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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0025; Product Identifier 2017–NM–101–AD; Amendment 39–19294; AD 2018–11–06]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes. This AD was prompted by a design approval holder (DAH) evaluation indicating that the outer wing lower junction is subject to widespread fatigue damage (WFD). This AD requires modifying the fastener holes at certain locations, which includes related investigative actions and applicable corrective actions. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective July 3, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of July 3, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* internet: *http://www.airbus.com.* You may view this 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–2018–0025.

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–2018–0025; 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: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3225.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes. The NPRM published in the **Federal Register** on February 8, 2018 (83 FR 5584) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0122, dated July 18, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A310–203, –221, –222, –304, –308, –322, –324, and –325 airplanes. The MCAI states:

> In response to the FAA Part 26 rule, wing structural items of the Airbus A310 design were assessed regarding Widespread Fatigue Damage (WFD) phenomenon. One outcome was that the outer wing lower junction is prone to WFD at level of the first fasteners row, close to Rib 1 between Frame (FR) 40 and FR 47.
>
> This condition, if not corrected, could reduce the structural integrity of the wing.
>
> Prompted by the conclusion of WFD analysis, Airbus issued Service Bulletin (SB) A310–57–2105 to provide modification instructions. The accomplishment of this modification at the specified time will recondition/renovate/extend the life of the fasteners holes at Rib 1, in order to reach the Limit Of Validity.
>
> For the reasons described above, this [EASA] AD requires cold working of the affected holes at Rib 1, stiffeners 1 to 14, on both outer wings between FR 40 and FR 47.

Required actions include a modification of the fastener holes at rib 1, stiffeners 1 to 14, on both outer wings between FR 40 and FR 47 by cold-working. The modification includes related investigative actions and applicable corrective actions. The related investigative actions include a rotating probe test of the fastener holes for cracks and checking the hole diameter for certain diameters. The corrective action is repair.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0025.

Comments

We gave the public the opportunity to participate in developing this final rule. We considered the comment received. FedEx 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

Airbus has issued Service Bulletin A310–57–2105, Revision 00, dated November 23, 2016. The service information describes procedures for a modification of the fastener holes at rib 1, stiffeners 1 to 14, on both outer wings between FR 40 and FR 47 by cold-working and includes related investigative actions and corrective 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 13 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
Modification, including related investigative actions.	66 work-hours × $85 per hour = $5,610	$24,200	$29,810	$387,530

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair	9 work-hours × $85 per hour = $765	$254	$1,019

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):

2018–11–06 Airbus: Amendment 39–19294; Docket No. FAA–2018–0025; Product Identifier 2017–NM–101–AD.

(a) Effective Date

This AD is effective July 3, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus Model A310–203, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a design approval holder (DAH) evaluation indicating that the outer wing lower junction is subject to widespread fatigue damage (WFD). We are issuing this AD to prevent WFD at the outer wing lower junction, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Modification

Before exceeding the compliance time specified in figure 1 to paragraph (g) of this AD, as applicable, or within 30 days after the effective date of this AD, whichever occurs later: Modify the fastener holes at rib 1, stiffeners 1 to 14, on both outer wings between frame (FR) 40 and FR 47, including doing all related investigative and applicable corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–57–2105, Revision 00, dated November 23, 2016, except as required by paragraph (h) of this AD. Do all related investigative and applicable corrective actions before further flight.

Figure 1 to Paragraph (g) of this AD –
Compliance Times for Cold Working Modification of Holes at Rib 1

Airplanes	Compliance Times (Flight Cycles (FC) or Flight Hours (FH) whichever occurs first since the airplane's first flight)
A310-203, A310-221, and A310-222	47,000 FC or 103,900 FH
A310-304, A310-322, A310-324, and A310-325	42,100 FC or 118,100 FH

(h) Service Information Exception

Where Airbus Service Bulletin A310–57–2105, Revision 00, dated November 23, 2016, specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance): Before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (i)(2) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, 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 (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0122, dated July 18, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0025.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3225.

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A310–57–2105, Revision 00, dated November 23, 2016.

(ii) Reserved.

