between 2005 and 2014, archeological studies were conducted at CA–SLO–14 by Far Western Anthropological Research Group, Inc., as part of a wastewater management (sewer) project undertaken by San Luis Obispo (SLO) County Public Works. Far Western and SLO County contacted SLOCAS and arranged the loan of the materials collected from CA–SLO–14 by Jay Von Werlhoff in the 1970s. Far Western used the Von Werlhoff collection for comparison with the collection recovered as part of the SLO County

Public Works project. As part of mitigation of the effect of the SLO County project on CA–SLO–14, Far Western reanalyzed the Von Werlhoff collection faunal material. As a result, Far Western discovered that human remains had been incorrectly identified as faunal material. Wendy Teeter of The Fowler Museum at UCLA and Karimah Kennedy Richardson of the Autry Museum performed a human remains analysis of these materials on July 21, 2017. No known individuals were identified. No associated funerary objects are present.

SLOCAS determined the human remains from CA–SLO–14 are culturally affiliated with the Chumash due to past consultation efforts of SLO County regarding human remains from CA–SLO–14. The Santa Ynez Band of Chumash Indians (SYBCI) is the only federally recognized Chumash tribe. In an MOA between SLO County and SYBCI, the SYBCI were identified as the federally recognized tribe with cultural affiliation to CA–SLO–14. Ethnographic evidence also points to the Chumash as being culturally affiliated with the area where CA–SLO–14 is located as it is near the village site of *Petpatsu* which has been attributed to the Chumash in Randall Milliken and John Johnson's 2005 publication *An Ethnogeography of Salinan and Northern Chumash Communities—1769 to 1810* (p. 87, 100).

Determinations Made by SLOCAS

Officials of SLOCAS have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Christina MacDonald, SLOCAS, P.O. Box 109, San Luis Obispo, CA 93406, telephone (805) 549–3493, email *christina@slocas.org,* by March 26, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, may proceed.

SLOCAS is responsible for notifying the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California, and the Northern Chumash Tribe, a non-federally recognized Indian group, that this notice has been published.

Dated: February 2, 2018.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2018–03755 Filed 2–22–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1031]

Certain UV Curable Coatings for Optical Fibers, Coated Optical Fibers, and Products Containing Same; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (''ALJ'') has issued a recommended determination on remedy and bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief. The ALJ recommended that a limited exclusion order issue against certain UV curable coatings for optical fibers imported by respondent Momentive UV Coatings (Shanghai) Co., Ltd. of Shanghai, China (''MUV''). The ALJ found no violation of section 337 by respondent OFS Fitel, LLC of Norcross, Georgia (''OFS''). However, should the Commission find a violation of section 337 by OFS, the ALJ recommends that the Commission issue a limited exclusion order against certain coated optical fibers imported by OFS, and that a cease and desist order issue to OFS. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to the Commission's Rules.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation, including the complaint and the public record, can be accessed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov,* and are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's recommended determination on remedy and bonding issued in this investigation on February 15, 2018. Comments should address whether issuance of a limited exclusion order and a cease and desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third

party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order and a cease and desist order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on March 22, 2018.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–1031'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf.* Persons with questions regarding filing should contact the Secretary ((202) 205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 16, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–03680 Filed 2–22–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Clidinium Bromide and Products Containing Same, DN 3297;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Valeant Pharmaceuticals North America LLC and Valeant Pharmaceuticals International, Inc. on February 20, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain clidinium bromide and products containing same. The complaint names as respondents: Bi-Coastal Pharma International LLC of Shrewsbury, NJ; Bi-Coastal Pharmaceutical Corporation of Shrewsbury, NJ; ECI Pharmaceuticals LLC of Fort Lauderdale, FL; Virtus Pharmaceuticals LLC of Tampa FL; and Virtus Pharmaceuticals OPCO II LLC of Nashville, TN. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines

stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3297) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures.[1]) Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 20, 2018.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2018–03774 Filed 2–22–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mylan Pharmaceuticals Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 26, 2018. Such persons may also file a written request for a hearing on the application March 26, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 7, 2017, Mylan Pharmaceuticals Inc., 2898 Manufacturers Road, Greensboro, NC 27406 applied to be registered as an importer of Nabilone (7379), a basic class of controlled substance listed in Schedule II.

The company plans to import the listed controlled substance in finished dosage form for commercial distribution purposes only. No other activity for this drug code is authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: February 14, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–03723 Filed 2–22–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1105—New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New

AGENCY: Civil Division, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Civil Division, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until April 24, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Talitha Guinn-Shaver, 950 Pennsylvania Ave. NW, Washington, DC 20005, Attn: Civil Communications Office (Attn: Elder Justice Initiative) (Phone: 202–598–0292).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Civil Division, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New.
2. *The Title of the Form/Collection:* Survey of Elder Justice Needs in Rural America.
3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Civil Division, United States Department of Justice.
4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: States and local units of general government including the 50 state governments, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and the more than 3,000 counties and cities with correctional facilities. *Other:* None.

Abstract: The US Department of Justice, Elder Justice Initiative is conducting a survey of rural needs for the field of elder abuse. These needs will be combined with findings from local listening sessions and will inform the agenda of a national conference on rural elder abuse in the Fall of 2018.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that no more than 5,000 respondents will apply. Each application takes approximately less than 30 minutes to complete and is submitted once per year (annually).
6. *An estimate of the total public burden (in hours) associated with the collection:* The total hour burden to complete the applications is 2,500 hours.

5,000 × 30 minutes = 150,000/60 minutes per hour = 2,500 burden hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 20, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–03720 Filed 2–22–18; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation of Strategies Used in TechHire and Strengthening Working Families Initiative (SWFI) Grant Programs

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed.

Currently, DOL is soliciting comments concerning the collection of data about the Evaluation of Strategies Used in TechHire and SWFI Grant Programs. A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 24, 2018.

ADDRESSES: You may submit comments by either one of the following methods: *Email: ChiefEvaluationOffice@dol.gov; Mail or Courier:* Christina Yancey, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Christina Yancey by email at *ChiefEvaluationOffice@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Chief Evaluation Office (CEO), in collaboration with the Employment and Training Administration (ETA), of DOL seeks to build evidence about effective approaches to prepare Americans with skills and connect them to well-paying, middle- and high-skilled, and high growth jobs in H–lB industries (such as IT, healthcare, advanced manufacturing, financial services, and broadband). There is a particular interest in learning about approaches to serving populations and individuals who have traditionally faced barriers to training and employment opportunities such as youth and young adults, parents with childcare needs, individuals with disabilities, individuals with limited English proficiency, and individuals with criminal records. The evaluation will advance the evidence on innovative approaches being used to meet these goals in the TechHire Partnership (TechHire) and Strengthening Working Families Initiative (SWFI) grant programs. The evaluation will include two components, an implementation study and an impact study.

The goal of the impact study is to provide rigorous evidence on the effectiveness of strategies used in the TechHire and SFWI grant programs. The impact study will consist of both a randomized controlled trial (RCT) and a quasi-experimental design (QED) evaluation. Approximately five grantees will be selected to participate in an RCT. The QED will include all 53 TechHire and SWFI grantees and use the pooled RCT control group as the comparison group using propensity score matching. The QED will collect data from an existing wage record data. It will also use data from the implementation study (described below)

in an effort to analyze how variation in program impacts correlates with implementation factors.

A key goal of the implementation study is to provide systematic information on all of the grantees and link the findings to impacts. For all 53 grantees, the implementation study will review grantee applications, conduct web-based surveys with grantees and partners, and conduct semi-structured telephone interviews with grantees and partners. Additionally, for the grantees in the RCT, the implementation study will include two rounds of field visits involving a mix of observations, interviews, and case file reviews. This will provide critical context for understanding the impact findings from the RCT.

In January 2018, OMB approved the baseline data collection for this evaluation (OMB 1290–0014), which includes a baseline information form (BIF), a 6-month follow-up participant survey, a participant tracking form, and a first round of site visit interviews. This **Federal Register** Notice provides the opportunity to comment on the following proposed data collection instruments that will be used in the implementation component of the evaluation:

* *Grantee Survey.* The survey will be administered to all 53 TechHire and SWFI grantees in 2018. The purpose of the survey is to collect uniform information on implementation status and a variety of program characteristics to support implementation analysis of the grant programs.

* *Partner Contact Information Form.* Contact information and level of involvement for each partner will be collected from grantees in a partner contact information form. This information will be used to build the list of partners and their contact information for the partner survey.

* *Partner Survey.* The survey will be administered to all partners of all 53 TechHire and SWFI grantees in 2018. The survey will explore the strength of relationships between the partners in the TechHire and SWFI grant programs. The survey will collect information on partner roles and responsibilities, sustainability plans, and implementation challenges and lessons learned.

* *Telephone Interview With Grantees.* Within approximately 6 months after the grantee survey, the evaluation team will conduct semi-structured telephone interviews with each grantee. The protocol will be used to learn about challenges, successes, and barriers to implementation that are difficult to obtain using a survey.

* *Telephone Interview With Partners.* Within approximately 6 months after the partner survey, the evaluation team will conduct semi-structured telephone interviews partners of a subset of grantees. The protocol will be used to learn about the degree of engagement and successful strategies that are difficult to obtain using a survey.

* *Site Visit Interviews for Second Round of Site Visits.* During a second round of implementation site visits to the grantees in the RCT, the evaluation team will conduct in-depth interviews with program staff and partners. The site visit interview guide will collect information on implementation status, changes in implementation during random assignment, and degree of coordination. The site visit interview guide will be modular and collect information based on the grantee and/or partner staff knowledge and role.

II. Desired Focus of Comments

Currently, DOL is soliciting comments concerning the above data collection for the Evaluation of Strategies Use in the TechHire and SWFI programs. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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—for example, permitting electronic submission of responses.

III. Current Actions

At this time, DOL is requesting clearance for the implementation site visit protocols, the focus group protocols, and a grantee survey. A future information collection request will include an 18-month participant follow-up survey.

Type of Review: New information collection request.

OMB Control Number: 1290—0NEW.

Affected Public: TechHire and SWFI grantees and partners.

ESTIMATED BURDEN HOURS

Information collection	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden time per response (hours)	Estimated annual burden hours
Grantee survey	53	18	1	1	18
Grantee telephone interview [a]	159	53	1	1	53
Partner contact information form	53	18	1	1	18
Partner survey [b]	960	320	1	.5	160
Partner telephone interview [c]	106	35	1	1	35
Site visit interview guide for second round of site visits [d]	90	30	1	1	30
Total	1,421	474			314

[a] Assumes 53 grantees and 3 respondents per grantee for (53 × 3) = 159 total respondents and (159/3) = 53 annual respondents.
[b] Assumes 1,200 partners and an 80 percent response rate for (1,200/.80) = 960 total respondents and (960/3) = 320 annual respondents.
[c] Assumes 53 partners and 2 respondents per partner for (53 × 2) = 106 total respondents and (53/2) = 35.33 annual respondents.
[d] Assumes 5 grantees and 10 grantee staff and 8 partner staff for each grantee for (5 × (10 + 8)) = 90 total respondents and (90/3) = 30 annual respondents.

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 16, 2018.

Molly Irwin,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2018–03762 Filed 2–22–18; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Innovation and Opportunity Act (WIOA) Implementation Study

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents is properly assessed.

Currently, DOL is soliciting comments concerning the collection of survey data for a study of the implementation of the Workforce Innovation and Opportunity Act (WIOA). A copy of the proposed Information Collection Request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before April 24, 2018.

ADDRESSES: You may submit comments by either one of the following methods:

Email: ChiefEvaluationOffice@dol.gov; Mail or Courier: Janet Javar, Chief Evaluation Office, OASP, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Janet Javar by email at *ChiefEvaluationOffice@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

WIOA, signed into law on July 22, 2014, authorized and amended a series of employment and educational programs under five titles. DOL seeks to understand how the implementation of WIOA is changing the core workforce programs authorized under Title I (Adult, Dislocated Worker, and Youth programs) and the Employment Service program authorized under the Wagner-Peyser Act and amended by Title III, as well as how the implementation is contributing to more integration with stakeholders in programs authorized under Titles II (Adult Education and Literacy) and IV (Vocational Rehabilitation).

DOL is funding a study to document and describe how critical state-level activities under WIOA are being implemented and identify possible areas for which further technical assistance, guidance, or policies might be needed in order to help implement the law. The study's major research questions are: (1) How are the critical reforms under WIOA related to the core workforce programs for Title I and III being implemented? (2) to what extent is WIOA's vision for an integrated workforce system being achieved through state- and local-level synergies between Titles I and III and Titles II and IV stakeholders? and (3) what changes or supplemental technical assistance, guidance, or policy would be helpful to states administering the core programs and in providing guidance and oversight to the local level to improve service quality and management?

This **Federal Register** Notice provides the opportunity to comment on the proposed data collection instrument for a national survey on Titles I and III workforce programs to support the implementation study. The online, self-administered survey will be conducted in all 50 states plus the District of Columbia. The state program staff who will be included in the survey sample are staff responsible for implementation of Titles I and III. Each state will complete one survey, although multiple state staff may contribute to a state's response. An earlier information collection request (82 **Federal Register** 56845) was posted on November 30, 2017 to solicit comments on semi-structured interviews for site visit data collection to support the implementation study.

II. Desired Focus of Comments

Currently, DOL is soliciting comments concerning the above data collection for the WIOA implementation study. DOL is particularly interested in comments that do the following:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- 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-for example, permitting electronic submission of responses.

III. Current Actions

At this time, DOL is requesting clearance for a national survey of state workforce administrators.

Type of Review: New information collection request.

OMB Control Number: 1290—0NEW

Affected Public: State program staff involved in WIOA implementation.

ESTIMATED BURDEN HOURS

Type of instrument	Total number respondents	Annual number of respondents	Number of responses per respondent	Average burden time per response (hours)	Annual estimated burden (hours)
Survey of Title I and Title III workforce programs	51	17	1	3.0	51.0
Total	51	17			51.0

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 16, 2018.

Molly Irwin,

Chief Evaluation Officer, U.S. Department of Labor.

[FR Doc. 2018–03761 Filed 2–22–18; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0012]

Proposed Modification to the List of Appropriate NRTL Program Test Standards and the Scopes of Recognition of Several NRTLs

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA proposes to: (1) Delete a test standard from the NRTL Program's list of appropriate test standards; and (2) update the scopes of recognition of several NRTLs.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 26, 2018. All submissions must bear a postmark or provide other evidence of the submission date.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at: *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2013–0012, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., E.T.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2013–0012) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Kevin Robinson at the address below to obtain a copy of the ICR.

Extension of comment period: Submit requests for an extension of the comment period on or before March 26, 2018 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor by phone (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor by phone (202) 693–2110. OSHA's web page includes information about the NRTL Program (see *http://www.osha.gov*).

Copies of this ***Federal Register*** *notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This **Federal Register** notice, as well as other relevant information, is also available on OSHA's web page at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NRTL Program recognizes organizations that provide product safety testing and certification services to manufacturers. These organizations perform testing and certification, for purposes of the Program, to U.S. consensus-based product safety test standards. The products covered by the NRTL Program consist of those items for which OSHA safety standards require ''certification'' by a NRTL. The requirements affect electrical products and 38 other types of products. OSHA does not develop or issue these test standards, but generally relies on standards development organizations (SDOs) which develop and maintain the standards using a method that provides input and consideration of views of industry groups, experts, users, consumers, governmental authorities and others having broad experience in the safety field involved.

Removal of Test Standards From the NRTL List of Appropriate Test Standards

OSHA may propose to remove a test standard from the NRTL list of appropriate test standards based on an internal review in which NRTL Program staff review the NRTL list of appropriate test standards to determine if the test standard conforms to the definition of

appropriate test standard defined in NRTL Program regulations and policy. There are several reasons for removing a test standard based on this review. First, a document that provides the methodology for a single test is a test method rather than an appropriate test standard. A test standard must specify the safety requirements for a specific type of product(s) (29 CFR 1910.7(c)). A test method, however, is a ''specified technical procedure for performing a test'' (CPL 1–0.3, App. B). As such, a test method is not an appropriate test standard. While a NRTL may use a test method to determine if certain safety requirements are met, a test method is not itself a safety requirement for a specific product category.

Second, a document that focuses primarily on usage, installation, or maintenance requirements would also not be considered an appropriate test standard (CPL 1–0.3, App. D.IV.B). In some cases, however, a document may also provide safety test specifications in addition to usage, installation, and maintenance requirements. In such cases, the document would be retained as an appropriate test standard based on the safety test specifications.

Finally, a document may not be considered an appropriate test standard if the document covers products for which OSHA does not require testing and certification (CPL 1–0.3, App. D.IV.A).

Similarly, a document that covers electrical product components would not be considered an appropriate test standard. These documents apply to types of components that have limitation(s) or condition(s) on their use, in that they are not appropriate for use as end-use products. These documents also specify that these types of components are for use only as part of an end-use product. NRTLs, however, evaluate such components only in the context of evaluating whether end-use products requiring NRTL approval are safe for use in the workplace. Testing such components alone would not indicate that the end-use products containing the components are safe for use. Accordingly, as a matter of policy, OSHA considers that documents covering such components are not appropriate test standards under the NRTL Program. OSHA notes, however, that it is not proposing to delete from NRTLs' scopes of recognition any test standards covering end-use products that contain such components.[1]

II. Proposal To Delete Test Standards From the NRTL Program's List of Appropriate Test Standards

In this notice, OSHA proposes to delete one test standard from the NRTL Program's list of appropriate test standards.

Table 1 lists the test standard that OSHA proposes to delete from the NRTL Program's list of appropriate test standards, as well as an abbreviated rationale for OSHA's proposed actions. For a full discussion of the rationale, see, above, Section I of this notice.

TABLE 1—TEST STANDARD OSHA PROPOSES TO DELETE FROM NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Proposed deleted test standard	Reason for proposed deletion	Proposed replacement test standard(s) (if applicable)
UL 96—Lighting Protection Components	Standard does not include products required to be certified by NRTLs.	N/A.

III. Proposed Modifications to Affected NRTLs' Scopes of Recognition

In this notice, OSHA proposes to update the scopes of recognition of several NRTLs. The tables in this section (Table 2 thru Table 4) list, for each affected NRTL, the test standard(s) that OSHA proposes to delete from the scope of recognition of the NRTL.

OSHA seeks comment on whether its proposed deletions are appropriate, and whether individual tables omit any appropriate replacement test standard that is comparable to a withdrawn test standard. If OSHA determines that it omitted any appropriate replacement test standard that is comparable to a withdrawn test standard, it will, in its final determination, incorporate that replacement test standard into the scope of recognition of each affected NRTL.

Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request, by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

TABLE 2—TEST STANDARD OSHA PROPOSES TO DELETE FROM THE SCOPE OF RECOGNITION OF THE UNDERWRITERS LABORATORY, INC.

Proposed deleted test standard	Reason for proposed deletion	Proposed replacement test standard(s) (if applicable)
UL 96—Lighting Protection Components	Standard does not include products required to be certified by NRTLs.	None.

[1] OSHA notes also that some types of devices covered by these documents, such as capacitors and transformers, may be end-use products themselves, and tested under other test standards applicable to such products. For example, the following test standard covers transformers that are end-use products: UL 1562 Standard for Transformers, Distribution, Dry-Type—Over 600 Volts. OSHA is not proposing to delete such test standards from NRTLs' scopes of recognition.

TABLE 3—TEST STANDARD OSHA PROPOSES TO DELETE FROM THE SCOPE OF RECOGNITION OF CANADIAN STANDARDS ASSOCIATION

Proposed deleted test standard	Reason for proposed deletion	Proposed replacement test standard(s) (if applicable)
UL 96—Lighting Protection Components	Standard does not include products required to be certified by NRTLs.	None.

TABLE 4—TEST STANDARD OSHA PROPOSES TO DELETE FROM THE SCOPE OF RECOGNITION OF INTERTEK TESTING SERVICES, NA

Proposed deleted test standard	Reason for proposed deletion	Proposed replacement test standard(s) (if applicable)
UL 96—Lighting Protection Components	Standard does not include products required to be certified by NRTLs.	None.

To obtain or review copies of comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials will also be available online at *http://www.regulations.gov* under Docket No. OSHA–2013–0012.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health regarding the removal of one test standard from the NRTL Program's List of Appropriate Test Standards and to update the scopes of recognition of several NRTLs. The Assistant Secretary will make the final decision. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2)), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 16, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–03714 Filed 2–22–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0083]

Applied Research Laboratories of South Florida, LLC: Application for Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Applied Research Laboratories of South Florida, LLC, for recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant this recognition.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before March 26, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at: *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2007–0083, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., E.T.

Instructions: All submissions must include the Agency name and OSHA docket number (OSHA–2007–0083) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION.**

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Kevin Robinson at the address below to obtain a copy of the ICR.