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

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on May 17, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11171 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0450; Product Identifier 2018–NM–073–AD; Amendment 39–19295; AD 2018–11–07]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. This AD requires a one-time inspection of the aileron bellcrank support brackets and a thickness measurement of the affected lug attaching the support bracket; repetitive inspections of the affected aileron bellcrank support brackets; and corrective actions if necessary. This AD also provides an optional terminating action for the repetitive inspections. This AD was prompted by the identification of a manufacturing defect on certain aileron bellcrank support brackets that resulted in the material thickness of the affected lug attaching the support bracket to the rear spar of the wing to be insufficient. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective June 13, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of June 13, 2018.

We must receive comments on this AD by July 13, 2018.

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

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

For service information identified in this final rule, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000.techsupport@saabgroup.com;* internet *http://www.saabgroup.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–2018–0450.

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–2018–0450; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2018–0103, dated April 30, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Saab AB, Saab Aeronautics Model SAAB 2000 airplanes. The MCAI states:

> A manufacturing defect was identified on certain aileron bellcrank support brackets, installed on the outboard section of the left hand (LH) and right hand (RH) wing. The material thickness of the lugs attaching the support bracket to the rear spar of the wing was found to be insufficient.
>
> This condition, if not detected and corrected, could, in case of an aileron jamming, lead to support bracket failure, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, SAAB issued the SB [Saab Service Bulletin 2000–27–056, dated April 18, 2018] to provide instructions for inspection and replacement of affected support brackets.
>
> For the reason described above, this [EASA] AD requires a one-time inspection of all support brackets to determine the thickness and, depending on findings, repetitive inspections of the affected support brackets. This [EASA] AD also requires reporting the measured thickness, and replacement of all affected support brackets with serviceable support brackets, which constitutes terminating action.

You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0450.

Related Service Information Under 1 CFR Part 51

Saab AB, Saab Aeronautics has issued Saab Service Bulletin 2000–27–056, dated April 18, 2018. The service information describes procedures for a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of the affected lug and the adjacent area of the installed aileron bellcrank support brackets on the left hand and right hand wing; a thickness measurement of the affected lug attaching the support bracket to the rear spar of the wing, and replacement of aileron bellcrank support brackets. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This AD

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

Difference Between This AD and the MCAI

The MCAI requires replacing all affected support brackets. However, the planned compliance time for the replacement would allow enough time to provide notice and opportunity for prior public comment on the merits of the replacement. Therefore, we are considering a notice of proposed rulemaking (NPRM) requiring this replacement, which would terminate the repetitive inspections required by this AD.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because the material thickness of the affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing have been found to be insufficient, which, in the event of an aileron jam, could lead to support bracket failure and possible reduced control of the airplane. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable and that good cause exists for making this amendment effective in fewer than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0450; Product Identifier 2018–NM–073–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

We estimate that this AD affects 8 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$0	$255	$2,040

We estimate the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. 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
Up to 16 work-hours × $85 per hour = $1,360	Up to $18,074	Up to $19,434.

We estimate that it would take about 1 work-hour per product to comply with the reporting requirement in this AD. The average labor rate is $85 per hour. Based on these figures, we estimate the cost of reporting the inspection results on U.S. operators to be $85 per product.

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):

2018–11–07 Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems): Amendment 39–19295; Docket No. FAA–2018–0450; Product Identifier 2018–NM–073–AD.

(a) Effective Date

This AD becomes effective June 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Saab Aeronautics (formerly known as Saab AB, Saab Aerosystems) Model SAAB 2000 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by the identification of a manufacturing defect on certain aileron bellcrank support brackets that resulted in the material thickness of the affected lug attaching the support bracket to the rear spar of the wing to be insufficient. We are issuing this AD to detect and correct the defect of the aileron bellcrank support bracket, which, in the event of an aileron jam, could lead to failure of the support bracket and result in reduced controllability of the airplane.

(f) Compliance

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

(g) Definitions

(1) For the purposes of this AD, affected support brackets are aileron bellcrank support brackets, part number (P/N) 7327993–813 and P/N 7327993–814, for which it has been determined that the affected lug attaching the support bracket to the rear spar of the wing has a thickness of less than 2.75 mm (0.108 in.), as specified in Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(2) For the purposes of this AD, serviceable support brackets are aileron bellcrank support brackets, P/N 7327993–813 and P/N 7327993–814, for which it has been determined that the affected lug attaching the support bracket to the rear spar of the wing has a thickness of 2.75 mm (0.108 in.) or more, as specified in Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(h) One-Time Inspection

Within 100 flight cycles or 30 days, whichever occurs first after the effective date of this AD, accomplish a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of the affected lug and the adjacent area of the aileron bellcrank support brackets installed on the left hand (LH) and right hand (RH) wing, and measure the thickness of the affected lug attaching the support bracket to the rear spar of the wing, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(i) Repetitive Inspections

If, during the measurement required by paragraph (h) of this AD, it is determined that the affected lug attaching the aileron bellcrank support bracket to the rear spar of the wing has a thickness of less than 2.75 mm (0.108 in.), at intervals not to exceed 100 flight cycles, accomplish a detailed visual inspection for cracks, corrosion, and damage (including missing paint) of that affected support bracket in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018. Accomplishing the replacement specified in paragraph (k) of this AD terminates the repetitive inspections required by this paragraph for that bracket.

(j) Corrective Actions

If, during any inspection required by paragraph (h) or (i) of this AD, any crack, corrosion, or damage (including missing paint) is found, before further flight, obtain corrective actions instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Saab AB, Saab Aeronautics' EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature. Accomplish the corrective actions within the compliance time specified therein. If no compliance time is specified in the corrective actions instructions, accomplish the corrective action before further flight.

(k) Optional Terminating Action

Replacing each affected support bracket with a serviceable support bracket, in accordance with the Accomplishment Instructions of Saab Service Bulletin 2000–27–056, dated April 18, 2018, terminates the inspections required by paragraph (i) of this AD for that airplane.

(l) Reporting Requirement

Within 15 days after the measurement as required by paragraph (h) of this AD, or within 15 days after the effective date of this AD, whichever occurs later, report the results to Saab AB, Saab Aeronautics in accordance with the instruction provided in Figure 1, ''Aileron Bellcrank Support Fitting—Inspection,'' of Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(m) Parts Installation Limitation

As of the effective date of this AD, it is allowed to install on any airplane an aileron bellcrank support bracket P/N 7327993–813 or P/N 7327993–814, provided it is a serviceable support bracket.

(n) 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 (o)(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 EASA; or Saab AB, Saab Aeronautics' EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Airworthiness Directive 2018–0103, dated April 30, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0450.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax 206–231–3220.

(p) 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) Saab Service Bulletin 2000–27–056, dated April 18, 2018.

(ii) Reserved.

(3) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE 581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab2000techsupport@saabgroup.com;* internet *http://www.saabgroup.com.*

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

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Des Moines, Washington, on May 14, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11267 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1144; Airspace Docket No. 16–AGL–30]

RIN 2120–AA66

Modification of Air Traffic Service (ATS) Routes in the Vicinity of Richmond, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies five VHF Omnidirectional Range (VOR) Federal airways (V–12, V–214, V–340, V–467, and V–517) and one low altitude area navigation (RNAV) route (T–213) in the vicinity of Richmond, IN. The FAA is taking this action due to the planned decommissioning of the Richmond, IN, VHF Omnidirectional Range/Tactical Air Navigation (VORTAC) navigation aid (NAVAID) which provides navigation guidance for portions of the affected ATS routes. Overall, this action enhances the safety and management of aircraft within the National Airspace System (NAS).

DATES: Effective date 0901 UTC, September 13, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the NAS route structure as necessary to preserve the safe and efficient flow of air traffic.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** for Docket No. FAA–2017–1144 (83 FR 1582; January 12, 2018). The NPRM proposed to amend VOR Federal airways V–12, V–214, V–340, V–467, and V–517, and RNAV route T–213, due to the planned decommissioning of the Richmond, IN, VORTAC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One supportive comment was received.