Extension of comment period: Submit requests for an extension of the comment period on or before March 26, 2018 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3655, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; phone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor; phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Many of OSHA's workplace standards require that a NRTL test and certify certain types of equipment as safe for use in the workplace. NRTLs are independent laboratories that meet OSHA's requirements for performing safety testing and certification of products used in the workplace. To obtain and retain OSHA recognition, the NRTLs must meet the requirements in the NRTL Program regulations at 29 CFR 1910.7. More specifically, to be recognized by OSHA, an organization must: (1) Have the appropriate capability to test, evaluate, and approve products to assure their safe use in the workplace; (2) be completely independent of employers subject to the tested equipment requirements, and manufacturers and vendors of products for which OSHA requires certification; (3) have internal programs that ensure proper control of the testing and certification process; and (4) have effective reporting and complaint handling procedures. Recognition is an acknowledgement by OSHA that the NRTL has the capabilities to perform independent safety testing and certification of the specific products covered within the NRTL's scope of recognition and is not a delegation or grant of government authority. Recognition of a NRTL by OSHA also allows employers to use products certified by that NRTL to meet those OSHA standards that require product testing and certification.

The Agency processes applications for initial recognition following requirements in Appendix A of 29 CFR 1910.7. This appendix requires OSHA to publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application, provides its preliminary finding, and solicits comments on its preliminary findings. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition.

II. Notice of the Application for Recognition

OSHA is providing notice that Applied Research Laboratories of South Florida, LLC, (ARL) is applying for recognition as a NRTL. According to its public information (see *http://www.arl-test.com*), ARL states that it is an internationally accredited testing laboratory. In its application, ARL lists the current address of its headquarters as: Applied Research Laboratories of South Florida, LLC, 5371 SW 161 Street, Miami, Florida 33014. OSHA has determined preliminarily that, with conditions, ARL has the capability to perform as a NRTL as outlined in 29 CFR 1910.7.

Each NRTL's scope of recognition has three elements: (1) The type of products the NRTL may test, with each type specified by its applicable test standard; (2) the recognized site(s) that have the technical capability to perform the product-testing and product-certification activities for the applicable test standards within the NRTL's scope of recognition; and (3) the supplemental program(s) that the NRTL may use, each of which allows the NRTL to rely on other parties to perform activities necessary for testing and certification. ARL applied on March 5, 2014, for initial recognition as a NRTL. In its initial application, ARL requested recognition for two test standards, one site, and two supplemental programs (OSHA–2007–0083–0050). This application was amended on December 1, 2014 to add one additional test standard (OSHA–2007–0083–0051).[1] The following sections set forth the requested scope of recognition included in ARL's application.

A. Standards Requested for Recognition

Table 1 below lists the appropriate test standards found within ARL's application for testing and certification of products under the NRTL Program.

[1] ARL requested recognition for UL 1995, UL 1996, and UL 96. OSHA preliminarily denies ARL's UL 96 application. OSHA is, on the date of publication of the current notice in the **Federal Register**, also issuing a **Federal Register** notice proposing to remove UL 96 from OSHA's List of Appropriate Test Standards because UL 96 is not an appropriate test standard. That notice can be accessed via *www.regulations.gov* under Docket ID OSHA–2013–0012. Any member of the public objecting generally to the removal of UL 96 from the List of Appropriate Test Standards should submit comments to that effect pursuant to the instructions in that notice. Any member of the public objecting specifically to OSHA's preliminary rejection of ARL's request to include UL 96 in its scope of recognition should submit comments to that effect pursuant to the instructions in the current Notice.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN ARL'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 1995	Heating and Cooling Equipment.
UL 1996	Standard for Electric Duct Heaters.

The test standards listed above may be approved as U.S. test standards by the American National Standards Institute (ANSI). However, for convenience, the Agency may use the designations of the standards-developing organization for the test standards instead of the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard.

B. Sites Requested for Recognition

The current address of ARL's site included in its application for recognition as a NRTL is:

1. Applied Research Laboratories of South Florida, LLC, 5371 SW 161 Street, Miami, Florida 33014;

The NRTL Program requires that to be a recognized site, the site listed above must have the capability to conduct product testing in accordance with the appropriate test standard for the equipment or material being tested and certified.

C. Supplemental Programs

The supplemental programs listed in ARL's application for recognition as a NRTL include the following items:

Program 1: Basic Procedure. The basic program under which all product testing and evaluation is performed in-house by the NRTL that will certify the product.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents (for calibration services only).

III. Preliminary Finding on the Application for Recognition as a NRTL

OSHA's NRTL Program recognition process involves a thorough analysis of a NRTL applicant's policies and procedures, and a comprehensive on-site review of the applicant's testing and certification activities to ensure that the applicant meets the requirements of 29 CFR 1910.7. OSHA staff performed a detailed analysis of ARL's application packet and reviewed other pertinent information. OSHA staff also performed

three comprehensive on-site assessments of ARL's testing facilities, on February 25–26, 2015, March 30, 2016, and November 28–29, 2017. An overview of OSHA's assessment of the four requirements for recognition (*i.e.,* capability, control procedures, independence, and credible reports and complaint handling) is provided below.

A. Capability

Section 1910.7(b)(1) states that, for each specified item of equipment or material to be listed, labeled, or accepted, the NRTL must have the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality-control programs) to perform appropriate testing. OSHA staff performed a detailed analysis of ARL's application packet and reviewed other pertinent information to assess its capabilities to perform testing and certification activities. OSHA preliminarily determined that ARL has demonstrated these capabilities through the following:

- ARL facility has adequate test areas, energy sources, and procedures for controlling incompatible activities.
- ARL provided a detailed list of its testing equipment. Review of the application shows that the equipment listed is available and adequate for the standards for which it seeks recognition.
- ARL has detailed procedures for conducting testing, review, and evaluation, and for capturing the test and other data required by the test standards for which it seeks recognition.
- ARL has detailed procedures addressing the maintenance and calibration of equipment, and the types of records maintained for, or supporting laboratory activities.
- ARL has sufficient qualified personnel to perform the proposed scope of testing based on their education, training, technical knowledge, and experience.
- ARL has an adequate quality-control system in place to conduct internal audits, as well as track and resolve nonconformances.

OSHA's on-site assessments of ARL's facility confirmed the capabilities described in its application packet. The assessors found some non-conformances with the requirements of 29 CFR 1910.7. ARL addressed these issues sufficiently to meet the applicable NRTL requirements.

B. Control Procedures

Section 1910.7(b)(2) requires that the NRTL provide controls and services, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. These controls and services include procedures for identifying the listed or labeled equipment or materials, inspections of production runs at factories to assure conformance with test standards, and field inspections to monitor and assure the proper use of identifying marks or labels. OSHA staff performed a detailed analysis of ARL's application packet and reviewed other pertinent information to assess its control procedures. OSHA preliminarily determined that ARL has demonstrated these capabilities through the following:

- ARL has a quality-control manual and detailed procedures to address the steps involved to list and certify products.
- ARL has a registered certification mark.
- ARL has certification procedures to address the authorization of certifications and audits of factory facilities. The audits apply to both the initial evaluations and the follow-up inspections of manufacturers' facilities.

OSHA's on-site assessment of ARL's facility confirmed the capabilities described in its application packet. The assessors found some non-conformances with the requirements of 29 CFR 1910.7. ARL addressed these issues sufficiently to meet the applicable NRTL requirements.

C. Independence

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers that are subject to the testing requirements, and of any manufacturers or vendors of equipment or materials tested under the NRTL Program. OSHA has a policy for the independence of NRTLs that specifies the criteria used for determining whether an organization meets the above requirement (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph V). This policy contains a non-exhaustive list of relationships that would cause an organization to fail to meet the specified criteria. OSHA staff performed a detailed analysis of ARL's application packet and reviewed other pertinent information to assess its independence. OSHA preliminarily determined that ARL has demonstrated independence through the following:

- ARL is a privately-owned organization, and OSHA found no information regarding ownership that would qualify as a conflict under OSHA's independence policy.
- ARL shows that it has none of the relationships described in OSHA's independence policy or any other relationship that could subject it to undue influence when testing for product safety.

D. Credible Reports and Complaint Handling

Section 1910.7(b)(4) specifies that a NRTL must maintain effective procedures for producing credible findings and reports that are objective and free of bias. The NRTL must also have procedures for handling complaints and disputes under a fair and reasonable system. OSHA staff performed a detailed analysis of ARL's application packet and reviewed other pertinent information to assess its ability to produce credible results and handle complaints. OSHA preliminarily determined that ARL has demonstrated these capabilities through the following:

- ARL has detailed procedures describing the content of test reports, and other detailed procedures describing the preparation and approval of these reports.
- ARL has procedures for recording, analyzing, and processing complaints from users, manufacturers, and other parties in a fair manner.

OSHA's on-site assessments of ARL's facilities confirmed the capabilities described in its application packet. The assessors found some non-conformances with the requirements of 29 CFR 1910.7. ARL addressed these issues sufficiently to meet the applicable NRTL requirements.

OSHA's review of the application file and pertinent documentation, as well as the results of the on-site assessments, indicate that ARL can meet the requirements prescribed by 29 CFR 1910.7 for recognition as a Nationally Recognized Testing Laboratory for its site located in Miami, Florida, with the condition that ARL agree to increased OSHA oversight of its operations including:

- More frequent on-site assessments of ARL facilities;
- ARL providing OSHA with periodic reports listing the products that have been certified under the NRTL Program; and
- Confirmation from ARL that products with ARL Listings (non-NRTL) will undergo re-evaluation and re-testing and/or a thorough documented review of previously gathered evaluation and testing results prior to NRTL certification.

OSHA's preliminary finding does not constitute an interim or temporary approval of ARL's application.

OSHA welcomes public comment as to whether ARL meets the requirements of 29 CFR 1910.7 for recognition as a NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request

in writing, stating the reasons for the request, for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Room N–3653, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2007–0083.

OSHA staff will review all comments submitted to the docket in a timely manner and, after addressing the issues raised by these comments, will make a recommendation to the Assistant Secretary for Occupational Safety and Health regarding ARL's application for recognition as a NRTL. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of this final decision in the **Federal Register**.

IV. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 16, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–03713 Filed 2–22–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Computing and Communication Foundations; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal review panel for Computing and Communication Foundations (#1192)—Expeditions in Computing Division—Year 2 DeepSpec Site Visit.

Date and Time:

March 21, 2018; 6:30 p.m.–8:30 p.m.
March 22, 2018; 8:00 a.m.–9:00 p.m.
March 23, 2018; 8:30 a.m.–2:30 p.m.

Place: Princeton University, 1 Nassau Hall, Princeton, NJ 08544.

Type of Meeting: Partially Closed.

Contact Person: Anindya Banerjee, Expeditions in Computing Program, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; Telephone 703/292–8910.

Purpose of Meeting: Site visit to assess the progress of the EIC Award: CCF–1521602, ''Collaborative Research: Expeditions in Computing: The Science of Deep Specification,'' and to provide advice and recommendations concerning further NSF support for the project.

Agenda

Wednesday, March 21, 2018

6:30 p.m.–8:30 p.m.: Closed

Evening briefing to discuss the Expeditions award and forthcoming site visit.

Thursday, March 22, 2018

8:00 a.m.–12:30 p.m.: Open

Presentations by Awardee Institution, faculty staff and students, to Site Team and NSF Staff.

Discussions and question and answer sessions.

1:30 p.m.–2:00 p.m.: Closed

NSF Staff and Panelists deliberation.

2:00 p.m.– 5:00 p.m.: Open

Continued presentations by Awardee Institution. Response and feedback to presentations by Site Team and NSF Staff. Discussions and question and answer sessions. Draft report on education and research activities. Complete written site visit report with preliminary recommendations.

6:00 p.m.–9:00 p.m.: Closed

NSF Staff and Panelists working dinner.

Friday, March 23, 2018

8:30 a.m.–10:00 a.m.: Open

Expeditions PIs responses to issues raised by panelists.

10:30 a.m.–2:00 p.m.: Closed

Panelists prepare site visit report.

2:00 p.m.–3:30 p.m.: Open

Presentation of site visit report to Expeditions leadership team.

Reason for Closing: Topics to be discussed and evaluated during the site review will include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 20, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–03735 Filed 2–22–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Environmental Research and Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Advisory Committee for Environmental Research and Education (9487).

Date and Time:

April 18, 2018; 9:00 a.m.–5:30 p.m.
April 19, 2018; 9:00 a.m.–3:00 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Type of Meeting: Open.

Contact Person: Dr. Leah Nichols, Staff Associate, Office of Integrative Activities/Office of the Director/ National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; (Email: *lenichol@nsf.gov/* Telephone: (703) 292–2983).

Minutes: May be obtained from *https://www.nsf.gov/ere/ereweb/minutes.jsp*.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for environmental research and education.

Agenda: Approval of minutes from past meeting. Updates on agency support for environmental research and education activities. Discussion with NSF Director and Assistant Directors. Plan for future advisory committee activities. Updated agenda will be available at *https://www.nsf.gov/ere/ereweb/minutes.jsp.*

Dated: February 20, 2018.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2018–03734 Filed 2–22–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meeting Notice

DATE: Weeks of February 26, March 5, 12, 19, 26, April 2, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of February 26, 2018

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.

Week of March 26, 2018—Tentative

There are no meetings scheduled for the week of March 26, 2018.

Week of April 2, 2018—Tentative

Wednesday, April 4, 2018

10:30 a.m. Discussion of Management and Personnel Issues (Closed Ex. 2, 6, & 9)

Thursday, April 5, 2018

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public) (Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/*.

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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*.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov*. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov*.

Dated: February 21, 2018.

Denise L. McGovern,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2018–03827 Filed 2–21–18; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–125 and CP2018–170]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 23, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–125 and CP2018–170; *Filing Title:* Request of the United States Postal Service to Add Global Expedited Package Services—Non-Published Rates 13 (GEPS—NPR 13) to the Competitive Products List and Notice of Filing GEPS—NPR 13 Model Contract and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* February 15, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Timothy J. Schwuchow; *Comments Due:* February 23, 2018.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–03685 Filed 2–22–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE OF PREVIOUSLY ANNOUNCED MEETING: Wednesday, February 21, 2018 at 10:00 a.m.

PLACE: 100 F Street NE, Washington, DC 20549.

STATUS: Open meeting.

CHANGE IN MEETING: Cancellation of meeting.

The Open Meeting scheduled for Wednesday, February 21, 2018 at 10:00 a.m. was cancelled.

The Office of the Secretary at (202) 551–5400.

Dated: February 20, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–03799 Filed 2–21–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82730; File No. SR–NASDAQ–2017–131]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Order Granting Approval of a Proposed Rule Change To List and Trade the Shares of the Reinhart Intermediate Bond NextShares Fund Under Nasdaq Rule 5745

February 16, 2018.

I. Introduction

On December 20, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade common shares (''Shares'') of the Reinhart Intermediate Bond NextShares Fund (''Fund'') under Nasdaq Rule 5745. The proposed rule change was published for comment in the **Federal Register** on January 2, 2018.[3] The Commission received no comment letters on the proposed rule change. This order grants approval of the proposed rule change.

II. Exchange's Description of the Proposed Rule Change

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5745, which governs the listing and trading of Exchange-Traded Managed Fund Shares, as defined in Nasdaq Rule 5745(c)(1). The Fund is a series of Managed Portfolio Series and will be advised by an investment adviser registered under the Investment Advisers Act of 1940 (''Advisers Act''), as described below.[4] The Exchange represents that Managed Portfolio Series is registered with the Commission as an open-end investment company and has filed a Registration Statement with the Commission.[5] Reinhart Partners, Inc. (''Adviser'') will be the adviser to the Fund. Quasar Distributors, LLC will be the principal underwriter and distributor of the Fund's Shares. U.S. Bancorp Fund Services, LLC will act as the administrator and accounting agent to the Fund. U.S. Bancorp Fund Services, LLC will act as transfer agent to the Fund, and U.S. Bank, NA will act as custodian to the Fund.

The Adviser is not a registered broker-dealer, and is not affiliated with a broker-dealer. Personnel who make decisions on the Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio.[6] In the event that (a) the Adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser to the Fund is a registered broker-dealer or is affiliated with a broker-dealer, such adviser or sub-adviser will implement and will maintain a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of, and/or changes to, the Fund's portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

The Exchange has made the following representations and statements in describing the Fund.[7] According to the Exchange, the Fund will be actively managed and will pursue the principal investment strategy described below.[8]

A. Principal Investment Strategy

The Exchange represents that the Fund's investment objective is to outperform its benchmark, the Barclays Capital Intermediate Government/Credit Index, measured over an entire market cycle, while maintaining key risks (interest rate risk, credit risk, structure risk, and liquidity risk) similar to the benchmark. An entire market cycle refers to the broad economy transitioning from a peak in economic growth through a trough and back.

Under normal market conditions, the Reinhart Intermediate Bond NextShares will invest primarily in investment grade fixed income securities. The Fund considers a fixed income security to be investment grade if it is rated within the BBB-category or better by Standard & Poor's Ratings Services or the Baa3 category or better by Moody's Investors Services, Inc., or an equivalent rating by another nationally recognized statistical rating organization, or, if unrated, determined by the Adviser to be of comparable quality.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82408 (Dec. 27, 2017), 83 FR 186 (''Notice'').

[4] The Commission has issued an order granting Managed Portfolio Series and certain affiliates exemptive relief under the Investment Company Act of 1940. *See* Investment Company Act Release No. 32893 (Nov. 28, 2017) (File No. 812–14830).

[5] *See* Post-Effective Amendment number 316 to the Registration Statement on Form N–1A for Managed Portfolio Series dated Oct. 26, 2017 (File Nos. 333–172080 and 811–22525) (''Registration Statement'').

[6] An investment adviser to an open-end fund is required to be registered under the Advisers Act. As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[7] The Commission notes that additional information regarding Managed Portfolio Series, the Fund, and the Shares, including investment strategies, risks, creation and redemption procedures, calculation of net asset value (''NAV''), fees, distributions, and taxes, among other things, can be found in the Notice and the Registration Statement, as applicable. *See supra* notes 3 and 5, respectively, and accompanying text.

[8] According to the Exchange, additional information regarding the Fund will be available on a free public website for the Fund (*www.reinhartfunds.com,* which may contain links for certain information to *www.nextshares.com*) and in the Registration Statement for the Fund.

The Fund will normally invest within the intermediate term structure of the yield curve. The average-dollar weighted maturity of the securities in which the Fund expects to invest will generally range from 3 to 10 years. The Fund's investments in fixed income securities may include government or agency securities or obligations, corporate bonds, mortgage-backed securities, asset-backed securities, municipal bonds, revenue bonds, variable and floating rate securities, zero coupon bonds and collateralized mortgage obligations (''CMOs''). Normally, the Reinhart Intermediate Bond NextShares will invest at least 80% of its total assets in fixed income securities.

B. Portfolio Disclosure and Composition File

Consistent with the disclosure requirements that apply to traditional open-end investment companies, a complete list of current Fund portfolio positions will be made available at least once each calendar quarter, with a reporting lag of not more than 60 days. The Fund may provide more frequent disclosures of portfolio positions at its discretion.

As defined in Nasdaq Rule 5745(c)(3), the Composition File is the specified portfolio of securities and/or cash that the Fund will accept as a deposit in issuing a creation unit of Shares, and the specified portfolio of securities and/or cash that the Fund will deliver in a redemption of a creation unit of Shares. The Composition File will be disseminated through the National Securities Clearing Corporation once each business day before the open of trading in Shares on such day and also will be made available to the public each day on a free website.[9] Because the Fund will seek to preserve the confidentiality of its current portfolio trading program, the Fund's Composition File generally will not be a pro rata reflection of the Fund's investment positions.

Each security included in the Composition File will be a current holding of the Fund, but the Composition File generally will not include all of the securities in the Fund's portfolio or match the weightings of the included securities in the portfolio. Securities that the Adviser is in the process of acquiring for the Fund generally will not be represented in the Fund's Composition File until the purchase has been completed. Similarly, securities that are held in the Fund's portfolio but in the process of being sold may not be removed from its Composition File until the sale program is substantially completed. To the extent that the Fund creates or redeems Shares in kind, it will use cash amounts to supplement the in-kind transactions to the extent necessary to ensure that creation units are purchased and redeemed at NAV. The Composition File also may consist entirely of cash, in which case it will not include any of the securities in the Fund's portfolio.[10]

C. Intraday Indicative Value

An estimated value of an individual Share, defined in Nasdaq Rule 5745(c)(2) as the ''Intraday Indicative Value (''IIV''),'' will be calculated and disseminated at intervals of not more than 15 minutes throughout the Regular Market Session [11] when Shares trade on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the IIV for the Fund will be calculated on an intraday basis and provided to Nasdaq for dissemination via the Nasdaq Global Index Service.

The IIV for the Fund will be based on current information regarding the value of the securities and other assets held by the Fund.[12] The purpose of the IIV for the Fund is to enable investors to estimate the next-determined NAV so they can determine the number of Shares to buy or sell if they want to transact in an approximate dollar amount.[13]

D. NAV-Based Trading

Because Shares will be listed and traded on the Exchange, Shares will be available for purchase and sale on an intraday basis. Shares will be purchased and sold in the secondary market at prices directly linked to the Fund's next-determined NAV using a trading protocol called ''NAV-Based Trading.'' All bids, offers and execution prices of Shares will be expressed as a premium/discount (which may be zero) to the Fund's next-determined NAV (*e.g.,* NAV −$0.01, NAV +$0.01).[14] The Fund's NAV will be determined daily (on each day the New York Stock Exchange is open for trading), as of 4:00 p.m. Eastern Time. Trade executions will be binding at the time orders are matched on Nasdaq's facilities, with the transaction prices contingent upon the determination of NAV. Nasdaq represents that the Shares listed on the Exchange will have a unique identifier associated with its ticker symbol, which will indicate that the Shares are traded using NAV-Based Trading.

According to the Exchange, member firms will utilize certain existing order types and interfaces to transmit Share bids and offers to Nasdaq, which will process Share trades like trades in shares of other listed securities.[15] In the systems used to transmit and process transactions in Shares, the Fund's next-determined NAV will be represented by a proxy price (*e.g.,* 100.00) and a premium/discount of a stated amount to the next-determined NAV to be represented by the same increment/decrement from the proxy price used to denote NAV (*e.g.,* NAV −$0.01 would be represented as 99.99; NAV +$0.01 as 100.01).

To avoid potential investor confusion, Nasdaq represents that it will work with member firms and providers of market data services to seek to ensure that representations of intraday bids, offers and execution prices of Shares that are

[9] The free public website containing the Composition File will be *www.nextshares.com.*

[10] In determining whether the Fund will issue or redeem creation units entirely on a cash basis, the key consideration will be the benefit that would accrue to the Fund and its investors. For instance, in bond transactions, the Adviser may be able to obtain better execution for the Fund than authorized participants because of the Adviser's size, experience and potentially stronger relationships in the fixed-income markets.

[11] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4:00 a.m. to 9:30 a.m. Eastern Time; (2) Regular Market Session from 9:30 a.m. to 4:00 p.m. or 4:15 p.m. Eastern Time; and (3) Post-Market Session from 4:00 p.m. or 4:15 p.m. to 8:00 p.m. Eastern Time).

[12] IIVs for the Fund disseminated throughout each trading day will be based on the same portfolio as used to calculate that day's NAV. The Fund will reflect purchases and sales of portfolio positions in its NAV the next business day after trades are executed.

[13] Because, in NAV-Based Trading (as defined herein), prices of executed trades are not determined until the reference NAV is calculated, buyers and sellers of Shares during the trading day will not know the final value of their purchases and sales until the end of the trading day. The Exchange represents that the Fund's Registration Statement, free public website and any advertising or marketing materials will include prominent disclosure of this fact. The Exchange represents that although the IIVs for the Fund may provide useful estimates of the value of intraday trades, they cannot be used to calculate with precision the dollar value of the Shares to be bought or sold.

[14] According to the Exchange, the premium or discount to NAV at which Share prices are quoted and transactions are executed will vary depending on market factors, including the balance of supply and demand for Shares among investors, transaction fees and other costs in connection with creating and redeeming creation units of Shares, the cost and availability of borrowing Shares, competition among market makers, the Share inventory positions and inventory strategies of market makers, the profitability requirements and business objectives of market makers, and the volume of Share trading.

[15] According to the Exchange, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on such day. Prior to the commencement of trading in the Fund, the Exchange will inform its members in an Information Circular of the effect of this characteristic on existing order types.

made available to the investing public follow the ''NAV −$0.01/NAV +$0.01'' (or similar) display format. Nasdaq makes available to member firms and market data services certain proprietary data feeds that are designed to supplement the market information disseminated through the consolidated tape (''Consolidated Tape''). Specifically, the Exchange will use the Nasdaq Basic and Nasdaq Last Sale data feeds to disseminate intraday price and quote data for Shares in real time in the ''NAV −$0.01/NAV +$0.01'' (or similar) display format. Member firms may use the Nasdaq Basic and Nasdaq Last Sale data feeds to source intraday Share prices for presentation to the investing public in the ''NAV −$0.01/NAV +$0.01'' (or similar) display format.

Alternatively, member firms may source intraday Share prices in proxy price format from the Consolidated Tape and other Nasdaq data feeds (*e.g.,* Nasdaq TotalView and Nasdaq Level 2) and use a simple algorithm to convert prices into the ''NAV −$0.01/NAV +$0.01'' (or similar) display format. Prior to the commencement of trading in the Fund, the Exchange will inform its members in an Information Circular of the identities of the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Act [16] and the rules and regulations thereunder applicable to a national securities exchange.[17] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[18] which requires, among other things, that the Exchange's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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 Shares will be subject to Nasdaq Rule 5745, which sets forth the initial and continued listing criteria applicable to Exchange-Traded Managed Fund Shares. A minimum of 50,000 Shares and no less than two creation units of the Fund will be outstanding at the commencement of trading on the Exchange.

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Every order to trade Shares of the Fund is subject to the proxy price protection threshold of plus/minus $1.00, which determines the lower and upper thresholds for the life of the order and provides that the order will be cancelled at any point if it exceeds $101.00 or falls below $99.00, the established thresholds.[19] With certain exceptions, each order also must contain the applicable order attributes, including routing instructions and time-in-force information, as described in Nasdaq Rule 4703.[20]

Nasdaq also represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and the Financial Industry Regulatory Authority, Inc. (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[21] The Exchange represents that these surveillance procedures are adequate to properly monitor trading of Shares on the Exchange and to deter and detect violations of Exchange rules and applicable federal securities laws. FINRA, on behalf of the Exchange, will communicate as needed with other markets and other entities that are members of the Intermarket Surveillance Group (''ISG'') [22] regarding trading in Shares, and in exchange-traded securities and instruments held by the Fund (to the extent such exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of the Fund's portfolio holdings), and FINRA may obtain trading information regarding such trading from other markets and other entities. In addition, the Exchange may obtain information regarding trading in Shares, and in exchange-traded securities and instruments held by the Fund (to the extent such exchange-traded securities and instruments are known through the publication of the Composition File and periodic public disclosures of the Fund's portfolio holdings), from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine (''TRACE'').[23]

Prior to the commencement of trading in the Fund, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares of the Fund. Specifically, the Information Circular will discuss the following: (a) The procedures for purchases and redemptions of Shares in creation units (and noting that Shares are not individually redeemable); (b) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in Shares to customers; (c) how information regarding the IIV and Composition File is disseminated; (d) the requirement that members deliver a prospectus to investors purchasing Shares prior to or concurrently with the confirmation of a transaction; and (e) information regarding NAV-Based Trading protocols.

The Information Circular also will identify the specific Nasdaq data feeds from which intraday Share prices in proxy price format may be obtained. As noted above, all orders to buy or sell Shares that are not executed on the day the order is submitted will be automatically cancelled as of the close of trading on such day, and the Information Circular will discuss the effect of this characteristic on existing order types. In addition, Nasdaq intends to provide its members with a detailed explanation of NAV-Based Trading through a Trader Alert issued prior to the commencement of trading in Shares on the Exchange.

Nasdaq states that the Adviser is not a registered broker-dealer, and is not affiliated with a broker-dealer. Personnel who make decisions on the Fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of

[16] 15 U.S.C. 78f.

[17] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 15 U.S.C. 78f(b)(5).

[19] *See* Nasdaq Rule 5745(g).

[20] *See* Nasdaq Rule 5745(b)(6).

[21] The Exchange states that FINRA provides surveillance of trading on the Exchange pursuant to a regulatory services agreement and that the Exchange is responsible for FINRA's performance under this regulatory services agreement.

[22] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Fund's portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[23] For municipal securities, trade information can generally be found on the Electronic Municipal Market Access (''EMMA'') of the Municipal Securities Rulemaking Board (''MSRB'').

material, non-public information regarding the open-end fund's portfolio. The Exchange represents that the Reporting Authority [24] also will implement and maintain, or will ensure that the Composition File will be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio positions and changes in the positions. In the event that (a) the Adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser to the Fund is a registered broker-dealer or is affiliated with a broker-dealer, such adviser or sub-adviser will implement and will maintain a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition of, and/or changes to, the Fund's portfolio [25] and will be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding such portfolio.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Act,[26] which sets forth Congress' finding that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for, and transactions in, securities. Information regarding NAV-Based Trading prices, best bids and offers for Shares, and volume of Shares traded will be continuously available on a real-time basis throughout each trading day on brokers' computer screens and other electronic services. All bids and offers for Shares and all Share trade executions will be reported intraday in real time by the Exchange to the Consolidated Tape [27] and separately disseminated to member firms and market data services through the Exchange data feeds listed above.

The Commission notes that once the Fund's daily NAV has been calculated and disseminated, Nasdaq will price each Share trade entered into during the day at the Fund's NAV plus/minus the trade's executed premium/discount. Using the final trade price, each executed Share trade will then be disseminated to member firms and market data services via a File Transfer Protocol (''FTP'') file to be created for exchange-traded managed funds and confirmed to the member firms participating in the trade to supplement the previously provided information to include final pricing.[28]

The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily (on each business day the New York Stock Exchange is open for trading) and provided to Nasdaq via the Mutual Fund Quotation Service (''MFQS'') by the fund accounting agent. As soon as the NAV is entered into MFQS, Nasdaq will disseminate the NAV to market participants and market data vendors via the Mutual Fund Dissemination Service so all firms will receive the NAV per Share at the same time.

The Exchange further represents that it may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in Nasdaq Rule 4120 and in Nasdaq Rule 5745(d)(2)(C). Additionally, the Exchange may cease trading the Shares if other unusual conditions or circumstances exist that, in the opinion of the Exchange, make further dealings on the Exchange detrimental to the maintenance of a fair and orderly market. To manage the risk of a non-regulatory Share trading halt, Nasdaq has in place back-up processes and procedures to ensure orderly trading. Prior to the commencement of market trading in Shares, the Fund will be required to establish and maintain a free public website through which its current prospectus may be downloaded.[29] The free public website will include directly or through a link additional Fund information updated on a daily basis, including the prior business day's NAV, and the following trading information for such business day expressed as premiums/discounts to NAV: (a) Intraday high, low, average and closing prices of Shares in Exchange trading; (b) the midpoint of the highest bid and lowest offer prices as of the close of Exchange trading, expressed as a premium/discount to NAV (''Closing Bid/Ask Midpoint''); and (c) the spread between highest bid and lowest offer prices as of the close of Exchange trading (''Closing Bid/Ask Spread.''). The free public website will also contain charts showing the frequency distribution and range of values of trading prices, Closing Bid/Ask Midpoints and Closing Bid/Ask Spreads over time.

The Exchange represents that all statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules shall constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

The approval order is based on all of the Exchange's representations, including those set forth above and in the Notice. In particular, the Commission notes that, although the Shares will be available for purchase and sale on an intraday basis, the Shares will be purchased and sold at prices directly linked to the Fund's next-determined NAV. In addition, the Commission notes that the Fund will not invest in assets that have not been described in this proposed rule change. Further, the Commission notes that the Fund and the Shares must comply with the requirements of Nasdaq Rule 5745 and the conditions set forth in this proposed rule change to be listed and traded on the Exchange on an initial and continuing basis.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) [30] and Section 11A(a)(1)(C)(iii) of

[24] *See* Nasdaq Rule 5745(c)(4).

[25] The Exchange further represents that an investment adviser to an open-end fund is required to be registered under the Advisers Act. *See supra* note 6.

[26] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[27] Due to systems limitations, the Consolidated Tape will report intraday execution prices and quotes for Shares using a proxy price format. Nasdaq has represented that it will separately report real-time execution prices and quotes to member firms and providers of market data services in the ''NAV −$0.01/NAV +$0.01'' (or similar) display format, and otherwise seek to ensure that representations of intraday bids, offers and execution prices for Shares that are made available to the investing public follow the same display format.

[28] According to Nasdaq, FTP is a standard network protocol used to transfer computer files on the internet. Nasdaq will arrange for the daily dissemination of an FTP file with executed Share trades to member firms and market data services.

[29] The free public website containing this information will be *www.reinhartfunds.com.*

[30] 15 U.S.C. 78f(b)(5).

the Act [31] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[32] that the proposed rule change (SR–NASDAQ–2017–131) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03692 Filed 2–22–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82732; File No. SR–MRX–2018–06]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 100

February 16, 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 February 13, 2018 Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Rule 100 to include Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series Program, including options on the SPDR S&P 500 ETF Trust.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 100(a)(53) to amend Rule 100 to include Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series program (''Program''), including options on the SPDR S&P 500 ETF Trust.

The actual listing and trading of the options series included in the Program is governed by Chapter 5 (''Securities Traded on the Exchange''). Chapter 5 incorporates by reference the rules of Nasdaq ISE, LLC (''ISE''). ISE has already amended its Chapter 5 to list both Monday and Wednesday expirations for SPY options pursuant to its Short Terms Options Series program; accordingly, the Exchange's Chapter 5 incorporates these changes by reference.[3] Chapter 1 does not have a similar incorporation by reference, and so the Exchange is therefore submitting this proposed rule change to amend the definition of ''Short Term Option Series'' in Rule 100(a)(53) to include Monday and Wednesday expirations within that definition.

Currently, ''Short Term Option Series'' is defined as ''a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Thursday or Friday that is a business day and that expires on the Friday of the following business week that is a business day. If a Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Friday.'' In order to include Wednesday expirations within this definition, the Exchange is amending Rule 100(a)(53) to include a series in an option class that is opened for trading on any Tuesday or Wednesday that is a business day and that expires the Wednesday of the following business week that is a business day. If a Tuesday, Wednesday, Thursday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday.

As noted above, ISE filed its proposal to amend its Rule 100 and Rule 504 to provide for the listing of Wednesday expirations [4] shortly after the Commission approved a similar proposal for BOX Options Exchange LLC.[5] Once ISE's proposal became operative, the Exchange's Chapter 5 changed accordingly.

The Exchange is also proposing to amend Rule 100(a)(53) to permit the listing of options series that expire on Mondays (''Monday SPY Expirations''). Specifically, the Exchange is proposing that it may open for trading series of options on any Monday that is a business day and that expires on the Monday of the following business week that is a business day. The Exchange is also proposing to list Monday expirations series on Fridays that precede the expiration Monday by one business week plus one business day. Since Rule 100(a)(53) already provides for the listing of short term option series on Fridays, the Exchange is not modifying this provision to allow for Friday listing of Monday expiration series. However, the Exchange is amending Rule 100(a)(53) to clarify that, in the case of a series that is listed on a Friday and expires on a Monday, that series must be listed one business week and one business day prior to that expiration (*i.e.,* two Fridays prior to expiration).

The Exchange notes that having Monday expirations is not a novel proposal. Specifically, Nasdaq PHLX LLC (''Phlx'') recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options Series program.[6]

As part of this proposal, the Exchange is also amending Rule 100(a)(53) to address the expiration of Monday expiration series when the Monday is not a business day. In that case, the rule will provide that the series shall expire on the first business day immediately following that Monday. This procedure

[31] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[32] 15 U.S.C. 78s(b)(2).

[33] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78715 (August 29, 2016), 81 FR 60765 (September 2, 2016) (SR–ISE–2016–18) (SPY Wednesdays); SR–ISE–2018–13 (SPY Mondays).

[4] *See supra* note 4 [sic].

[5] *See* Securities Exchange Act Release No. 59696 (August 24, 2016), 81 FR 59696 (August 30, 2016) (SR–BOX–2016–28).

[6] *See* Securities Exchange Act Release No. 82611 (February 1, 2018), 83 FR 5473 (February 7, 2018) (SR–Phlx–2017–103).

differs from the expiration date of Wednesday expiration series that are scheduled to expire on a holiday. In that case, the Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week.[7] However, the Exchange believes that it is preferable to require Monday expiration series in this scenario to expire on the Tuesday of that week rather than the previous business day, *e.g.,* the previous Friday, since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. The Exchange notes that this provision is identical to the corresponding provision recently adopted by Phlx in its proposal to list options series with Monday expirations pursuant to its Short Term Option Series program. The Exchange also notes that Cboe Exchange, Inc. (''Cboe'') uses the same procedure for options on the S&P 500 index (''SPX'') with Monday expirations that listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.[8]

The interval between strike prices for the proposed Monday SPY Expirations will be the same as those for the current Short Term Option Series for Wednesday and Friday SPY Expirations. Specifically, the Monday SPY Expirations will have a $0.50 strike interval minimum. As is the case with other options series listed pursuant to the Short Term Option Series, the Monday SPY Expiration series will be P.M.-settled.

Currently, for each option class eligible for participation in the Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class. The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges. This thirty (30) series restriction shall apply to Monday SPY Expiration series as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list SPY options expiring on Mondays.

The Exchange does not believe that any market disruptions will be encountered with the introduction of P.M.-settled Monday expirations. The Exchange has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday expiration series, including Monday SPY Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire almost every Wednesday and Friday, which provide market participants a tool to hedge special events and to reduce the premium cost of buying protection. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe that there are any material differences between Monday expirations and Wednesday or Friday expirations for Short Term Option Series.

The Exchange seeks to introduce Monday expirations to, among other things, expand hedging tools available to market participants and to continue the reduction of the premium cost of buying protection. The Exchange believes that Monday expirations, similar to Wednesday and Friday expirations, will allow market participants to purchase an option based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

As noted above, Phlx recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options program. In addition, other exchanges currently permit Monday expirations for other options. For example, Cboe lists options on the SPX with a Monday expiration as part of its Nonstandard Expirations Pilot Program.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes the Short Term Option Series program has been successful to date and that Monday expirations, including Monday SPY Expirations, simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series program has expanded the landscape of hedging. Similarly, the Exchange believes Monday expirations, including Monday SPY Expirations, should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. As noted above, Phlx recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options program. In addition, Cboe currently permits Monday expirations for other options with a weekly expiration, such as options on the SPX.

With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe that there are any material differences between Monday expirations, including Monday SPY expirations, and Wednesday or Friday expirations, including Wednesday and Friday SPY Expirations, for Short Term Option Series. The Exchange believes that it is consistent with the Act to treat Monday expiration series that expire on a holiday differently than Wednesday or Friday expiration series, since the proposed treatment for Monday expiration series will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. The Exchange also notes that Cboe uses the same procedure for SPX options with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.

The Exchange believes that the proposed changes to Rule 100(a)(53) to include Wednesday expirations are also consistent with the Act. As noted above, while the actual listing and trading of the options series that are included in the Short Term Option Series are governed by Chapter 5, which incorporates ISE Chapter 5 by reference, Chapter 1 does not have similar incorporation by reference. As such, this change will amend Rule 100(a)(53) to make that rule consistent with the changes made to Chapter 5 as a result of that incorporation by reference.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading

[7] *See* Rule 100(a)(53).

[8] *See* CBOE Rule 24.9(e)(1) (''If the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day. If the Exchange is not open for business on a respective Wednesday or Friday, the normally Wednesday or Friday expiring Weekly Expirations will expire on the previous business day.'').

[9] *See* CBOE Rule 24.9(e)(1) (''The Exchange may open for trading Weekly Expirations on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration.)'').

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

in Monday expirations, including Monday SPY Expirations, in the same way that it monitors trading in the current Short Term Option Series. The Exchange also represents that it has the necessary systems capacity to support the new options series.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that having Monday expirations is not a novel proposal, as Phlx has received approval to list Monday expirations for SPY options, and Cboe currently lists and trades short-term SPX options with a Monday expiration. The Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal. Additionally, the Exchange does not believe the proposal will impose any burden on inter-market competition, as nothing prevents the other options exchanges from proposing similar rules to list and trade short-term options series with Monday expirations. The Exchange does not believe that changing Rule 100(a)(53) to include Wednesday expirations will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission approved the listing and trading of short term options series with Wednesday expirations in 2016, and the majority of the options exchanges have subsequently adopted short-term options series with Wednesday expirations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that it recently approved Phlx's substantially similar proposal to list and trade Monday SPY Expirations.[15] The Exchange has stated that waiver of the operative delay will allow the Exchange to list and trade Monday SPY Expirations as soon as possible, and therefore, promote competition among the option exchanges.[16] For these reasons, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intention to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 6.

[16] The Exchange also proposes to update its Short Term Option Series definition to include SPY Wednesday expirations. The Exchange states this definitional change will make its incorporated by reference rulebook internally consistent and is neither novel nor controversial. *See supra* note 3.