Availability and Summary of Documents for Incorporation by Reference

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

Differences From the NPRM

In the NPRM, the FAA proposed to remove the V–517 airway segment between the Cincinnati, OH, VORTAC and the Dayton, OH, VOR/Distance Measuring Equipment (VOR/DME). That proposed amendment incorrectly listed the state reference for the Cincinnati, KY, VORTAC as ''OH'' in the proposed amendment and in the regulatory text for V–517. The corrected V–517 amendment is to remove the airway segment between the Cincinnati, KY, VORTAC and the Dayton, OH, VOR/DME and the V–517 regulatory text is to reflect the airway ending at the Cincinnati, KY, VORTAC. This rule corrects the state reference for the Cincinnati, KY, VORTAC.

The Rule

The FAA is amending Title 14, Code of Federal Regulations (14 CFR) part 71 to modify VOR Federal airways V–12, V–214, V–340, V–467, and V–517, and low altitude RNAV route T–213. The planned decommissioning of the Richmond, IN, VORTAC has made these actions necessary. The VOR Federal airway and RNAV T-route changes are outlined below.

V–12: V–12 extends between the Gaviota, CA, VORTAC and the Pottstown, PA, VORTAC. This rule removes the airway segment between the Shelbyville, IN, VOR/Distance Measuring Equipment (VOR/DME) and the Allegheny, PA, VOR/DME. The unaffected portions of the existing airway remain as charted.

V–214: V–214 extends between the Kokomo, IN, VORTAC and the Richmond, IN, VORTAC; and between the intersection of the Appleton, OH, VORTAC 236° and Zanesville, OH, VOR/DME 274° radials (GLOOM fix) and the Teterboro, NJ, VOR/DME. This rule removes the airway segment between the Muncie, IN, VOR/DME and the Richmond, IN, VORTAC. The unaffected portions of the existing airway remain as charted.

V–340: V–340 extends between the intersection of the Peotone, IL, VORTAC 053° and Knox, IN, VOR/DME 297° radials (BEARZ fix) and the Richmond, IN, VORTAC. This rule removes the airway segment between the Fort Wayne, IN, VORTAC and the Richmond, IN, VORTAC. The unaffected portions of the existing airway remain as charted.

V–467: V–467 extends between the Richmond, IN, VORTAC and the Detroit, MI, VOR/DME. This rule removes the airway segment between the Richmond, IN, VORTAC and the Waterville, OH, VOR/DME. The unaffected portion of the existing airway remains as charted.

V–517: V–517 extends between the Snowbird, TN, VORTAC and Dayton, OH, VOR/DME. This rule removes the airway segment between the Cincinnati, KY, VORTAC and the Dayton, OH, VOR/DME. The unaffected portions of the existing airway remain as charted.

T–213: T–213 extends between the Louisville, KY, VORTAC and Richmond, IN, VORTAC. This rule removes the VOR portion of the Richmond, IN, VORTAC from service

and retains the Richmond, IN, DME equipment, with the same three-letter identifier, in service at the same location. Additionally, the VORTAC and DME three-letter identifiers are added to the first line of the RNAV route description. The existing RNAV route remains as charted.

All radials in the route descriptions are unchanged and stated in True degrees.

VOR Federal airways are published in paragraph 6010(a), and United States Area Navigation Routes (low altitude T-routes) are published in paragraph 6011, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways and RNAV T-route listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of modifying five VOR Federal airways and one low altitude RNAV route qualifies for categorical exclusion under the National Environmental Policy Act and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, Paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action is not expected to cause any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–12 [Amended]

From Gaviota, CA; San Marcus, CA; Palmdale, CA; 38 miles, 6 miles wide, Hector, CA; 12 miles, 38 miles, 85 MSL, 14 miles, 75 MSL, Needles, CA; 45 miles, 34 miles, 95 MSL, Drake, AZ; Winslow, AZ; 30 miles, 85 MSL, Zuni, NM; Albuquerque, NM; Otto, NM; Anton Chico, NM; Tucumcari, NM; Amarillo, TX; Mitbee, OK; Anthony, KS; Wichita, KS; Emporia, KS; INT Emporia 063° and Napoleon, MO, 243° radials; Napoleon; INT Napoleon 095° and Columbia, MO, 292° radials; Columbia; Foristell, MO; Troy, IL; Bible Grove, IL; to Shelbyville, IN. From Allegheny, PA; Johnstown, PA; Harrisburg, PA; INT Harrisburg 092° and Pottstown, PA, 278° radials; to Pottstown.