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MRX–2018–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2018–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2018–06 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03694 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82728; File No. SR–GEMX–2018–07]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 100

February 16, 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 February 13, 2018, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 Rule 100 to include Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series Program, including options on the SPDR S&P 500 ETF Trust.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqgemx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 100(a)(53) to amend Rule 100 to include Monday and Wednesday expirations for options listed pursuant to the Short Term Option Series program (''Program''), including options on the SPDR S&P 500 ETF Trust.

The actual listing and trading of the options series included in the Program is governed by Chapter 5 (''Securities Traded on the Exchange''). Chapter 5 incorporates by reference the rules of Nasdaq ISE, LLC (''ISE''). ISE has already amended its Chapter 5 to list both Monday and Wednesday expirations for SPY options pursuant to its Short Terms Options Series program; accordingly, the Exchange's Chapter 5 incorporates these changes by reference.[3] Chapter 1 does not have a similar incorporation by reference, and so the Exchange is therefore submitting this proposed rule change to amend the definition of ''Short Term Option Series'' in Rule 100(a)(53) to include Monday and Wednesday expirations within that definition.

Currently, ''Short Term Option Series'' is defined as ''a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Thursday or Friday that is a business day and that expires on the Friday of the following business week that is a business day. If a Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Friday.'' In order to include Wednesday expirations within this definition, the Exchange is amending Rule 100(a)(53) to include a series in an option class that is opened for trading on any Tuesday or Wednesday that is a business day and that expires the Wednesday of the following business week that is a business day. If a Tuesday, Wednesday, Thursday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday.

As noted above, ISE filed its proposal to amend its Rule 100 and Rule 504 to provide for the listing of Wednesday expirations[4] shortly after the Commission approved a similar proposal for BOX Options Exchange LLC.[5] Once ISE's proposal became operative, the Exchange's Chapter 5 changed accordingly.

The Exchange is also proposing to amend Rule 100(a)(53) to permit the listing of options series that expire on Mondays (''Monday SPY Expirations''). Specifically, the Exchange is proposing that it may open for trading series of options on any Monday that is a business day and that expires on the Monday of the following business week that is a business day. The Exchange is also proposing to list Monday expirations series on Fridays that precede the expiration Monday by one business week plus one business day. Since Rule 100(a)(53) already provides for the listing of short term option series on Fridays, the Exchange is not modifying this provision to allow for Friday listing of Monday expiration series. However, the Exchange is amending Rule 100(a)(53) to clarify that, in the case of a series that is listed on a Friday and expires on a Monday, that series must be listed one business week and one business day prior to that expiration (*i.e.,* two Fridays prior to expiration).

The Exchange notes that having Monday expirations is not a novel proposal. Specifically, Nasdaq PHLX LLC (''Phlx'') recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options Series program.[6]

As part of this proposal, the Exchange is also amending Rule 100(a)(53) to address the expiration of Monday expiration series when the Monday is not a business day. In that case, the rule will provide that the series shall expire on the first business day immediately following that Monday. This procedure differs from the expiration date of Wednesday expiration series that are scheduled to expire on a holiday. In that case, the Wednesday expiration series shall expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week.[7] However, the Exchange believes that it is preferable to require Monday expiration series in this scenario to expire on the Tuesday of that week rather than the previous business day, *e.g.,* the previous

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 78715 (August 29, 2016), 81 FR 60765 (September 2, 2016) (SR–ISE–2016–18) (SPY Wednesdays); SR–ISE–2018–13 (SPY Mondays).

[4] *See supra* note 4[sic].

[5] *See* Securities Exchange Act Release No. 59696 (August 24, 2016), 81 FR 59696 (August 30, 2016) (SR–BOX–2016–28).

[6] *See* Securities Exchange Act Release No. 82611 (February 1, 2018), 83 FR 5473 (February 7, 2018) (SR–Phlx–2017–103).

[7] *See* Rule 100(a)(53).

Friday, since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. The Exchange notes that this provision is identical to the corresponding provision recently adopted by Phlx in its proposal to list options series with Monday expirations pursuant to its Short Term Option Series program. The Exchange also notes that Cboe Exchange, Inc. (''Cboe'') uses the same procedure for options on the S&P 500 index (''SPX'') with Monday expirations that listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.[8]

The interval between strike prices for the proposed Monday SPY Expirations will be the same as those for the current Short Term Option Series for Wednesday and Friday SPY Expirations. Specifically, the Monday SPY Expirations will have a $0.50 strike interval minimum. As is the case with other options series listed pursuant to the Short Term Option Series, the Monday SPY Expiration series will be P.M.-settled.

Currently, for each option class eligible for participation in the Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class. The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges. This thirty (30) series restriction shall apply to Monday SPY Expiration series as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list SPY options expiring on Mondays.

The Exchange does not believe that any market disruptions will be encountered with the introduction of P.M.-settled Monday expirations. The Exchange has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday expiration series, including Monday SPY Expirations. The Exchange currently trades P.M.-settled Short Term Option Series that expire almost every Wednesday and Friday, which provide market participants a tool to hedge special events and to reduce the premium cost of buying protection. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe that there are any material differences between Monday expirations and Wednesday or Friday expirations for Short Term Option Series.

The Exchange seeks to introduce Monday expirations to, among other things, expand hedging tools available to market participants and to continue the reduction of the premium cost of buying protection. The Exchange believes that Monday expirations, similar to Wednesday and Friday expirations, will allow market participants to purchase an option based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

As noted above, Phlx recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options program. In addition, other exchanges currently permit Monday expirations for other options. For example, Cboe lists options on the SPX with a Monday expiration as part of its Nonstandard Expirations Pilot Program.[9]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Section 6(b)(5) of the Act,[11] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

In particular, the Exchange believes the Short Term Option Series program has been successful to date and that Monday expirations, including Monday SPY Expirations, simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series program has expanded the landscape of hedging. Similarly, the Exchange believes Monday expirations, including Monday SPY Expirations, should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. As noted above, Phlx recently received approval to list Monday expirations for SPY options pursuant to its Short Terms Options program. In addition, Cboe currently permits Monday expirations for other options with a weekly expiration, such as options on the SPX.

With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe that there are any material differences between Monday expirations, including Monday SPY expirations, and Wednesday or Friday expirations, including Wednesday and Friday SPY Expirations, for Short Term Option Series. The Exchange believes that it is consistent with the Act to treat Monday expiration series that expire on a holiday differently than Wednesday or Friday expiration series, since the proposed treatment for Monday expiration series will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. The Exchange also notes that Cboe uses the same procedure for SPX options with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.

The Exchange believes that the proposed changes to Rule 100(a)(53) to include Wednesday expirations are also consistent with the Act. As noted above, while the actual listing and trading of the options series that are included in the Short Term Option Series are governed by Chapter 5, which incorporates ISE Chapter 5 by reference, Chapter 1 does not have similar incorporation by reference. As such, this change will amend Rule 100(a)(53) to make that rule consistent with the changes made to Chapter 5 as a result of that incorporation by reference.

Finally, the Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in Monday expirations, including Monday SPY Expirations, in the same way that it monitors trading in the current Short Term Option Series. The Exchange also represents that it has the necessary systems capacity to support the new options series.

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

[8] *See* CBOE Rule 24.9(e)(1) (''If the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day. If the Exchange is not open for business on a respective Wednesday or Friday, the normally Wednesday or Friday expiring Weekly Expirations will expire on the previous business day.'').

[9] *See* CBOE Rule 24.9(e)(1) (''The Exchange may open for trading Weekly Expirations on any broad-based index eligible for standard options trading to expire on any Monday, Wednesday, or Friday (other than the third Friday-of-the-month or days that coincide with an EOM expiration.)'').

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that having Monday expirations is not a novel proposal, as Phlx has received approval to list Monday expirations for SPY options, and Cboe currently lists and trades short-term SPX options with a Monday expiration. The Exchange does not believe the proposal will impose any burden on intra-market competition, as all market participants will be treated in the same manner under this proposal. Additionally, the Exchange does not believe the proposal will impose any burden on inter-market competition, as nothing prevents the other options exchanges from proposing similar rules to list and trade short-term options series with Monday expirations. The Exchange does not believe that changing Rule 100(a)(53) to include Wednesday expirations will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Commission approved the listing and trading of short term options series with Wednesday expirations in 2016, and the majority of the options exchanges have subsequently adopted short-term options series with Wednesday expirations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6) thereunder.[13]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii)[14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that it recently approved Phlx's substantially similar proposal to list and trade Monday SPY Expirations.[15] The Exchange has stated that waiver of the operative delay will allow the Exchange to list and trade Monday SPY Expirations as soon as possible, and therefore, promote competition among the option exchanges.[16] For these reasons, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal effective upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–GEMX–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–GEMX–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 amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–GEMX–2018–07 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intention to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] *See supra* note 6.

[16] The Exchange also proposes to update its Short Term Option Series definition to include SPY Wednesday expirations. The Exchange states this definitional change will make its incorporated by reference rulebook internally consistent and is neither novel nor controversial. *See supra* note 3.

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82735; File No. SR–CboeBZX–2018–012]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Expand the Short Term Options Series Program To Allow Monday Expirations for SPDR S&P 500 ETF Trust Options on the Exchange's Equity Options Platform

February 16, 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 February 15, 2018, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to expand the Short Term Options Series Program to allow Monday expirations for SPDR S&P 500 ETF Trust (''SPY'') options.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe BZX Exchange, Inc.

* * * * *

Rule 16.1. Definitions

(a) With respect to the Rules contained in Chapters XVI to XXIX below, relating to the trading of options contracts on the Exchange, the following terms shall have the meanings specified in this Rule. A term defined elsewhere in the Exchange Rules shall have the same meaning with respect to this Chapter XVI, unless otherwise defined below.

(1)–(56) (No change).

(57) The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any *Monday,* Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the *Monday,* Wednesday or Friday of the next business week*, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration.* If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. *For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday.*

(58)–(63) (No change).

Interpretations and Policies

.01 (No change).

* * * * *

Rule 19.6. Series of Options Contracts Open for Trading

(a)–(g) (No change).

Interpretations and Policies

.01–.04 (No change).

.05 After an option class has been approved for listing and trading on BZX Options, the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire on each of the next five (5) Fridays that are business days and are not Fridays in which monthly options series or Quarterly Options Series expire (''Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates, not including any *Monday or* Wednesday SPY Expirations as provided in paragraph (g) below. If BZX Options is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if BZX Options is not open for business on the Friday that the options are set to expire, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday. Regarding Short Term Option Series:

(a) (No change).

(b) With the exception of *Monday and* Wednesday SPY Expirations, no Short Term Option Series may expire in the same week in which monthly option series on the same class expire or, in the case of Quarterly Options Series, on an expiration that coincides with an expiration of Quarterly Options Series on the same class.

(c)–(f) (No change).

(g) *Monday and* Wednesday SPY Expirations. The Exchange may open for trading on *any Friday or Monday that is a business day series of options on the SPDR S&P 500 ETF Trust (''SPY'') to expire on any Monday of the month that is a business day and is not a Monday on which Quarterly Options Series expire (''Monday SPY Expirations''), provided that any Friday on which the Exchange opens for trading a Monday SPY Expiration is one business week and one business day prior to expiration. The Exchange may also open for trading on* any Tuesday or Wednesday that is a business day series of *SPY* options [on the SPDR S&P 500 ETF Trust (''SPY'')] to expire on any Wednesday of the month that is a business day and is not a Wednesday [i]*o*n which Quarterly Options Series expire (''Wednesday SPY Expirations''). The Exchange may list up to five consecutive *Monday SPY Expirations and up to five consecutive* Wednesday SPY Expirations at one time; the Exchange may have no more than a total of five *Monday SPY Expirations and no more than a total of five* Wednesday SPY Expirations. *Monday and* Wednesday SPY Expirations will be subject to the provisions of this Rule.

.06–.07 (No change).

* * * * *

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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to expand the Short Term Options Series Program described in Rule 19.6 to allow the listing and trading of SPY options with Monday expirations. The Exchange also proposes to make corresponding changes to the definition of Short Term Options Series in Rule 16.1. This is a competitive filing based on a filing submitted by Nasdaq PHLX LLC (''Phlx''), which the Securities and Exchange Commission (''Commission'') recently approved.[5]

Currently, as set forth in Rule 16.1(a)(57), a Short Term Option Series is a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Tuesday, Wednesday, Thursday, or Friday that is a business day and that expires on the Wednesday or Friday of the next business week. The Exchange now proposes to amend Rule 16.1(a)(57) to permit the listing of options series that expire on Mondays. Specifically, the Exchange proposes that it may open for trading series of options on any Monday that is a business day and that expires on the Monday of the next business week. The Exchange also proposes to list Monday expirations series on Fridays that precede the expiration Monday by one business week plus one business day. Since Rule 16.1(a)(57) already provides for the listing of short term option series on Fridays, the Exchange is not modifying this provision to allow for Friday listing of Monday expiration series. However, the Exchange is amending Rule 16.1(a)(57) to clarify that, in the case of a series that is listed on a Friday and expires on a Monday, that series must be listed one business week and one business day prior to that expiration (*i.e.* two Fridays prior to expiration). Monday expirations are not a novel proposal. Specifically, Cboe Exchange, Inc. (''Cboe Options'') is currently able to list Monday expirations for broad-based index options.[6] Additionally, Phlx recently received Commission approval to list Monday SPY Expirations.[7]

The Exchange also proposes to amend Rule 16.1(a)(57) to address the expiration of Monday expiration series when the Monday is not a business day. In that case, the rule will provide that the series will expire on the first business day immediately following that Monday. This procedure differs from the expiration date of the Wednesday expiration series that are scheduled to expire on a holiday. In that case, the Wednesday expiration series will expire on the first business day immediately prior to that Wednesday (*e.g.,* Tuesday of that week).[8] However, the Exchange believes it is preferable to require Monday expiration series in this scenario to expire on the Tuesday of that week rather than the previous business day (*e.g.,* the previous Friday), since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. The Exchange also notes that Cboe Options uses the same procedure for options on the S&P 500 index (''SPX'') with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.[9]

The Exchange also proposes to make corresponding changes to Rule 19.6, Interpretation and Policy .05, which sets forth the requirements for SPY options that are listed pursuant to the Short Term Options Series Program, to permit Monday SPY expirations (''Monday SPY Expirations''). Accordingly, the Exchange proposes to amend Interpretation and Policy .05(g) to state the Exchange may open for trading on any Friday or Monday that is a business day series of SPY options to expire on any Monday of the month that is a business day and is not a Monday on which Quarterly Options Series expire, provided that Monday SPY Expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration.

As with Wednesday SPY Expirations, the proposed rule change states the Exchange may list up to five consecutive Monday SPY Expirations at one time, and may have no more than a total of five Monday SPY Expirations (in addition to a maximum of five Short Term Options Series expirations for SPY options expiring on Friday and five Wednesday SPY Expirations). The Exchange proposes to clarify that the five expirations limit in the current Short Term Option Series Program would not include any Monday SPY Expirations. The five expirations limit in the current Short Term Option Series Program currently excludes any Wednesday SPY Expirations. This means, under the proposed rule change, the Exchange may list five Short Term Option Series expirations for SPY expiring on Friday, five Wednesday SPY Expirations, and five Monday SPY Expirations. The Exchange will also clarify that, as with Wednesday SPY Expirations, Monday SPY Expirations will be subject to the provisions of Rule 19.6.

The proposed rule change also amends Rule 19.6, Interpretation and Policy .05(b), which addresses the listing of Short Term Option Series that expire in the same week as monthly or quarterly options series. Currently, the rule states no Short Term Option Series may expire in the same week in which monthly option series on the same class expire (with the exception of Wednesday SPY Expirations) or, in the case of Quarterly Option Series, on an expiration that coincides with an expiration of Quarterly Option Series on the same class. As with Wednesday SPY Expirations, the Exchange proposes to permit Monday SPY Expirations to expire in the same week as monthly option series on the same class. The Exchange believes it is reasonable to extend this exemption to Monday SPY Expirations because Monday SPY Expirations and standard monthly options will not expire on the same trading day, as standard monthly options expire on Fridays. Additionally, the Exchange believes that not listing Monday SPY Expirations for one week every month because there was a monthly SPY expiration on the Friday of that week would create investor confusion.

The interval between strike prices for the proposed Monday SPY Expirations will be the same as those for the current Short Term Option Series for Wednesday and Friday SPY Expirations, which is a $0.50 strike interval minimum.[10]

[5] *See* Securities Exchange Act Release No. 82611, February 1, 2018 (order approving SR–Phlx–2017–103).

[6] *See* Cboe Options Rule 24.9(e) (describing Cboe Options nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if Cboe Options is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[7] *See supra* note 5.

[8] *See* Rule 16.1(a)(57).

[9] *See* Rule 24.9(e) (describing Cboe Options' nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if Cboe Options is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[10] *See* Rule 19.6, Interpretation and Policy .05(f) (the Exchange may open for trading Short Term Option Series at $0.50 strike price intervals for classes that trade in $1 dollar increments and are in the Short Term Option Series Program). Pursuant to Rule 19.4(d)(4), Interpretation and Policy .02,

Continued

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening 30 series for each expiration date for the specific class. The 30 series restriction does not include series that are opened by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges.[11] This 30 series restriction will apply to Monday SPY Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list SPY options expiring on Mondays.

As is the case with other options series listed pursuant to the Short Term Option Series, the Monday SPY Expiration series will be p.m.-settled. The Exchange does not believe that any market disruptions will be encountered with the introduction of p.m.-settled Monday expirations. The Exchange has necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday expiration series, including Monday SPY Expirations. The Exchange currently trades p.m.-settled Short Term Option Series that expire almost every Wednesday and Friday, which provide market participants with a tool to hedge special events and to reduce the premium cost of buying protection. The Exchange notes it has been listing Wednesday expirations since 2016. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations.

The Exchange seeks to introduce Monday SPY Expirations to, among other things, expand hedging tools available to market participants and to continue the reduction of the premium cost of buying protection. The Exchange believes Monday SPY Expirations, similar to Wednesday and Friday SPY Expirations, will allow market participants to purchase a SPY option based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday SPY Expirations simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way the Short Term Option Series Program has expanded the landscape of hedging. Similarly, the Exchange believes Monday SPY Expirations should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations. The Exchange has been listing Wednesday SPY Expirations pursuant to Rule 19.6, Interpretation and Policy .05 since 2016. The Exchange believes it is consistent with the Act to treat Monday SPY Expirations that expire on a holiday differently than Wednesday and Friday SPY Expirations, since the proposed treatment for Monday SPY Expirations will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. Cboe Options uses the same procedure for broad-based index options with Monday expirations listed pursuant the Nonstandard Expirations Pilot Program that are scheduled to expire on a holiday.[15]

Given the similarities between Monday SPY Expirations and Wednesday and Friday SPY Expirations, the Exchange believes applying the provisions in Rules 16.1(a)(57) and 19.6, Interpretation and Policy .05 that currently apply to Wednesday SPY Expirations to Monday SPY Expirations is justified. For example, the Exchange believes allowing Monday SPY Expirations and monthly SPY expirations in the same week will benefit investors and minimize investor confusion by providing Monday SPY Expirations in a continuous and uniform manner. Additionally, the Exchange believes it is appropriate to not permit Monday SPY Expirations to expire on the same day as an expiration of SPY Quarterly Option Series. This is consistent with treatment of Wednesday SPY Expirations, which may currently expire in the same week as a monthly SPY expiration but may not expire on the same day as an expiration of SPY Quarterly Option Series.

The Exchange represents it has an adequate surveillance program in place to detect manipulative trading in Monday SPY Expirations in the same way it monitors trading in the current Short Term Option Series. The Exchange also represents it has the necessary systems capacity to support the new options series.

The proposed rule change is consistent with current rules of another options exchange, pursuant to which Cboe Options currently lists Monday expirations for weekly broad-based index options.[16] Additionally, the proposed rule change is consistent with rules of another options exchange, as Phlx recently received Commission approval to list Monday SPY Expirations.[17]

(B) Self-Regulatory Organization's Statement on Burden on Competition

BZX Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Having Monday expirations is not a novel proposal, as Cboe Options currently lists weekly broad-based index options with

SPY options have $1 strike price intervals for non-Short Term Option Program series.

[11] *See* Rule 19.6, Interpretation and Policy .05(a).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

[15] *See* Cboe Options Rule 24.9(e) (describing Cboe Options' nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[16] *Id.*

[17] *See supra* note 5.

Monday expirations pursuant to its nonstandard expirations pilot program. BZX Options does not believe the proposed rule change will impose any burden on intramarket competition, as all market participants will be treated in the same manner as they are with respect to existing Short Term Option Series. BZX Options does not believe the proposed rule change will impose any burden on intermarket competition, as Phlx recently received Commission approval to list Monday SPY Expirations.[18] BZX Options believes this proposed rule change is necessary to ensure fair competition among the options exchanges. Additionally, nothing prevents other options exchange from proposing similar rules to list and trade short-term option series in SPY with Monday expirations.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii) [21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that it recently approved Phlx's substantially similar proposal to list and trade Monday SPY Expirations.[22] The Exchange has stated that waiver of the operative delay will allow the Exchange to list and trade Monday SPY Expirations as soon as possible, and therefore, promote competition among the option exchanges. For these reasons, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule 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 proposal 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 No. SR–CboeBZX–2018–012 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 No. SR–CboeBZX–2018–012. 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 such filing will also 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 No. SR–CboeBZX–2018–012 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03696 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

[18] *Id.*

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intention to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] *See supra* note 5.