* * * * *

V–214 [Amended]

From Kokomo IN, Marion, IN; to Muncie, IN. From INT Appleton, OH, 236° and Zanesville, OH, 274° radials; Zanesville; Bellaire, OH; INT Bellaire 107° and Grantsville, MD, 285° radials; Grantsville; Martinsburg, WV; INT Martinsburg 094° and Baltimore, MD, 300° radials; Baltimore; INT Baltimore 093° and Dupont, DE, 223° radials; Dupont; Yardley, PA; to Teterboro, NJ.

* * * * *

V–340 [Amended]

From INT Peotone, IL, 053° and Knox, IN, 297° radials; Knox; to Fort Wayne, IN.

* * * * *

V–467 [Amended]

From Waterville, OH; to Detroit, MI.

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V–517 [Amended]

From Snowbird, TN; INT Snowbird 329° and London, KY, 141° radials; London; INT London 004° and Falmouth, KY, 164° radials; Falmouth; to Cincinnati, KY.

* * * * *

Paragraph 6011 United States Area Navigation Routes

* * * * *

T–213 LOUISVILLE, KY (IIU) TO RICHMOND, IN (RID) [AMENDED]

Louisville, KY (IIU)	VORTAC	(Lat. 38°06′13″ N, long. 85°34′39″ W)
GAMKE, IN	WP	(Lat. 38°46′13″ N, long. 85°14′35″ W)
MILAN, IN	FIX	(Lat. 39°21′22″ N, long. 85°19′01″ W)
Richmond, IN (RID)	DME	(Lat. 39°45′18″ N, long. 84°50′20″ W)

* * * * *

Issued in Washington, DC, on May 21, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–11327 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 632

[Docket ID: USA–2017–HQ–0010]

RIN 0702–AA87

Use of Force by Personnel Engaged in Law Enforcement and Security Duties

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the use of force by Department of the Army personnel engaged in law enforcement and security duties. This part conveys internal Army policy and procedures, and is unnecessary.

DATES: This rule is effective on May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Jimmy Blankenship at 703–697–7024.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on removing DoD internal policies and procedures that are publically available on the Department's website.

DoD internal guidance will continue to be published in Army Regulation 190–14, ''Carrying of Firearms and Use of Force for Law Enforcement and Security Duties,'' available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx.*

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 632

Law enforcement, Military law, Military personnel, Security measures.

PART 632—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 632 is removed.

Dated: May 22, 2018.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–11397 Filed 5–25–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 636

[Docket ID: USA–2018–HQ–0006]

RIN 0702–AA90

Motor Vehicle Traffic Supervision (Specific Installations)

AGENCY: Department of the Army, DoD.

ACTION: Final rule.

SUMMARY: This final rule removes DoD's regulation concerning the use of motor vehicles on specific military installations. This part conveys Army policy and procedures duplicated in 32 CFR part 634, and it is unnecessary.

DATES: This rule is effective on May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Daniel Perkins at 703–614–3309.

SUPPLEMENTARY INFORMATION: It has been determined that publication of this CFR part removal for public comment is impracticable, unnecessary, and contrary to public interest since it is based on content which is duplicated in 32 CFR part 634.

DoD internal guidance will continue to be published in Army Regulation 190–5, ''Motor Vehicle Traffic Supervision,'' available at *https://armypubs.army.mil/ProductMaps/PubForm/AR.aspx.*

This rule is not significant under Executive Order (E.O.) 12866, ''Regulatory Planning and Review,'' therefore, E.O. 13771, ''Reducing Regulation and Controlling Regulatory Costs'' does not apply.

List of Subjects in 32 CFR Part 636

Federal buildings and facilities, Traffic regulations.

PART 636—[REMOVED]

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 636 is removed.

Dated: May 22, 2018.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–11396 Filed 5–25–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0437]

Drawbridge Operation Regulation; Harlem River, Bronx, New York

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Metro North (Park Avenue) Bridge across the Harlem River, mile 2.1, at Bronx, New York. This temporary deviation is necessary to allow the bridge to open for marine traffic with 24 hour advance notice during construction in the bridge control room.

DATES: This deviation is effective from 12:01 a.m. on June 4, 2018, to 11:59 p.m. on July 31, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0437 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard, telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil.*

SUPPLEMENTARY INFORMATION: MTA Metro-North Railroad, the bridge owner, requested a temporary deviation from the normal operating schedule to allow the bridge to open for marine traffic with 24 hour advance notice during construction in the bridge control room. The Metro North (Park Avenue) Bridge across the Harlem River, mile 2.1, has a vertical clearance in the closed position of 25 feet at mean high water and 30 feet at mean low water. The existing bridge operating regulations are listed at 33 CFR 117.789(c).

Under this temporary deviation, from 12:01 a.m. on June 4, 2018, to 11:59 p.m. on July 31, 2018 the Metro North (Park Avenue) Bridge shall open on signal provided if at least a twenty-four hour advance notice is given. The draw need not open for the passage of vessel traffic from 5 a.m. to 10 a.m. and 4 p.m. to 8 p.m., Monday through Friday, except Federal holidays.

The waterway is transited by commercial and recreational traffic. The

Coast Guard notified known commercial vessel operators that transit the area and there were no objections to this temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: May 22, 2018.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–11371 Filed 5–25–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0470]

Safety Zone, Coast Guard Exercise Area, Hood Canal, Washington

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA from July 9, 2018 through July 13, 2018, unless cancelled sooner by the Captain of the Port. This is necessary to ensure the safety of the maritime public and vessels participating in these exercises. During the enforcement period, entry into this zone is prohibited unless authorized by the Captain of the Port or her Designated Representative.

DATES: The regulations in 33 CFR 165.1339 will be enforced from 8 a.m. on July 9, 2018 through 5 p.m. on July 13, 2018.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email Petty Officer Zachary Spence, Sector Puget Sound Waterways Management Division, Coast Guard; telephone 206–217–6051, email *SectorPugetSoundWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone around vessels involved in Coast Guard training exercises in Hood Canal, WA set forth in 33 CFR 165.1339, from 8 a.m. on July 9, 2018 through 5 p.m. on July 13, 2018, unless cancelled sooner by the Captain of the Port. Under the provisions of 33 CFR 165.1339, no person or vessel may enter or remain within 500 yards of any vessel involved in Coast Guard training exercises while such vessel is transiting Hood Canal, WA between Foul Weather Bluff and the entrance to Dabob Bay, unless authorized by the Captain of the Port or a Designated Representative. In addition, the regulation requires all vessels to obtain permission for entry during the enforcement period by contacting the on-scene patrol commander on VHF channel 13 or 16, or the Sector Puget Sound Joint Harbor Operations Center at 206–217–6001. Members of the maritime public will be able to identify participating vessels as those flying the Coast Guard Ensign. The COTP may also be assisted in the enforcement of the zone by other federal, state, or local agencies. In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners.

Dated: May 22, 2018.

Linda A. Sturgis,

Captain, U.S. Coast Guard, Captain of the Port Puget Sound.

[FR Doc. 2018–11463 Filed 5–25–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0138; FRL–9978–43—Region 5]

Air Plan Approval; Illinois; Nonattainment Plans for the Lemont and Pekin SO_2 Nonattainment Areas; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the amendatory instruction in a final rule pertaining to the sulfur dioxide (SO_2) nonattainment plans for the Lemont and Pekin areas.

DATES: This final rule is effective on May 29, 2018.