[23] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form 2–E under Rule 609; SEC File No. 270–222, OMB Control No. 3235–0233

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 609 (17 CFR 230.609) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*) requires small business investment

companies and business development companies that have engaged in offerings of securities that are exempt from registration pursuant to Regulation E under the Securities Act of 1933 (17 CFR 230.601 to 610a) to report semi-annually on Form 2–E (17 CFR 239.201) the progress of the offering. The form solicits information such as the dates an offering commenced and was completed (if completed), the number of shares sold and still being offered, amounts received in the offering, and expenses and underwriting discounts incurred in the offering. The information provided on Form 2–E assists the staff in monitoring the progress of the offering and in determining whether the offering has stayed within the limits set for an offering exempt under Regulation E.

There has not been a Form 2–E filing since calendar year 2010, when there was one filing of Form 2–E by one respondent. The Commission has previously estimated that the total annual burden associated with information collection and Form 2–E preparation and submission is four hours per filing. Although there have been no filings made under this rule since 2010, we are requesting one annual response and an annual burden of one hour for administrative purposes. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 609 and Form 2–E is mandatory. The information provided under rule 609 and Form 2–E will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 20, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03739 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82737; File No. SR–NYSEAMER–2018–04]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Listing Standard for Warrants in Section 105 of the NYSE American Company Guide

February 16, 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 February 6, 2018, NYSE American LLC (''NYSE American'' or the ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 its listing standard for warrants as set forth in Section 105 of the NYSE American Company Guide (the ''Company Guide'') to provide that any reduction in the exercise price of a listed warrant must be widely publicized and must continue in effect for at least 20 business days [3] (or such longer period as may be required under the tender offer rules of the Securities and Exchange Commission (''SEC'' or ''Commission'')) and otherwise comply with any other applicable tender offer regulatory provisions under the federal securities laws, including Section 13(e) [4] of the Act and Rule 13e–4 [5] under the Act. 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''business day'' is used as defined in Rule 14d–1(g)(3) under the Act (17 CFR 240.14d–1(g)(3)).

[4] 15 U.S.C. 78m(e).

[5] 17 CFR 240.13e–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 its listing standard for warrants as set forth in Section 105 of the Company Guide to provide that any reduction in the exercise price of a listed warrant must be widely publicized and must continue in effect for at least 20 business days (or such longer period as may be required under the tender offer rules of the Securities and Exchange Commission (''SEC'' or ''Commission'')) and otherwise comply with any other applicable tender offer regulatory provisions under the federal securities laws, including Section 13(e) of the Act and Rule 13e–4 under the Act.

Section 105 currently provides that the issuer of a listed warrant may reduce the exercise price of such warrant provided that in doing so it establishes a minimum period of ten business days within which such price reduction will be in effect.[6] The Exchange now proposes to amend this provision so that it will be consistent with the tender offer regulatory provisions applicable under the federal securities laws and SEC rules.[7]

A reduction in the exercise price of publicly-traded warrants for a limited time period is deemed to be a tender offer by the SEC staff and is therefore subject to the requirements of the SEC's tender offer rules as set forth in Regulation 14E under the Act.[8] SEC Rule 14e–1(a) [9] requires that any tender offer subject to Regulation 14E be held

[6] Section 105 in its current form was approved in Securities Exchange Act Release No. 22777 (January 8, 1986); 51 FR 2613 (January 17, 1986).

[7] The proposed amendment will conform the rule to changes recently adopted by the NYSE in its own warrant listing standard. *See* Securities Exchange Act Release No. 82566 (SR–NYSE–2018–04) (January 22, 2018).

[8] 17 CFR 240.14e–1 *et seq.*

[9] 17 CFR 240.14e–1(a).

open for at least 20 business days. SEC Rule 14e–1(b) [10] provides for certain circumstances in which a tender offer period must be extended beyond that initial 20 business day period. Rule 14e–1(c) [11] under the Act requires securityholders to be paid promptly after tendering their securities into a tender offer. In addition, all tender offers for listed warrants will be subject to Section 13(e) of the Act, Rule 13e–4 under the Act, Section 14(e) [12] of the Act, and Regulation 14E under the Act.

The Exchange proposes to require the issuer of any warrant which gives the issuer the right, at its discretion, to reduce the exercise price of the warrant for periods of time, or from time to time, to undertake to comply with any applicable tender offer regulatory provisions under the federal securities laws, including a minimum period of 20 business days within which such price reduction will be in effect (or such longer period as may be required under the SEC's tender offer rules). In addition to ensuring compliance with applicable laws and regulations, the Exchange believes that the proposed 20 business day minimum notice requirement would ensure that warrant holders have a reasonable amount of time to consider the advisability of exercising their warrants during the period in which the reduced exercise price is in effect and that warrant holders will therefore not be under unreasonable pressure to make a hasty, ill-informed investment decision.

The Exchange proposes to require that any listed company that reduces the exercise price of listed warrants announce that fact in a manner consistent with the Exchange's policies with respect to the dissemination of material news as set forth in Sections 401 and 402 of the Company Guide. The Exchange believes that this requirement would give all warrant holders appropriate notice and the ability to avail themselves of the lower exercise price if they so desire.

The Exchange has interpreted the provision with respect to repricings in Section 105 broadly as restricting the taking of any other action which has the same economic effect as a reduction in the exercise price of the warrant.[13] For the avoidance of doubt, the Exchange now proposes to include a statement to that effect in the proposed amended rule text.

Section 105 currently provides that the repricing policy set forth therein will not preclude the listing of warrant issues for which regularly scheduled and specified changes in the exercise price have been previously established. The Exchange proposes to clarify this provisions by specifying that it relates specifically to regularly scheduled and specified changes in the exercise price that have been previously established at the time of original issuance of the warrants.

The Exchange also proposes to make revisions to Section 105 to update references to the names of the Exchange and the NASDAQ Stock Exchange to reflect their current names.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [14] of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed amendment is consistent with the investor protection objectives of Section 6(b)(5) because: (i) The proposed requirement that the price reduction must stay in effect for 20 business days or such longer period as required by the SEC's tender offer rules would give the warrant holders a reasonable amount of time to consider the advisability of exercising their warrants during the period in which the reduced exercise price was in effect and warrant holders would therefore not be under unreasonable pressure to make a hasty, ill-informed investment decision; and (ii) the proposed requirement that any listed company that reduces the exercise price of listed warrants must announce that fact in a manner consistent with the Exchange's material news dissemination policies would give all warrant holders appropriate notice and the ability to avail themselves of the lower exercise price if they so desired.

The requirement that any warrant repricing under the proposed amendment must be held open for at least 20 business days (or such longer period as is required under the SEC's tender offer rules) and that the company must undertake to comply with applicable tender offer regulatory provisions would ensure that any warrant repricing under the proposed amendment would be in compliance with Section 13(e) of the Act, Rule 13e–4 under the Act, Section 14(e) of the Act, and Regulation 14E under the Act.

The addition to the rule of language stating that the Exchange will apply its requirements with respect to warrant re-pricings to the taking of any other action that has the same economic effect as a reduction in the exercise price of a listed warrant is consistent with the Act as it simply codifies a longstanding interpretation of the rule by the Exchange.

The amendment to the rule to specify that the repricing provision is not applicable to regularly scheduled and specified changes in the exercise price that have been previously established at the time of original issuance of the warrants is a clarification of the rule that is consistent with the way it is currently implemented and is therefore non-substantive in nature. Similarly, the updating of the names used in the rule for NYSE American and the NASDAQ Stock Market is non-substantive in nature.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The purpose of the proposed rule change is to impose additional limitations on the circumstances under which listed companies may adjust the exercise price of listed warrants, including by requiring any such repricing to be conducted in a manner that is consistent with the SEC's tender offer rules. As such, the Exchange believes the proposed rule change does not impose any burden on competition.

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.

[10] 17 CFR 240.14e–1(b).

[11] 17 CFR 240.14e–1(c).

[12] 15 U.S.C. 78n(e).

[13] For example, the Exchange would view an exchange of common stock for outstanding warrants as a transaction restricted by the rule if the economic benefit to the warrant holder of participating in the exchange was effectively the same as the benefit to the holder of exercising the warrants at a reduced exercise price. Similarly, an increase in the number of shares for which a warrant is exercisable without a related increase in the warrant exercise price is economically equivalent to a reduction in the exercise price.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[16] and Rule 19b–4(f)(6) thereunder.[17] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[18]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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–2018–04 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–2018–04. 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 such 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–2018–04, and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03697 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82734; File No. SR–CboeEDGX–2018–007]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Expand the Short Term Options Series Program To Allow Monday Expirations for SPDR S&P 500 ETF Trust Options on the Exchange's Equity Options Platform

February 16, 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 February 15, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to expand the Short Term Options Series Program to allow Monday expirations for SPDR S&P 500 ETF Trust (''SPY'') options.

(additions are *italicized;* deletions are [bracketed])

* * * * *

Rules of Cboe EDGX Exchange, Inc.

* * * * *

Rule 16.1. Definitions

(a) With respect to the Rules contained in Chapters XVI to XXIX below, relating to the trading of options contracts on the Exchange, the following terms shall have the meanings specified in this Rule. A term defined elsewhere in the Exchange Rules shall have the same meaning with respect to this Chapter XVI, unless otherwise defined below.

(1)–(56) (No change).

(57) The term ''Short Term Option Series'' means a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any *Monday,* Tuesday, Wednesday, Thursday or Friday that is a business day and that expires on the *Monday,* Wednesday or Friday of the next business week*, or, in the case of a series that is listed on a Friday and expires on a Monday, is listed one business week and one business day prior to that expiration.* If a Tuesday, Wednesday, Thursday or Friday is not a business day, the series may be opened (or shall expire) on the first business day immediately prior to that Tuesday, Wednesday, Thursday or Friday, respectively. *For a series listed pursuant to this section for Monday expiration, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

(58)–(63) (No change).

Interpretations and Policies

.01 (No change).

* * * * *

Rule 19.6. Series of Options Contracts Open for Trading

(a)–(g) (No change).

Interpretations and Policies

.01–.04 (No change).

.05 After an option class has been approved for listing and trading on EDGX Options, the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire on each of the next five (5) Fridays that are business days and are not Fridays in which monthly options series or Quarterly Options Series expire (''Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates, not including any *Monday or* Wednesday SPY Expirations as provided in paragraph (g) below. If EDGX Options is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if EDGX Options is not open for business on the Friday that the options are set to expire, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday. Regarding Short Term Option Series:

(a) (No change).

(b) With the exception of *Monday and* Wednesday SPY Expirations, no Short Term Option Series may expire in the same week in which monthly option series on the same class expire or, in the case of Quarterly Options Series, on an expiration that coincides with an expiration of Quarterly Options Series on the same class.

(c)–(f) (No change).

(g) *Monday and* Wednesday SPY Expirations. The Exchange may open for trading on *any Friday or Monday that is a business day series of options on the SPDR S&P 500 ETF Trust (''SPY'') to expire on any Monday of the month that is a business day and is not a Monday on which Quarterly Options Series expire (''Monday SPY Expirations''), provided that any Friday on which the Exchange opens for trading a Monday SPY Expiration is one business week and one business day prior to expiration. The Exchange may also open for trading on* any Tuesday or Wednesday that is a business day series of *SPY* options [on the SPDR S&P 500 ETF Trust (''SPY'')] to expire on any Wednesday of the month that is a business day and is not a Wednesday [i]*on* which Quarterly Options Series expire (''Wednesday SPY Expirations''). The Exchange may list up to five consecutive *Monday SPY Expirations and up to five consecutive* Wednesday SPY Expirations at one time; the Exchange may have no more than a total of five *Monday SPY Expirations and no more than a total of five* Wednesday SPY Expirations. *Monday and* Wednesday SPY Expirations will be subject to the provisions of this Rule.

.06–.07 (No change).

* * * * *

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 expand the Short Term Options Series Program described in Rule 19.6 to allow the listing and trading of SPY options with Monday expirations. The Exchange also proposes to make corresponding changes to the definition of Short Term Options Series in Rule 16.1. This is a competitive filing based on a filing submitted by Nasdaq PHLX LLC (''Phlx''), which the Securities and Exchange Commission (''Commission'') recently approved.[5]

Currently, as set forth in Rule 16.1(a)(57), a Short Term Option Series is a series in an option class that is approved for listing and trading on the Exchange in which the series is opened for trading on any Tuesday, Wednesday, Thursday, or Friday that is a business day and that expires on the Wednesday or Friday of the next business week. The Exchange now proposes to amend Rule 16.1(a)(57) to permit the listing of options series that expire on Mondays. Specifically, the Exchange proposes that it may open for trading series of options on any Monday that is a business day and that expires on the Monday of the next business week. The Exchange also proposes to list Monday expirations series on Fridays that precede the expiration Monday by one business week plus one business day. Since Rule 16.1(a)(57) already provides for the listing of short term option series on Fridays, the Exchange is not modifying this provision to allow for Friday listing of Monday expiration series. However, the Exchange is amending Rule 16.1(a)(57) to clarify that, in the case of a series that is listed on a Friday and expires on a Monday, that series must be listed one business week and one business day prior to that expiration (*i.e.* two Fridays prior to expiration). Monday expirations are not a novel proposal. Specifically, Cboe Exchange, Inc. (''Cboe Options'') is currently able to list Monday expirations for broad-based index options.[6] Additionally, Phlx recently received Commission approval to list Monday SPY Expirations.[7]

The Exchange also proposes to amend Rule 16.1(a)(57) to address the expiration of Monday expiration series when the Monday is not a business day. In that case, the rule will provide that the series will expire on the first business day immediately following that Monday. This procedure differs from the expiration date of the Wednesday expiration series that are scheduled to expire on a holiday. In that case, the Wednesday expiration series will expire on the first business day immediately prior to that Wednesday (*e.g.,* Tuesday of that week).[8] However, the Exchange believes it is preferable to require Monday expiration series in this scenario to expire on the Tuesday of that week rather than the previous business day (*e.g.,* the previous Friday), since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. The Exchange also notes that Cboe Options

[5] *See* Securities Exchange Act Release No. 82611, February 1, 2018 (order approving SR–Phlx–2017–103.

[6] *See* Cboe Options Rule 24.9(e) (describing Cboe Options nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if Cboe Options is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[7] *See supra* note 5.

[8] *See* Rule 16.1(a)(57).

uses the same procedure for options on the S&P 500 index (''SPX'') with Monday expirations that are listed pursuant to its Nonstandard Expirations Pilot Program and that are scheduled to expire on a holiday.[9]

The Exchange also proposes to make corresponding changes to Rule 19.6, Interpretation and Policy .05, which sets forth the requirements for SPY options that are listed pursuant to the Short Term Options Series Program, to permit Monday SPY expirations (''Monday SPY Expirations''). Accordingly, the Exchange proposes to amend Interpretation and Policy .05(g) to state the Exchange may open for trading on any Friday or Monday that is a business day series of SPY options to expire on any Monday of the month that is a business day and is not a Monday on which Quarterly Options Series expire, provided that Monday SPY Expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration.

As with Wednesday SPY Expirations, the proposed rule change states the Exchange may list up to five consecutive Monday SPY Expirations at one time, and may have no more than a total of five Monday SPY Expirations (in addition to a maximum of five Short Term Options Series expirations for SPY options expiring on Friday and five Wednesday SPY Expirations). The Exchange proposes to clarify that the five expirations limit in the current Short Term Option Series Program would not include any Monday SPY Expirations. The five expirations limit in the current Short Term Option Series Program currently excludes any Wednesday SPY Expirations. This means, under the proposed rule change, the Exchange may list five Short Term Option Series expirations for SPY expiring on Friday, five Wednesday SPY Expirations, and five Monday SPY Expirations. The Exchange will also clarify that, as with Wednesday SPY Expirations, Monday SPY Expirations will be subject to the provisions of Rule 19.6.

The proposed rule change also amends Rule 19.6, Interpretation and Policy .05(b), which addresses the listing of Short Term Option Series that expire in the same week as monthly or quarterly options series. Currently, the rule states no Short Term Option Series may expire in the same week in which monthly option series on the same class expire (with the exception of Wednesday SPY Expirations) or, in the case of Quarterly Option Series, on an expiration that coincides with an expiration of Quarterly Option Series on the same class. As with Wednesday SPY Expirations, the Exchange proposes to permit Monday SPY Expirations to expire in the same week as monthly option series on the same class. The Exchange believes it is reasonable to extend this exemption to Monday SPY Expirations because Monday SPY Expirations and standard monthly options will not expire on the same trading day, as standard monthly options expire on Fridays. Additionally, the Exchange believes that not listing Monday SPY Expirations for one week every month because there was a monthly SPY expiration on the Friday of that week would create investor confusion.

The interval between strike prices for the proposed Monday SPY Expirations will be the same as those for the current Short Term Option Series for Wednesday and Friday SPY Expirations, which is a $0.50 strike interval minimum.[10]

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening 30 series for each expiration date for the specific class. The 30 series restriction does not include series that are opened by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges.[11] This 30 series restriction will apply to Monday SPY Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list SPY options expiring on Mondays.

As is the case with other options series listed pursuant to the Short Term Option Series, the Monday SPY Expiration series will be p.m.-settled. The Exchange does not believe that any market disruptions will be encountered with the introduction of p.m.-settled Monday expirations. The Exchange has necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday expiration series, including Monday SPY Expirations. The Exchange currently trades p.m.-settled Short Term Option Series that expire almost every Wednesday and Friday, which provide market participants with a tool to hedge special events and to reduce the premium cost of buying protection. The Exchange notes it has been listing Wednesday expirations since 2016. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations.

The Exchange seeks to introduce Monday SPY Expirations to, among other things, expand hedging tools available to market participants and to continue the reduction of the premium cost of buying protection. The Exchange believes Monday SPY Expirations, similar to Wednesday and Friday SPY Expirations, will allow market participants to purchase a SPY option based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[12] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[13] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[14] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday SPY Expirations simply expand

[9] *See* Rule 24.9(e) (describing Cboe Options' nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if Cboe Options' is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[10] *See* Rule 19.6, Interpretation and Policy .05(f) (the Exchange may open for trading Short Term Option Series at $0.50 strike price intervals for classes that trade in $1 dollar increments and are in the Short Term Option Series Program). Pursuant to Rule 19.4(d)(4), Interpretation and Policy .02, SPY options have $1 strike price intervals for non-Short Term Option Program series.

[11] *See* Rule 19.6, Interpretation and Policy .05(a).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *Id.*

the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way the Short Term Option Series Program has expanded the landscape of hedging. Similarly, the Exchange believes Monday SPY Expirations should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations. The Exchange has been listing Wednesday SPY Expirations pursuant to Rule 19.6, Interpretation and Policy .05 since 2016. The Exchange believes it is consistent with the Act to treat Monday SPY Expirations that expire on a holiday differently than Wednesday and Friday SPY Expirations, since the proposed treatment for Monday SPY Expirations will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. Cboe Options uses the same procedure for broad-based index options with Monday expirations listed pursuant the Nonstandard Expirations Pilot Program that are scheduled to expire on a holiday.[15]

Given the similarities between Monday SPY Expirations and Wednesday and Friday SPY Expirations, the Exchange believes applying the provisions in Rules 16.1(a)(57) and 19.6, Interpretation and Policy .05 that currently apply to Wednesday SPY Expirations to Monday SPY Expirations is justified. For example, the Exchange believes allowing Monday SPY Expirations and monthly SPY expirations in the same week will benefit investors and minimize investor confusion by providing Monday SPY Expirations in a continuous and uniform manner. Additionally, the Exchange believes it is appropriate to not permit Monday SPY Expirations to expire on the same day as an expiration of SPY Quarterly Option Series. This is consistent with treatment of Wednesday SPY Expirations, which may currently expire in the same week as a monthly SPY expiration but may not expire on the same day as an expiration of SPY Quarterly Option Series.

The Exchange represents it has an adequate surveillance program in place to detect manipulative trading in Monday SPY Expirations in the same way it monitors trading in the current Short Term Option Series. The Exchange also represents it has the necessary systems capacity to support the new options series.

The proposed rule change is consistent with current rules of another options exchange, pursuant to which Cboe Options currently lists Monday expirations for weekly broad-based index options.[16] Additionally, the proposed rule change is consistent with rules of another options exchange, as Phlx recently received Commission approval to list Monday SPY Expirations.[17]

(B) Self-Regulatory Organization's Statement on Burden on Competition

EDGX Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Having Monday expirations is not a novel proposal, as Cboe Options currently lists weekly broad-based index options with Monday expirations pursuant to its nonstandard expirations pilot program. EDGX Options does not believe the proposed rule change will impose any burden on intramarket competition, as all market participants will be treated in the same manner as they are with respect to existing Short Term Option Series. EDGX Options does not believe the proposed rule change will impose any burden on intermarket competition, as Phlx recently received Commission approval to list Monday SPY Expirations.[18] EDGX Options believes this proposed rule change is necessary to ensure fair competition among the options exchanges. Additionally, nothing prevents other options exchange from proposing similar rules to list and trade short-term option series in SPY with Monday expirations.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii)[21] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that it recently approved Phlx's substantially similar proposal to list and trade Monday SPY Expirations.[22] The Exchange has stated that waiver of the operative delay will allow the Exchange to list and trade Monday SPY Expirations as soon as possible, and therefore, promote competition among the option exchanges. For these reasons, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[23]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the

[15] *See* Cboe Options Rule 24.9(e) (describing Cboe Options' nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[16] *Id.*

[17] *See supra* note 5.

[18] *Id.*

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intention to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[21] 17 CFR 240.19b–4(f)(6)(iii).

[22] *See supra* note 5.

[23] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 No. SR–CboeEDGX–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 No. SR–CboeEDGX–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 such filing will also 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 No. SR–CboeEDGX–2018–007 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03699 Filed 2–22–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82729; File No. SR–ICEEU–2018–004]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to a New F&O Concentration Charge Policy

February 16, 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 February 8, 2018, ICE Clear Europe Limited (''ICE Clear Europe'' or the ''Clearing House'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. ICE Clear Europe filed the proposed rule changes pursuant to Section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(4)(ii) thereunder,[4] so that the proposal was immediately effective upon filing with the Commission. 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

ICE Clear Europe proposes to implement a new F&O Concentration Charge Policy (the ''Policy''), which will replace separate existing concentration charge policies for its energy and its financials and softs products.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe 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. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe proposes to adopt the Policy, which will implement a new concentration charge margin model that will apply to all F&O Contracts, in both the energy and financials and softs (''F&S'') sectors. ICEU currently uses two separate concentration charge models: One for energy products and one for F&S products. The existing concentration models and their associated policies will be retired upon implementation of the Policy. The concentration charge model is designed to provide the Clearing House with extra margin to cover the potential additional default costs where liquidation of a defaulter's positions may be delayed or prolonged due to highly concentrated positions within the defaulter's portfolio.

The new Policy is largely based on the existing concentration charge model applicable to F&S products, and as a result it is expected only marginally to impact margin for F&S products. The new Policy adds a few enhancements to the existing F&S model. Specifically, certain technical detail from the F&S model will be enhanced such that the concentration charge will no longer be calculated as a multiple of total SPAN initial margin, but instead as a multiple of individual margin component (*i.e.,* outright or the scanning risk and the inter-month risk) summed together.

The new Policy marks a more significant methodology change for energy products, and may more significantly increase concentration charges for those products. The existing energy concentration charge model is based on the percentage share of each clearing member's initial margin to the total clearing house initial margin, while the new Policy (like the existing F&S policy) is based on the clearing member's position relative to the perceived level of market depth as represented by the daily trading volume in the relevant products. ICE Clear Europe believes that the new Policy will provide a more robust approach to measuring concentration risk, based on expected cost and time of liquidation, and to imposing additional margin charges as a result.

[24] 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).

[4] 17 CFR 240.19b–4(f)(4)(ii).

The Policy itself sets out the key steps and procedures for calculating the concentration charge for F&O contracts. Calculations are made for each underlying commodity and each relevant expiration period. The Policy operates by scaling the initial margin requirement upward by extending the holding or liquidation period beyond the margin period of risk used in the standard margin calculation, to account for the longer time it is expected to take the Clearing House to liquidate the positions in light of the average daily trading volume in the product. The concentration charge is thus designed to reflect the portion of the defaulter's position expected to be remaining after the margin period of risk. The Policy uses a concentration charge scaling formula that takes into account these considerations. The final concentration charge takes into account both an outright position scanning range calculation and an intermonth (calendar spread) position calculation.

The Policy sets out additional operational steps related to determining concentration charges, including weekly calculations and reports to members regarding their concentration charge percentages per underlying, per Clearing Member and on an account level. Additional detail can be provided to Clearing Members upon request. Parameters for the model are reviewed on an ongoing basis in conjunction with the charge calculation cycle and through a quarterly formal review of all parameters, where the latest market statistics are used to assess their adequacy.

The Policy also incorporates an overall Board risk appetite and limit framework, which is consistent with other ICE Clear Europe policies, based on ICE Clear Europe's corporate objectives and risk objectives as established by the Board. The Policy also addresses governance and reporting, including independent validation, policy review and exception handling. Relevant models used to support the Policy are subject to an annual independent validation and governance oversight. The Policy addresses review and oversight by the policy owner, as well as escalation and notification protocols. The Policy will be reviewed by the F&O Risk Committee and Board at least annually. At a minimum, any material changes will be discussed by the ICE Clear Europe executive risk committee and approved by the Board (on the advice of the F&O Risk Committee and Board Risk Committee). Material deviations are reported to the ICE Clear Europe President and the risk oversight department to determine the appropriate governance escalation and notification requirements.

(b) Statutory Basis

ICE Clear Europe believes that the proposed amendments are consistent with the requirements of Section 17A of the Act [5] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[6] Section 17A(b)(3)(F) of the Act [7] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. The new Policy is designed to enhance the Clearing House's margin model, by providing a more robust analysis of concentration risk that may be caused by clearing member positions that cannot be liquidated within the standard margin period of risk, and to provide for additional initial margin resources to cover that risk. The Policy will thus better align clearing member margin requirements with the concentration risks presented by such members. As such, the Policy will facilitate the prompt and accurate clearance and settlement of transactions, and protect the Clearing House against the risk of default, which will in turn enhance the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F).

In addition, Rule 17Ad–22(e)(6) [8] requires that a clearing agency cover its credit exposures to its participants by establishing a risk-based margin system that, among other matters, produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market; and calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default. As noted above, the new Policy is designed to enhance the Clearing House's ability to set additional margin requirements that reflect the concentration risk of particular Clearing Member portfolios, and thereby to hold sufficient margin to cover the additional liquidation risk inherent in those portfolios. The Policy sets appropriately conservative concentration limits that will bring concentration charges for energy products into alignment with other F&O products. The Policy is thus consistent with the requirements of Rule 17Ad–22(e)(6).

Rule 17Ad–22(e)(6)(vii) [9] further requires that each covered clearing agency establish written policies and procedures that provide for a model validation for the covered clearing agency's margin system and related models to be performed not less than annually, or more frequently as may be contemplated by the covered clearing agency's risk management framework. As set forth above, the models underlying the Policy are subject to an annual independent validation. The Policy itself is subject to review by the F&O Risk Committee and Board at least annually. The Model parameters used to determine concentration limits are reviewed on an ongoing basis and there is also a quarterly formal review of all the parameters, where the latest market statistics are used to assess their adequacy. These procedures are consistent with Rule 17Ad–22(e)(6)(vii).

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The changes are being proposed in order to more appropriately manage concentration risks in the portfolios of Clearing Members, and ensure that ICE Clear Europe imposes sufficient concentration charges to cover the potential liquidation risks arising from concentrated portfolios. The revised approach may result in increased concentration charges for F&O Clearing Member, particularly those with concentrated energy portfolios, and so may increase the cost of clearing for those Clearing Members. However, ICE Clear Europe believes that any such additional cost is appropriate to take into account the concentration risk posed to the Clearing House by such Clearing Members, consistent with the provisions of the Act and Commission regulations relating to margin requirements and methodologies as discussed above. The Policy will apply to all F&O Clearing Members, and such Clearing Members will be able to manage their positions to limit potential concentration charges if they so choose. ICE Clear Europe does not believe that

[5] 15 U.S.C. 78q–1.

[6] 17 CFR 240.17Ad–22.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 17 CFR 240.17Ad–22(e)(6).

[9] 17 CFR 240.17Ad–22(e)(6)(vii).

the revised Policy will otherwise impact competition among Clearing Members or other market participants, or affect the ability of market participants to access clearing generally. As a result, ICE Clear Europe believes that any impact on competition is appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed changes to the rules have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [10] and paragraph (f) of Rule 19b–4 [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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–ICEEU–2018–004 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–ICEEU–2018–004. 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 such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation#rule-filings.*

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–ICEEU–2018–004 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo Aleman,

Assistant Secretary.

[FR Doc. 2018–03691 Filed 2–22–18; 8:45 am]

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[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82731; File No. SR–NYSE–2018–06]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section 902.11 of the Exchange's Listed Company Manual Concerning Fees Applicable to Acquisition Companies for Shares Issued in Connection With the Consummation of a Business Combination

February 16, 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 6, 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 Section 902.11 of the Exchange's Listed Company Manual (the ''Manual'') to provide that Acquisition Companies remaining listed after consummation of their Business Combination will not be required to pay listing fees in relation to any additional shares issued in connection with the consummation of the Business Combination. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Section 102.06 of the Manual provides for the listing of companies (''Acquisition Companies'' or ''ACs'') with no prior operating history that conduct an initial public offering of which at least 90% of the proceeds, together with the proceeds of any other concurrent sales of the AC's equity securities, will be held in a trust account controlled by an independent custodian until consummation of a business combination in the form of a merger, capital stock exchange, asset acquisition, stock purchase,

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

reorganization, or similar business combination with one or more operating businesses or assets (a ''Business Combination'') with a fair market value equal to at least 80% of the net assets held in trust (net of amounts disbursed to management for working capital purposes and excluding the amount of any deferred underwriting discount held in trust). A listed AC may remain listed upon consummation of its Business Combination, provided it meets the criteria specified in Section 802.01B of the Manual.

In the experience of the Exchange, an AC will frequently reconsider its listing venue in connection with the consummation of its Business Combination.[4] The Business Combination is a transformative event in the life cycle of an AC, when it becomes an operating company instead of a blank check company. In connection with that transformation, an AC will frequently put in place a new management team and significantly change its board of directors and it will often have a significantly different shareholder base after the Business Combination than it had as an AC. In effect, an AC after its Business Combination is a completely different company and it is for this reason that the board and management of the company after the transaction would want to reconsider the positioning of the company in many respects, including its listing venue.

The market for the retention or transfer to another exchange of these companies is very competitive and a number of transfers to a new listing venue have occurred in recent times in connection with the completion of an AC's Business Combination. The listing rules of the Exchange,[5] NYSE American[6] and NASDAQ Global Market[7] all provide for a waiver of all initial listing fees in connection with a transfer from another national securities exchange, so an AC moving its listing upon consummation of its Business Combination never has to pay any listing fees in connection with such transfer or the issuance of any new shares at the time of its Business Combination. By contrast, under current Exchange rules, an AC remaining listed on the Exchange upon consummation of its Business Combination would have to pay additional listing fees in relation to any additional shares issued in connection with the Business Combination. These fees can be significant in many instances, as many ACs issue significant numbers of new shares to the shareholders of the target company in their Business Combination. In such instances, the AC is faced with the anomalous situation where there would be no listing fee burden associated with a transfer to another exchange but it would be required to pay significant additional listing fees if it remains on its incumbent exchange.

To eliminate this disparate treatment of companies listing after a Business Combination, the Exchange proposes to amend Section 902.11 of the Manual to provide that any AC remaining listed on the Exchange upon consummation of its Business Combination will not be subject to any additional listing fees with respect to any shares issued in connection with such Business Combination.[8]

The Exchange does not expect the revenues it forgoes as a result of the proposed waiver to negatively affect its ability to conduct its regulatory program.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4)[10] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges and is not designed to permit unfair discrimination among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act, in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with Sections 6(b)(4) and 6(b)(5) of the Act in that it represents an equitable allocation of fees and does not unfairly discriminate among listed companies. In particular, the Exchange notes that the proposed amendment is not unfairly discriminatory as it will result in an AC that remains listed on the Exchange after its Business Combination being treated the same as an AC that transfers to the Exchange from another listing venue or transfers to another listing venue at that time. The Exchange also believes the proposed rule change is not discriminatory with respect to listed operating companies, as operating companies generally do not have an event in their life cycle parallel to the Business Combination for an AC which would normally give rise to a reconsideration of the company's listing venue.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The proposed rule change does not impose any burden on competition, as it will have the effect of treating an AC that remains listed on the Exchange after its Business Combination the same for fee purposes as an AC that transfers to the Exchange from another listing venue or transfers to another listing venue at that time.

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 foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[11] of the Act and subparagraph (f)(2) of Rule 19b–4[12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

[4] The Exchange began to list ACs on a regular basis in the last year, so the practice of ACs changing listing venue at the time of their Business Combination has not yet involved any companies transferring away from the NYSE in those circumstances.

[5] *See* Section 902.02 of the Manual.

[6] *See* Section 140 of the NYSE American Company Guide.

[7] *See* NASDAQ Marketplace Rule 5910(7) [sic].

[8] The Exchange believes that it is appropriate to provide this waiver to an AC at the time of its Business Combination and not to an operating company that would also be subject to additional listing fees in connection with a share issuance subsequent to listing. In the Exchange's experience, there is generally no parallel to the Business Combination in the life cycle of an operating company which would cause it to reconsider its listing venue at the time it issued additional shares, so the anomaly the Exchange seeks to address in relation to ACs is not relevant to operating companies.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [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–2018–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–06. 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–NYSE–2018–06 and should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03693 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(2)(B).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82733; File No. SR–CBOE–2018–018]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating To Expand the Short Term Options Series Program To Allow Monday Expirations for SPDR S&P 500 ETF Trust Options

February 16, 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 February 15, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to expand the Short Term Options Series Program to allow Monday expirations for SPDR S&P 500 ETF Trust (''SPY'') options.

[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)(iii).

[4] 17 CFR 240.19b–4(f)(6).

(additions are *italicized;* deletions are [bracketed])

* * * * *

Cboe Exchange, Inc. Rules

* * * * *

Rule 5.5. Series of Options Contracts Open for Trading

(a)–(c) (No change).

(d) Short Term Option Series Program. After an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays on which monthly options series or Quarterly Options Series expire (''Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates. *Monday and* Wednesday SPY Expirations (described in the paragraph below) are not included as part of this count. If the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday.

Monday and Wednesday SPY Expirations. The Exchange may open for trading on *any Friday or Monday that is a business day (''Monday SPY Expiration Opening Date'') series of options on the SPDR S&P 500 ETF Trust (''SPY'') that expire at the close of business each of the next five Mondays that are business days and are no Mondays on which Quarterly Options Series expire (''Monday SPY Expirations''), provided that any Monday SPY Expiration Opening Date that is a Friday is one business week and one business day prior to expiration. The Exchange may also open for trading on* any Tuesday or Wednesday that is a business day (''Wednesday SPY Expiration Opening Date'') series of *SPY* options [on the SPDR S&P 500 ETF Trust (''SPY'')] that expire at the close of business on each of the next five Wednesdays that are business days and are not Wednesdays on which Quarterly Options Series expire (''Wednesday SPY Expirations''). The Exchange may have no more than a total of five *Monday SPY Expirations and no more than a total of five* Wednesday SPY Expirations. Non-

Monday and non-Wednesday SPY Expirations (described in the paragraph above) are not included as part of this count. *If the Exchange is not open for business on the respective Friday or Monday, the Monday SPY Expiration Opening Date will be the first business day immediately prior to that respective Friday or Monday. If the Exchange is not open for business on a Monday, the expiration date for a Monday SPY Expiration will be the first business day immediately following that Monday.* If the Exchange is not open for business on the respective Tuesday or Wednesday, the Wednesday SPY Expiration Opening Date will be the first business day immediately prior to that respective Tuesday or Wednesday. Similarly, if the Exchange is not open for business on a Wednesday, the expiration date for a Wednesday SPY Expiration will be the first business day immediately prior to that Wednesday.

References to ''Short Term Option Series'' below shall be read to include ''*Monday and* Wednesday SPY Expirations,'' except where indicated otherwise.

Regarding Short Term Option Series:

(1) (No change).

(2) No Short Term Option Series (excluding *Monday and* Wednesday SPY Expirations) may expire in the same week in which monthly option series on the same class expire and, in the case of Quarterly Options Series, no Short Term Option Series may expire on an expiration that coincides with an expiration of Quarterly Option Series on the same class.

(3)–(6) (No change).

Related non-Short Term Option series shall be opened during the month prior to expiration in the same manner as permitted in Rule 5.5(d) and in the same strike price intervals that are permitted in this Rule 5.5(d)(5).

(e) No change.

. . . Interpretations and Policies:

.01–.23 (No change).

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to expand the Short Term Options Series Program described in Rule 5.5(d) to allow the listing and trading of SPY options with Monday expirations. This is a competitive filing based on a filing submitted by Nasdaq PHLX LLC (''Phlx''), which the Securities and Exchange Commission (''Commission'') recently approved.[5]

Currently, under the Short Term Option Series Program, the Exchange may open for trading on Thursday or Friday that is a business day series of options on that class that expire on each of the next five Fridays, provided that such Friday is not a Friday on which monthly options series or Quarterly Options Series expire (''Short Term Option Series''). Additionally, the Exchange may open for trading on any Tuesday or Wednesday that is a business day (''Wednesday SPY Expiration Opening Date'') series of options on the SPDR S&P 500 ETF Trust (''SPY'') that expire at the close of business on each of the next five Wednesdays that are business days and are not Wednesdays on which Quarterly Options Series expire (''Wednesday SPY Expirations''). The Exchange now proposes to amend Rule 5.5(d) to permit the listing of SPY options expiring on Mondays. Specifically, Cboe Options is proposing that it may open for trading on any Friday or Monday that is a business day (''Monday SPY Expiration Opening Date''), provided that any Monday SPY Expiration Opening Date that is a Friday is one business week and one business day prior to expiration (*i.e.,* two Fridays prior to expiration), series of SPY options that expire on any Monday that is a business day and is not a Monday on which Quarterly Options Series expire (''Monday SPY Expirations'').

The proposed rule change also addresses the expiration of SPY Monday Expirations when the expiration Monday is not a business day. In that case, the rule provides the expiration date for a Monday SPY Expiration will be the first business day immediately following that Monday. This procedure differs from the expiration date of Wednesday SPY Expirations that are scheduled to expire on a holiday. In that case, the Wednesday SPY Expiration will expire on the first business day immediately prior to that Wednesday, *e.g.,* Tuesday of that week.[6] However, the Exchange believes it is preferable to require Monday SPY Expirations in this scenario to expire on the Tuesday of that week rather than the previous business day, *e.g.,* the previous Friday, since the Tuesday is closer in time to the scheduled expiration date of the series than the previous Friday, and therefore may be more representative of anticipated market conditions. Monday expirations are not a novel proposal. Specifically, Cboe Options is currently able to list Monday expirations for broad-based index options.[7] Additionally, Phlx recently received Commission approval to list Monday SPY Expirations.[8]

As with Wednesday SPY Expirations, the proposed rule change states the Exchange may list up to five consecutive Monday SPY Expirations at one time, and may have no more than a total of five Monday SPY Expirations (in addition to a maximum of five Short Term Options Series expirations for SPY options expiring on Friday and five Wednesday SPY Expirations).

The Exchange proposes to clarify that the five expirations limit in the current Short Term Option Series Program would not include any Monday SPY Expirations. The five expirations limit in the current Short Term Option Series Program currently excludes any Wednesday SPY Expirations. This means, under the proposed rule change, the Exchange may list five Short Term Option Series expirations for SPY expiring on Friday, five Wednesday SPY Expirations, and five Monday SPY Expirations. The proposed rule change also notes references to ''Short Term Option Series'' in Rule 5.5(d) will, with Wednesday SPY Expirations, be read to include Monday SPY Expirations, except where indicated otherwise.

The proposed rule change also amends Rule 5.5(d)(2), which addresses the listing of Short Term Option Series

[5] *See* Securities Exchange Act Release No. 82611, February 1, 2018 (order approving SR–Phlx–2017–103.

[6] *See* Rule 5.5(d).

[7] *See* Rule 24.9(e) (describing the Exchange's nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

[8] *See supra* note 5.

that expire in the same week as monthly or quarterly options series. Currently, the rule states no Short Term Option Series may expire in the same week in which monthly option series on the same class expire (with the exception of Wednesday SPY Expirations) or, in the case of Quarterly Option Series, on an expiration that coincides with an expiration of Quarterly Option Series on the same class. As with Wednesday SPY Expirations, the Exchange proposes to permit Monday SPY Expirations to expire in the same week as monthly option series on the same class. The Exchange believes it is reasonable to extend this exemption to Monday SPY Expirations because Monday SPY Expirations and standard monthly options will not expire on the same trading day, as standard monthly options expire on Fridays. Additionally, the Exchange believes that not listing Monday SPY Expirations for one week every month because there was a monthly SPY expiration on the Friday of that week would create investor confusion.

The interval between strike prices for the proposed Monday SPY Expirations will be the same as those for the current Short Term Option Series for Wednesday and Friday SPY Expirations, which is a $0.50 strike interval minimum.[9]

Currently, for each option class eligible for participation in the Program, the Exchange is limited to opening 30 series for each expiration date for the specific class. The 30 series restriction does not include series that are opened by other securities exchanges under their respective short term option rules; the Exchange may list these additional series that are listed by other exchanges.[10] This 30 series restriction will apply to Monday SPY Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list SPY options expiring on Mondays.

As is the case with other options series listed pursuant to the Short Term Option Series, the Monday SPY Expiration series will be p.m.-settled. The Exchange does not believe that any market disruptions will be encountered with the introduction of p.m.-settled Monday expirations. The Exchange has necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday expiration series, including Monday SPY Expirations. The Exchange currently trades p.m.-settled Short Term Option Series that expire almost every Wednesday and Friday, which provide market participants with a tool to hedge special events and to reduce the premium cost of buying protection. The Exchange notes it has been listing Wednesday expirations since 2016. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations.

The Exchange seeks to introduce Monday SPY Expirations to, among other things, expand hedging tools available to market participants and to continue the reduction of the premium cost of buying protection. The Exchange believes Monday SPY Expirations, similar to Wednesday and Friday SPY Expirations, will allow market participants to purchase a SPY option based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [13] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday SPY Expirations simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way the Short Term Option Series Program has expanded the landscape of hedging. Similarly, the Exchange believes Monday SPY Expirations should create greater trading and hedging opportunities and flexibility, and will provide customers with the ability to tailor their investment objectives more effectively. With the exception of Monday expiration series that are scheduled to expire on a holiday, the Exchange does not believe there are any material differences between Monday SPY Expirations and Wednesday or Friday SPY Expirations. The Exchange has been listing Wednesday SPY Expirations pursuant to Rule 5.5(d) since 2016. The Exchange believes it is consistent with the Act to treat Monday SPY Expirations that expire on a holiday differently than Wednesday and Friday SPY Expirations, since the proposed treatment for Monday SPY Expirations will result in an expiration date that is closer in time to the scheduled expiration date of the series, and therefore may be more representative of anticipated market conditions. The Exchange uses the same procedure for broad-based index options with Monday expirations listed pursuant the Nonstandard Expirations Pilot Program that are scheduled to expire on a holiday.[14]

Given the similarities between Monday SPY Expirations and Wednesday and Friday SPY Expirations, the Exchange believes applying the provisions in Rule 5.5(d)(2) that currently apply to Wednesday SPY Expirations to Monday SPY Expirations is justified. For example, the Exchange believes allowing Monday SPY Expirations and monthly SPY expirations in the same week will benefit investors and minimize investor confusion by providing Monday SPY Expirations in a continuous and uniform manner. Additionally, the Exchange believes it is appropriate to not permit Monday SPY Expirations to expire on the same day as an expiration of SPY Quarterly Option Series. This is consistent with treatment of Wednesday SPY Expirations, which may currently expire in the same week as a monthly

[9] *See* Cboe Options Rule 5.5(d)(5)(ii) (strike price intervals for Short Term Option Series may be $0.50 or greater for classes that trade in $1 strike price intervals for non-Short Term Option Series). Pursuant to Cboe Options Rule 5.5.08(b), SPY options have $1 strike price intervals for non-Short Term Option Program series.

[10] *See* Cboe Options Rule 5.5(d)(1).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] *Id.*

[14] *See* Rule 24.9(e) (describing the Exchange's nonstandard expirations pilot program). Pursuant to the nonstandard expirations pilot program, if the Exchange is not open for business on a respective Monday, the normally Monday expiring Weekly Expirations will expire on the following business day.

SPY expiration but may not expire on the same day as an expiration of SPY Quarterly Option Series.

The Exchange represents it has an adequate surveillance program in place to detect manipulative trading in Monday SPY Expirations in the same way it monitors trading in the current Short Term Option Series. The Exchange also represents it has the necessary systems capacity to support the new options series.

The proposed rule change is consistent with current Rules, pursuant to which Cboe Options currently lists Monday expirations for weekly broad-based index options.[15] Additionally, the proposed rule change is consistent with rules of another options exchange, as Phlx recently received Commission approval to list Monday SPY Expirations.[16]

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Having Monday expirations is not a novel proposal, as Cboe Options currently lists weekly broad-based index options with Monday expirations pursuant to the nonstandard expirations pilot program. Cboe Options does not believe the proposed rule change will impose any burden on intramarket competition, as all market participants will be treated in the same manner as they are with respect to existing Short Term Option Series. Cboe Options does not believe the proposed rule change will impose any burden on intermarket competition, as Phlx recently received Commission approval to list Monday SPY Expirations.[17] Cboe Options believes this proposed rule change is necessary to ensure fair competition among the options exchanges. Additionally, nothing prevents other options exchange from proposing similar rules to list and trade short-term option series in SPY with Monday expirations.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[15] *Id.*

[16] *See supra* note 5.

[17] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[18] and Rule 19b–4(f)(6) thereunder.[19]

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days from the date of filing. However, Rule 19b–4(f)(6)(iii)[20] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that it recently approved Phlx's substantially similar proposal to list and trade Monday SPY Expirations.[21] The Exchange has stated that waiver of the operative delay will allow the Exchange to list and trade Monday SPY Expirations as soon as possible, and therefore, promote competition among the option exchanges. For these reasons, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest, and will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intention to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] *See supra* note 5.

[22] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2018–018 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–018. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–018 and

should be submitted on or before March 16, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03695 Filed 2–22–18; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10323]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Dead Sea Scrolls: The Exhibition'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Dead Sea Scrolls: The Exhibition,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at the Denver Museum of Nature and Science, Denver, Colorado, from on or about March 15, 2018, until on or about September 2, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

The action of the United States in this matter, and the immunity based on the application of the provisions of law involved, does not imply any view of the United States concerning the ownership of the exhibit objects.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Janet Freer,

Director, Office of Directives Management, Department of State.

[FR Doc. 2018–03839 Filed 2–22–18; 8:45 am]

BILLING CODE 4710–05–P

[23] 17 CFR 200.30–3(a)(12).

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: December 1–31, 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(f):

1. Cabot Oil & Gas Corporation, Pad ID: EmpetD P1, ABR–201211007.R1, Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 5, 2017.

2. Cabot Oil & Gas Corporation, Pad ID: WoodE P1, ABR–201211008.R1, Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: December 5, 2017.

3. SWN Production Company, LLC, Pad ID: BOMAN PAD, ABR–201212011.R1, Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: December 5, 2017.

4. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad C, ABR–201304006.1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: December 7, 2017.

5. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad E, ABR–201308002.1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: December 7, 2017.

6. EXCO Resources (PA), LLC, Pad ID: COP Tract 727 (Pad 3), ABR–201211011.R1, Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: December 15, 2017.

7. Seneca Resources Corporation, Pad ID: DCNR 100 Pad R, ABR–201304013.R1, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: December 15, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 16, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–03689 Filed 2–22–18; 8:45 am]

BILLING CODE 7040–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: December 1–31, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded 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:

Rescinded ABR Issued:

1. Endless Mountain Energy Partners, LLC, Pad ID: SGL Tract 268-Pad B, ABR–201206010.R1, Morris Township, Tioga County, Pa.; Rescind Date: December 20, 2017.

2. Endless Mountain Energy Partners, LLC, Pad ID: Sturgis-B, ABR–201205019.R1, Gallagher Township, Clinton County, Pa.; Rescind Date: December 20, 2017.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: February 16, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–03690 Filed 2–22–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Safety Assurance System External Portal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The collection involves an internet based tool, the Safety Assurance System (SAS) External Portal. The SAS External Portal is used by the FAA's Office of Flight Standards to conduct initial certification, routine surveillance, and certificate management for applicants and certificate holders. The information to be collected will be used to better facilitate efficient certification, surveillance and certificate management activities.

DATES: Written comments should be submitted by April 24, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–.

Title: Safety Assurance System External Portal.

Form Numbers: (pending) Initial Certification Data Collection Tool (14 CFR 121 and 135) and Initial Certification Data Collection Tool (14 CFR 145).

Type of Review: This is a new information collection.

Background: The Safety Assurance System (SAS) External Portal is a tool used by aviation industry applicants and certificate holders to provide information to the FAA, primarily with Principal Inspectors and Certification Project Managers. The SAS External Portal allows external users to register and gain secure access to SAS functions for initial certification and configuration, and to collaborate with their FAA counterparts in the execution of these functions.

There will be extensive use of the External Portal for submittal of electronic documents from certificate holders and applicants. The SAS External Portal is now accessible to all users via the internet, regardless of geographical location of the certificate holder or applicant, thus making it easier for applicants and certificate holders to collaborate with the FAA.

Respondents: 300 respondents.

Frequency: On occasion.

Estimated Average Burden per Response: 146 hours.

Estimated Total Annual Burden: 43,800 hours.

Issued in Fort Worth, TX, on February 16, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–03763 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Seventy Second RTCA SC–135 Environmental Testing Plenary Meeting

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

ACTION: Seventy Second RTCA SC–135 Environmental Testing Plenary Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Seventy Second RTCA SC–135 Environmental Testing Plenary Meeting.

DATES: The meeting will be held April 26, 2018 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW, Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Rebecca Morrison at *rmorrison@rtca.org* or 202–330–0654, or The RTCA Secretariat, 1150 18th Street NW, Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or website at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Seventy Second RTCA SC–135 Environmental Testing Plenary Meeting. The agenda will include the following:

Thursday April 26, 2018, 9:00 a.m.–5:00 p.m.

1. Chairmen's Opening Remarks, Introductions.
2. Approval of Summary From the Seventy-First Meeting—(RTCA Paper No. 310–17/SC135–717).
3. Review Working Group Summaries.
4. Review Schedule.
5. New/Unfinished Business.
6. Establish Date for Next SC–135 Meeting.
7. Review Workspace Process
8. Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 20, 2018.

Michelle Swearingen,

Management & Program Analyst, Systems and Equipment Standards Branch, AIR–6B0, Policy and Innovation Division, Federal Aviation Administration.

[FR Doc. 2018–03731 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2017–0025]

Notice and Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The DOT invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

DATES: Written comments should be submitted by April 24, 2018.

ADDRESSES: You may submit comments [identified by DOT Docket No. NHTSA–2017–0025] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery/Courier:* 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: 1–800–647–5527.

Instructions: Submissions must include the agency name and docket number for this proposed collection of information. Note all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT Building, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Carlita Ballard, International Policy, Fuel Economy and Consumer Programs (NRM–310), 202–366–5222, National Highway Traffic Safety Administration, W43–439, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information.

The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: Consolidated Federal Motor Vehicle Theft Prevention Standard and Procedures for Selecting Lines to Be Covered by The Theft Prevention Standard.

OMB Control Number: 2127–0539.

Type of Request: Requested Expiration Date of Approval.

Abstract: For 49 CFR parts 541 and 542:

49 CFR Part 541: The Theft Act requires specified parts of high-theft vehicles to be marked with vehicle identification numbers. All passenger cars and multipurpose passenger vehicles with a gross vehicle weight rating of 6,000 pounds or less, and light duty trucks with major parts that are interchangeable with the majority of the covered major parts of passenger motor vehicles covered by the standard are required to be parts-marked.

49 CFR Part 542: Manufacturers of light duty trucks must identify new model introductions that are likely to be high-theft vehicle lines as defined in 49 U.S.C. 33104. The specific vehicle lines are to be selected by agreement between the manufacturer and the agency. NHTSA's procedures for selecting high-theft vehicle lines are contained in 49 CFR part 542.

Affected Public: Vehicle manufacturers.

Estimated Number of Respondents: 23.

Frequency: Intermittently.

Number of Responses: 25.

Estimated Total Annual Burden Hours: 150,550.

Estimated Total Annual Burden Cost: $55,143,430 (approximately $55.1 million).

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways 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.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; and delegation of authority at 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2018–03681 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA–2017–0105]

Notice and Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Transportation (DOT) invites public comment about our intention to request the Office of Management and Budget (OMB) approval to reinstate an information collection. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

DATES: Comments must be received on or before April 24, 2018.

ADDRESSES: You may submit comments (identified by DOT docket no. NHTSA–2017–0105) through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery/Courier:* 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: 1–800–647–5527.

Instructions: Submissions must include the agency name and docket number for this proposed collection of information. Note all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to Room W12–140 on the ground level of the DOT Building, 1200 New Jersey Avenue SE, West Building Ground Floor, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Hisham Mohamed, NHTSA, 1200 New Jersey Avenue SE, West Building, Room #W43–437, NRM–310, Washington, DC 20590. Mr. Mohamed's telephone number is 202–366–0307. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information.

The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

Title: 49 CFR part 575.104; Uniform Tire Quality Grading Standard.

OMB Control Number: 2127–0519.

Type of Request: Request for Reinstatement of a Currently Expired Collection of Information.

Abstract: Part 575.104, Uniform Tire Quality Grading Standard (UTQGS) requires tire manufacturers and tire brand owners to submit reports to NHTSA regarding grades of all passenger car tire lines they offer for sale in the United States. This information is used by consumers of passenger car tires to compare tire quality in making purchase decisions. The information is provided in several different ways to ensure the consumer can readily see and understand the tire grade: (1) Grades are molded into the sidewall of the tire so they can be reviewed on both the new tire and the old tire that is being replaced; (2) a paper label is affixed to the tread face of the new tire providing the grade of that particular tire line along with an explanation of the grading system; (3) tire manufacturers provide dealers with brochures for public distribution listing grades of all of the tire lines they offer for sale; and (4) NHTSA compiles the grading information of all manufacturers' tire lines into a booklet that is available to the public in printed form and on the NHTSA website.

Affected Public: All passenger car tires manufacturers and brand name owners offering passenger car tires for sale in the United States.

Estimated Number of Respondents: There are approximately 160 individual tire brands sold in the United States. Because of industry consolidation the actual number of respondents will be significantly reduced, since manufacturers generally file reports on behalf of the various individual brand names for which they produce tires. The actual number of respondents is approximately 45.

Frequency: Intermittently.

Number of Responses: 160.

Estimated Total Annual Burden Hours: 91,288.

Estimated Annual Burden Cost: $37,374,299 (approximately $37.4 million).

Public Comments Invited: Comments are invited on:

- Whether the proposed collection of information is necessary for the proper performance of functions of the Department, including whether the information will have practical utility;
- the accuracy of the Department's estimate of the burden of the proposed information collection;
- ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.8.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2018–03682 Filed 2–22–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Joint notice and request for comment.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995, the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On October 6, 2017, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested

public comment for 60 days on the implementation of the proposed Annual Dodd-Frank Act Company-Run Stress Test Report for Depository Institutions and Holding Companies with $10–$50 Billion in Total Consolidated Assets (FFIEC 016). The comment period for the proposal expired on December 5, 2017, and the agencies did not receive any comments. The agencies are now submitting the FFIEC 016, as originally proposed, to OMB for review. Subject to OMB approval, the proposed FFIEC 016 would take effect for the stress test report due July 31, 2018.

The proposed FFIEC 016 would combine the agencies' three separate, yet identical, stress test report forms (as described in the **SUPPLEMENTARY INFORMATION**), which are currently approved collections of information, into a single new FFIEC report. The respondents for the proposed FFIEC 016 are depository institutions and holding companies with average total consolidated assets of more than $10 billion, but less than $50 billion. As part of their proposed adoption of the new FFIEC 016 report, the agencies also are proposing to implement a limited number of revisions that would align the report with recent changes to the FFIEC 031 and FFIEC 041 Consolidated Reports of Condition and Income and the Board's FR Y–9C Consolidated Financial Statements for Holding Companies. In addition, the agencies are proposing to have institutions provide their Legal Entity Identifier (LEI) on the report form, if they already have one. The proposed FFIEC 016 reporting requirements reflect the company-run stress testing requirements promulgated by the Dodd-Frank Wall Street Reform and Consumer Protection Act (as reflected in the agencies' current information collections).

The Board, in connection with this proposal, has approved the transition of the FR Y–16 (Annual Company-Run Stress Test Report For State Member Banks, Bank Holding Companies, and Savings and Loan Holding Companies with Total Consolidated Assets Greater Than $10 Billion and Less Than $50 Billion), which it currently uses to collect the annual company-run stress test results, to the FFIEC 016, conditioned on the approval of the FFIEC 016 by the OMB. Also in connection with the final adoption of the FFIEC 016, the OCC and the FDIC are proposing to replace the OCC's DFAST 10–50B (Annual Company-Run Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $10 Billion to $50 Billion under the Dodd-Frank Wall Street Reform and Consumer Protection Act), and the FDIC's DFAST 10–50 (Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $10 Billion to $50 Billion under the Dodd-Frank Wall Street Reform and Consumer Protection Act), respectively, with the FFIEC 016.

DATES: Comments must be submitted on or before March 26, 2018.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: You may submit comments, which should refer to ''FFIEC 016,'' by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Fax:* (571) 465–4326.
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

Board: You may submit comments, which should refer to ''FFIEC 016,'' by any of the following methods:

- *Agency Website: http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include reporting form number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW, Washington, DC 20551.

All public comments are available from the Board's website at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets), NW, Washington, DC 20006, between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 016,'' by any of the following methods:

- *Agency Website: http://www.fdic.gov/regulations/laws/federal/.* Follow the instructions for submitting comments on the FDIC website.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''FFIEC 016'' in the subject line of the message.
- *Mail:* Manuel E. Cabeza, Counsel, Attn: Comments, Room MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/* including any personal information provided. Paper copies of public comments may be requested from the FDIC Public Information Center, by telephone at (877) 275–3342 or (703) 562–2200.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed FFIEC 016 report discussed in this notice, please contact any of the agency staff whose names appear below. In addition, a copy of the proposed FFIEC 016 reporting form is available on the FFIEC's website (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Kevin Korzeniewski, Counsel, (202) 649–5490 or, for persons who are

deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Board: Nuha Elmaghrabi, Federal Reserve Board Clearance Officer, (202) 452–3884, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Manuel E. Cabeza, Counsel, (202) 898–3767, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: As noted, on October 6, 2017, the agencies requested public comment for 60 days on a proposal to implement the Annual Dodd-Frank Act Company-Run Stress Test Report for Depository Institutions and Holding Companies with $10-$50 Billion in Total Consolidated Assets (FFIEC 016).[1] The agencies did not receive any comments on the proposed FFIEC 016 collections of information.

The agencies proposed to implement the FFIEC 016 report form to replace the following report forms, which are approved collections of information: Board's FR Y–16, Annual Company-Run Stress Test Report For State Member Banks, Bank Holding Companies, and Savings and Loan Holding Companies with Total Consolidated Assets Greater Than $10 Billion and Less Than $50 Billion (OMB Control No. 7100–0356); FDIC's DFAST 10–50, Company-Run Annual Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $10 Billion to $50 Billion under the Dodd-Frank Wall Street Reform and Consumer Protection Act (OMB Control No. 3064–0187); and OCC's DFAST 10–50B, Annual Company-Run Stress Test Reporting Template and Documentation for Covered Institutions with Total Consolidated Assets of $10 Billion to $50 Billion under the Dodd-Frank Wall Street Reform and Consumer Protection Act (OMB Control No. 1557–0311). These existing report forms collect identical information; however, the respondent institutions for each form vary based on each agency's supervisory jurisdiction.

Report Title: Annual Dodd-Frank Act Company-Run Stress Test Report for Depository Institutions and Holding Companies with $10-$50 Billion in Total Consolidated Assets.

Form Number: FFIEC 016.

Frequency of Response: Annually.

Affected Public: Business or other for-profit.

OCC

OMB Control No.: 1557–0311.

Estimated Number of Respondents: Initial Stress Test: 1 national bank or federal savings association. Ongoing Annual Stress Test: 36 national banks and federal savings associations.

Estimated Time per Response: Initial Stress Test: 2,000 burden hours per response. Ongoing Annual Stress Test: 469 burden hours per response.

Estimated Total Annual Burden: Initial Stress Test: 2,000 burden hours to file. Ongoing Annual Stress Test: 16,884 burden hours to file. Total: 18,884 burden hours to file.

Board

OMB Control No.: 7100–0356.

Estimated Number of Respondents: Initial Stress Test: 11 state member banks, bank holding companies, and savings and loan holding companies. Ongoing Annual Stress Test: 64 state member banks, bank holding companies, and savings and loan holding companies.

Estimated Time per Response: Initial Stress Test: 2,000 burden hours per response. Ongoing Annual Stress Test: 469 burden hours per response.

Estimated Total Annual Burden: Initial Stress Test: 22,000 burden hours to file. Ongoing Annual Stress Test: 30,016 burden hours to file. Total: 52,016 burden hours to file.

FDIC

OMB Control No.: 3064–0187.

Estimated Number of Respondents: Initial Stress Test: 2 insured state nonmember banks and savings associations. Ongoing Annual Stress Test: 22 insured state nonmember banks and state savings associations.

Estimated Time per Response: Initial Stress Test: 2,000 burden hours per response. Ongoing Annual Stress Test: 469 burden hours per response.

Estimated Total Annual Burden: Initial Stress Test: 4,000 burden hours to file. Ongoing Annual Stress Test: 10,318 burden hours to file. Total: 14,318 burden hours to file.

Type of Review: OCC and FDIC: Revision and extension of currently approved collections. Board: Proposal for a new collection of information and discontinuation of a currently approved collection.

General Description of Reports

The proposed FFIEC 016 information collections would be mandatory for institutions with average total consolidated assets of more than $10 billion, but less than $50 billion. The FFIEC 016 implements the reporting of the annual company-run stress testing required of such institutions under section 165(i)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203 (Dodd-Frank Act), and each agency's implementing regulation.[2] All data reported in the proposed FFIEC 016 would be given confidential treatment under 5 U.S.C. 552(b)(8) because they are contained in or related to operating or condition reports prepared for the use of agencies responsible for the regulation or supervision of financial institutions.

Abstract

The FFIEC 016 report would be submitted by institutions supervised by the agencies with average total consolidated assets of more than $10 billion, but less than $50 billion, to report their company-run stress test results. These reports collect quantitative projections of balance sheet assets and liabilities, income, losses, and capital across three scenarios (baseline, adverse, and severely adverse) and qualitative information on methodologies used to develop these internal projections.

Data received in the agencies' $10–$50 billion annual Dodd-Frank Act company-run stress test reports are used in connection with supervision and regulation of these institutions to form supervisory assessments of the quality of a company's stress-testing process and, overall, as part of the broader assessment of a company's capital adequacy and risk management process. Data collected in these reports provide the agencies with one of many tools available to examiners to assist in the analysis and assessment of a company's capital position and planning process.

Current Actions

I. Discussion of Proposed FFIEC Report Form

Each agency has issued rules applicable to the banking organizations it supervises with total consolidated assets of more than $10 billion, but less than $50 billion, that implement the company-run stress testing requirement promulgated by section 165(i)(2) of the Dodd-Frank Act.[3] Under the agencies' respective rules, institutions that meet this asset threshold are required to conduct, and report the results of, an

[1] 82 FR 46887 (October 6, 2017).

[2] 12 CFR part 46 (OCC); 12 CFR part 252, subpart B (Board); 12 CFR part 325, subpart C (FDIC).

[3] 12 CFR part 46 (OCC); 12 CFR part 252, subpart B (Board); 12 CFR part 325, subpart C (FDIC).

annual stress test using scenarios provided by the agencies.

The annual as-of date of the stress test report is December 31, and the submission deadline for the report is the following July 31.

Currently, the agencies maintain separate, yet identical, report forms (FR Y–16, FDIC DFAST 10–50, and OCC DFAST 10–50B) for the banks, savings associations, and holding companies they supervise to report these company-run stress test results. These annual reports collect quantitative projections of balance sheet assets and liabilities, income, losses, and capital across a range of macroeconomic and financial scenarios as well as qualitative supporting information on the methodologies and processes used to develop those internal projections. As noted, the agencies are proposing to combine these separate data collections and designate the combined report as a uniform FFIEC data collection. As part of their proposed adoption of the new FFIEC 016 report, the agencies also are proposing to change the quantitative and qualitative information currently collected in their separate, yet identical, report forms to implement a limited number of revisions that would align the new report with recent burden-reducing changes to the FFIEC 031, FFIEC 041, and the Board's FR Y–9C.[4] These revisions are not expected to change the estimated reporting burden for the proposed new FFIEC 016 compared to the estimated reporting burden for the agencies' existing stress test report forms.

The following revisions to the FFIEC 031, FFIEC 041, and FR Y–9C (as applicable) that took effect March 31, 2017, would affect the proposed FFIEC 016:

(1) On the FFIEC 031 and FFIEC 041 Schedule RI, Memorandum item 14.a, and on the FR Y–9C Schedule HI, Memorandum item 17(a), ''Total other-than-temporary impairment losses,'' was removed, but institutions continue to report other-than-temporary impairment losses recognized in earnings on the FFIEC 031 and FFIEC 041 Schedule RI, Memorandum item 14, and the FR Y–9C Schedule HI, Memorandum item 17. The agencies propose for the new FFIEC 016 report form and instructions to replace line item 25, ''Total other-than-temporary impairment losses,'' on each Income Statement scenario schedule with ''Other-than-temporary impairment losses on held-to-maturity and available-for-sale debt securities recognized in earnings'' as defined in FFIEC 031 and FFIEC 041 Schedule RI, Memorandum item 14, and FR Y–9C Schedule HI, Memorandum item 17.

(2) On the FFIEC 031 and FFIEC 041 Schedule RC–E, Part I, Memorandum items 1.c.(1), ''Brokered deposits of less than $100,000,'' and 1.c.(2), ''Brokered deposits of $100,000 through $250,000 and certain brokered retirement deposit accounts,'' were combined into a single item, Memorandum item 1.c, ''Brokered deposits of $250,000 or less (fully insured brokered deposits).'' The agencies propose for the new FFIEC 016 report form and instructions to align its Balance Sheet line items 32 and 33 for retail and wholesale funding calculations, respectively, with the updated FFIEC 031 and FFIEC 041 Schedule RC–E, Part I, Memorandum item 1.c, ''Brokered deposits of $250,000 or less (fully insured brokered deposits).''

(3) On Schedule RC–M of the FFIEC 031 and FFIEC 041, items for the amount of loans covered by FDIC loss-sharing agreements in the following loan categories were removed and combined with existing Schedule RC–M, item 13.a.(5), ''All other loans and all leases'' covered by such agreements: Item 13.a.(2), ''Loans to finance agricultural production and other loans to farmers''; item 13.a.(3), ''Commercial and industrial loans''; item 13.a.(4)(a), ''Credit cards''; item 13.a.(4)(b), ''Automobile loans''; and item 13.a.(4)(c), ''Other (includes revolving credit plans other than credit cards, and other consumer loans).'' In order to keep the data collection uniform and comparable across types of reporting institutions, the agencies propose for the new FFIEC 016 report form and instructions to discontinue the deduction of loans covered by FDIC loss-sharing agreements from each of the loan categories collected in Balance Sheet line items 1 through 13. In addition, in the proposed new FFIEC 016 report form, existing Balance Sheet line item 14, ''Loans covered by FDIC loss-sharing agreements,'' will be retained.

In addition, the agencies are proposing to have reporting institutions provide their LEI on the FFIEC 016 report form, if they have one. The LEI is a 20-digit alpha-numeric code that uniquely identifies entities that engage in financial transactions. The recent financial crisis spurred the development of a Global LEI System (GLEIS). Internationally, regulators and market participants have recognized the importance of the LEI as a key improvement in financial data systems. The Group of Twenty (G–20) nations directed the Financial Stability Board (FSB) to lead the coordination of international regulatory work and deliver concrete recommendations on the GLEIS by mid-2012, which in turn were endorsed by the G–20 later that same year. In January 2013, the LEI Regulatory Oversight Committee (ROC), including participation by regulators from around the world, was established to oversee the GLEIS on an interim basis. With the establishment of the full Global LEI Foundation in 2014, the ROC continues to review and develop broad policy standards for LEIs. The OCC, the Board, and the FDIC are all members of the ROC.

The LEI system is designed to facilitate several financial stability objectives, including the provision of higher quality and more accurate financial data. In the United States, the Financial Stability Oversight Council (FSOC) has recommended that regulators and market participants continue to work together to improve the quality and comprehensiveness of financial data both nationally and globally. In this regard, the FSOC also has recommended that its member agencies promote the use of the LEI in reporting requirements and rulemakings, where appropriate.[5]

With respect to the FFIEC 016, the agencies are proposing to have reporting institutions provide their LEI on the cover page of this new report once it is implemented, if a reporting institution has an LEI. A reporting institution that does not have an LEI would not be required to obtain one for purposes of reporting it on the FFIEC 016.

The uniform FFIEC 016 report would be collected in an electronic format using file specifications and formats determined by the agencies, as prescribed in the Federal Reserve System's Reporting Central application. The agencies believe that developing a uniform report under the FFIEC reporting structure will promote uniform standards and reporting across the agencies, which is consistent with the function of the FFIEC.[6] The proposed FFIEC 016 information collections would satisfy each agency's company-run stress-testing requirements, while ensuring consistency and comparability of the

[4] FFIEC 031 and FFIEC 041 Consolidated Reports of Condition and Income (OMB Control Nos.: OCC, 1557–0081; Board, 7100–0036; and FDIC, 3064–0052): See 81 FR 45357 (July 13, 2016) and 82 FR 2444 (January 9, 2017); FR Y–9C Consolidated Financial Statements for Holding Companies (OMB Control No.: Board, 7100–0128): See 81 FR 62129 (September 8, 2016).

[5] Financial Stability Oversight Council 2015 Annual Report, page 14, *http://www.treasury.gov/initiatives/fsoc/studies-reports/Documents/2015%20FSOC%20Annual%20Report.pdf.*

[6] See 12 U.S.C. 3305(c).

stress-testing information across institutions. The change also would ensure that future collections of this information remain uniform across the agencies.

With OMB approval, the first annual filing deadline for the FFIEC 016 report form would be July 31, 2018, using information as of December 31, 2017.

II. Request for Comment

Public comment is requested on all aspects of this joint notice. Comments are specifically invited on:

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the information.

Comments submitted in response to the joint notice will be shared among the agencies. All comments will become a matter of public record.

Dated: February 15, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, February 12, 2018.

Ann E. Misback,

Secretary of the Board.

Dated at Washington, DC, on February 12, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–03736 Filed 2–22–18; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P

DEPARTMENT OF VETERANS AFFAIRS

Tiered Pharmacy Copayments for Medications Update

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This Department of Veterans Affairs (VA) notice updates the information on Tier 1 medications.

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Office of Community Care (10D), Veterans Health Administration (VHA), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, *Joseph.Duran2@va.gov,* (303) 372–4629 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 17.110 of Title 38, Code of Federal Regulations, governs copayments for medications that VA provides to veterans. Section 17.110 provides the methodologies for establishing the copayment amount for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment). ''Tier 1 medication means a multi-source medication that has been identified using the process described in paragraph (b)(2) of this section.''

Section 17.110 provides that a list of Tier 1 medications will either be published as a notice in the **Federal Register** or will be posted on VA's website at *www.va.gov/health* at least once per year.

Based on the methodologies set forth in § 17.110, this notice updates the list of Tier 1 medications. Not less than once per year, VA will identify a subset of multi-source medications as Tier 1 medications. Only medications that meet all of the criteria in paragraphs (b)(2)(i), (ii), and (iii) will be eligible to be considered Tier 1 medications, and only those medications that meet all of the criteria in paragraph (b)(2)(i) of this section will be assessed using the criteria in paragraphs (b)(2)(ii) and (iii). As of the date of this notice, the Tier 1 medication list at individual VA medical facilities based on the methodologies in § 17.110 will be posted on VA's website at *www.va.gov/health* under the heading ''Tier 1 Copay Medication List.''

The following table is the Tier 1 Copay Medication List that is effective January 1, 2018, and will remain in effect until December 31, 2018.

Condition	VA product name
Arthritis & Pain	Aspirin buffered tablet.
	Aspirin chewable tablet.
	Aspirin enteric coated tablet.
	Allopurinol tablet.
	Diclofenac Sodium EC tablet.
	Ibuprofen tablet.
	Meloxicam tablet.
	Naproxen tablet.
Blood Thinners & Platelet Inhibitors.	Clopidogrel Bisulfate tablet.
	Warfarin Sodium tablet.
Bone Health	Alendronate tablet.
Cholesterol	Atorvastatin tablet.
	Gemfibrozil tablet.
	Lovastatin tablet.
	Niacin (Slo-Niacin) tablet.
	Pravastatin tablet.
	Simvastatin tablet.
Dementia	Donepezil tablet.
Diabetes	Glipizide tablet.
	Metformin HCL tablet.
	Metformin HCL 24hr (SA) tablet.
Electrolyte Supplement	Potassium SA tablet.
	Potassium SA Dispersible tablet.
Gastrointestinal Health	Omeprazole EC capsule.
	Pantoprazole Sodium EC capsule.
	Ranitidine tablet.

Condition	VA product name
Glaucoma & Eye Care	Brimonidine 0.2% solution.
	Dorzolamide 2%/Timolol 0.5% sol.
	Latanoprost 0.005% solution.
Heart Health & Blood Pressure	Amlodipine tablet.
	Aspirin (see Arthritis & Pain).
	Atenolol tablet.
	Carvedilol tablet.
	Chlorthalidone tablet.
	Clonidine tablet.
	Digoxin tablet.
	Diltiazem 24HR capsule.
	Diltiazem HCL tablet.
	Enalapril Maleate tablet.
	Furosemide tablet.
	Hydralazine HCL tablet.
	Hydrochlorothiazide tablet/capsule.
	Hydrochlorothiazide/Lisinopril tablet.
	Hydrochlorothiazide/Triamterene cap/tab.
	Isosorbide Mononitrate SA tablet.
	Lisinopril tablet.
	Losartan tablet.
	Metoprolol Succinate SA tablet.
	Metoprolol Tartrate tablet.
	Nifedipine SA capsule.
	Nitroglycerin sublingual tablet.
	Prazosin HCL capsule.
	Propranolol HCL tablet.
	Spironolactone tablet.
	Valsartan tablet.
	Verapamil HCL tablet.
	Verapamil HCL SA tablet.
Mental Health	Bupropion HCL tablet.
	Bupropion HCL SA (12HR–SR) tablet.
	Bupropion HCL SA (24HR–XL) tablet.
	Buspirone HCL tablet.
	Citalopram Hydrobromide tablet.
	Duloxetine HCL EC capsule.
	Escitalopram Oxalate tablet.
	Fluoxetine capsule/tablets.
	Mirtazapine tablet.
	Paroxetine HCL tablet.
	Quetiapine Fumarate tablet.
	Risperidone tablet.
	Risperidone tablet, disintegrating.
	Sertraline HCL tablet.
	Trazodone tablet.
	Venlafaxine HCL tablet.
	Venlafaxine HCL SA tablet/cap.
Parkinson Diseases/Restless Legs Syndrome	Carbidopa/Levodopa tablet.
Seizures	Gabapentin capsule.
	Lamotrigine tablet.
	Topiramate tablet.
Thyroid Conditions	Levothyroxine Sodium tablet.
Urologic (Bladder & Prostate) Health.	Alfuzosin HCL SA tablet.
	Doxazosin Mesylate tablet.
	Finasteride tablet.
	Oxybutynin Chloride tablet.
	Oxybutynin Chloride SA tablet.
	Tamsulosin HCL capsule.
	Terazosin HCL capsule.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on February 12, 2018, for publication.

Dated: February 12, 2018.

Jeffrey Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–03724 Filed 2–22–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Agency Information Collection Activity: Application for Service-Disabled Veterans Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice to withdraw.

SUMMARY: On February 1, 2018, the Department of Veterans Affairs (VA) erroneously published a consecutive 60-day **Federal Register** Notice (Application for Service-Disabled Veterans Insurance) Document Number: 2018–01945; OMB control number: 2900–0068.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at 202–461–5870.

Correction

VA wishes to inform the public that it is withdrawing FR Document Number 2018–01945, published Thursday, February 1, 2018. To correct the error, VA has submitted a 30-day **Federal Register** Notice for OMB 2900–0068 for public comment.

Dated: February 16, 2018.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Privacy, Quality and Risk, Department of Veterans Affairs.

[FR Doc. 2018–03585 Filed 2–22–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Friday,
No. 37 February 23, 2018

Part II

The President

Proclamation 9698—Death of Billy Graham
Proclamation 9699—Modifying and Continuing the National Emergency With Respect to Cuba and Continuing To Authorize the Regulation of the Anchorage and Movement of Vessels

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Presidential Documents

Title 3—

The President

Proclamation 9698 of February 21, 2018

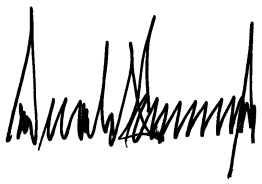
Death of Billy Graham

By the President of the United States of America

A Proclamation

As a mark of respect for the memory of Reverend Billy Graham, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that on the day of his interment, the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on such day. I also direct that the flag shall be flown at half-staff for the same period at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–03959
Filed 2–22–18; 2:00 pm]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9699 of February 22, 2018

Modifying and Continuing the National Emergency With Respect to Cuba and Continuing To Authorize the Regulation of the Anchorage and Movement of Vessels

By the President of the United States of America

A Proclamation

In order to modify and continue the ongoing national emergency declared in Proclamation 6867 of March 1, 1996, expanded by Proclamation 7757 of February 26, 2004, and modified by Proclamation 9398 of February 24, 2016, in light of the need to continue the national emergency based on a disturbance or threatened disturbance of the international relations of the United States related to Cuba, and,

WHEREAS it is the policy of the United States that a mass migration from Cuba would endanger our security by posing a disturbance or threatened disturbance of the international relations of the United States;

WHEREAS the Cuban economy is in a relatively weak state, contributing to an outflow of its nationals toward the United States and neighboring countries;

WHEREAS the overarching objective of our policy is stability with our immediate neighboring countries and an outflow of Cuban nationals may have a destabilizing effect on the United States and its neighboring countries;

WHEREAS it is the policy of the United States to ensure that engagement between the United States and Cuba advances the interests of the United States and of the Cuban people as described in National Security Presidential Memorandum–5 of June 16, 2017 (Strengthening the Policy of the United States Toward Cuba);

WHEREAS the United States continues to maintain an embargo with respect to Cuba;

WHEREAS the unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of the law of the United States and contrary to the policy of the United States;

WHEREAS the unauthorized entry of United States-registered vessels into Cuban territorial waters is detrimental to the foreign policy of the United States and counter to the purpose of Executive Order 12807 of May 24, 1992, which is to ensure, among other things, safe, orderly, and legal migration;

WHEREAS the possibility of large-scale unauthorized entries of United States-registered vessels into Cuban territorial waters would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 1 of title II of Public Law 65–24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, in order to modify the scope of the national emergency declared in Proclamations

6867, 7757, and 9398, and to secure the observance of the rights and obligations of the United States, hereby continue the national emergency declared in Proclamations 6867, 7757, and 9398, and authorize and direct the Secretary of Homeland Security (the ''Secretary'') to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and delegate to the Secretary my authority to approve such rules and regulations, as authorized by the Act of June 15, 1917. Accordingly, I hereby direct as follows:

Section 1. The Secretary may make rules and regulations governing the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, that may be used, or is susceptible of being used, for voyage into Cuban territorial waters and that may create unsafe conditions, or result in unauthorized transactions, thereby threatening a disturbance of international relations. A rule or regulation issued pursuant to this proclamation may be effective immediately upon issuance if it involves a foreign affairs function of the United States.

Sec. 2. The Secretary is authorized, to the extent consistent with international law, to inspect any vessel, foreign or domestic, in the territorial waters of the United States, at any time; to place guards on any such vessel; and, with my consent expressly hereby granted, take full possession and control of any such vessel and remove the officers and crew and all other persons not specifically authorized by the Secretary to go or remain on board the vessel, when necessary to secure the rights and obligations of the United States.

Sec. 3. The Secretary may request assistance from such departments, agencies, officers, or instrumentalities of the United States as necessary to carry out the purposes of this proclamation. Such departments, agencies, officers, or instrumentalities shall, consistent with other provisions of law and to the extent practicable, provide the assistance requested.

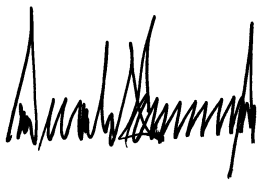
Sec. 4. The Secretary may seek assistance from State and local authorities in carrying out the purposes of this proclamation. Because State and local assistance may be essential for an effective response to this emergency, I urge all State and local officials to cooperate with Federal authorities and to take all actions within their lawful authority necessary to prevent the unauthorized departure of vessels intending to enter Cuban territorial waters.

Sec. 5. All powers and authorities delegated by this proclamation to the Secretary may be delegated by the Secretary to other officers and agents of the United States Government consistent with applicable law.

Sec. 6. Any provisions of Proclamations 6867, 7757, or 9398 that are inconsistent with the provisions of this proclamation are superseded to the extent of such inconsistency.

Sec. 7. This proclamation shall be immediately transmitted to the Congress and published in the *Federal Register.*

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–03962
Filed 2–22–18; 2:00 pm]
Billing code 3295–F8–P

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