FOR FURTHER INFORMATION CONTACT: John Summerhays, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6067, *Summerhays.john@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 1, 2018 (83 FR 4591), EPA published a final rule approving Illinois' plans addressing nonattainment area planning requirements for SO_2 for the Lemont and Pekin areas, plans that include numerous state regulations. However, the codification of that action listed only a subset of the regulations in Illinois' plans. This document corrects the erroneous amendatory language by clarifying the complete set of regulations in Illinois plans that have been approved.

Correction

In the final rule published in the **Federal Register** on February 1, 2018 (83 FR 4591), the rules listed as approved on page 4594 included only Subpart B sections 214.121 and 214.122, Subpart D section 214.161, and Subpart AA sections 214.600, 214.601, 214.602, 214.603, 214.604, and 214.605. To codify the complete list of rules in the plan that EPA approved, EPA is correcting the codification to include the omitted rules, namely Subpart A sections 214.101, 214.102, 214.103, and 214.104, Subpart D section 214.162, Subpart F section 214.201, Subpart K sections 214.300 and 214.305, and Subpart Q section 214.421. The codification section of this action specifies the corrected listing for this codification, listing all of the rules that should have been identified as approved and including the appropriate citation for these approvals.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Statutory and Executive Order Reviews

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to E.O. 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action is not an E.O. 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under E.O. 12866. Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by E.O. 13175 (65 FR 67249, November 9, 2000). This 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 governments, as specified by E.O. 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to E.O. 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by E.O. 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of E.O. 12988 (61 FR 4729, February 7, 1996). EPA has complied with E.O. 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of May 29, 2018. 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 correction to 40 CFR 52 for Illinois is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: May 10, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

Accordingly, 40 CFR part 52 is corrected by making the following correcting amendments:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720 amend the table in paragraph (c) under ''Part 214: Sulfur Limitations'' by:

■ a. Revising the entries for ''214.101'', ''214.102'' and ''214.104'', and adding an entry for ''214.103'' in numerical order under ''Subpart A: General Provisions'';

■ b. Revising the entry for ''214.162'' under ''Subpart D: Existing Liquid or Mixed Fuel Combustion Emission Sources'';

■ c. Revising the entry for ''214.201'' under ''Subpart F: Alternative Standards for Sources Inside Metropolitan Areas'';

■ d. Adding two entries for ''214.300'' and ''214.305'' under ''Subpart K: Process Emission Sources'' in numerical order;

■ e. Adding a subheading entitled ''Subpart Q: Primary and Secondary Metal Manufacturing'' in alphabetical order, including an entry for ''214.421''.

The additions and revisions read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 214: Sulfur Limitations				
Subpart A: General Provisions				
214.101	Measurement Methods	12/7/2015	2/1/2018, 83 FR 4591	

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES—Continued

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
214.102	Abbreviations and Units	12/7/2015	2/1/2018, 83 FR 4591	
214.103	Definitions	12/7/2015	2/1/2018, 83 FR 4591	
214.104	Incorporations by Reference	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*
Subpart D: Existing Liquid or Mixed Fuel Combustion Emission Sources				
*	*	*	*	*
214.162	Combination of Fuels	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*
Subpart F: Alternative Standards for Sources Inside Metropolitan Areas				
214.201	Alternative Standards for Sources in Metropolitan Areas.	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*
Subpart K: Process Emission Sources				
214.300	Scope	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*
214.305	Fuel Sulfur Content Limitations	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*
Subpart Q: Primary and Secondary Metal Manufacturing				
214.421	Combination of Fuels at Steel Mills in Metropolitan Areas.	12/7/2015	2/1/2018, 83 FR 4591	
*	*	*	*	*

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[FR Doc. 2018–11324 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[EPA–R01–OW–2017–0528; FRL–9978–51—Region 1]

Ocean Disposal; Temporary Modification of an Ocean Dredged Material Disposal Site in Massachusetts Bay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a temporary modification of the boundaries of the Massachusetts Bay Dredged Material Disposal Site (MBDS) pursuant to the Marine Protection, Research, and Sanctuaries Act (MPRSA), as amended. The purpose of this temporary site modification is to allow for the environmental restoration of a particular area adjacent to the MBDS (Potential Restoration Area) by temporarily expanding the boundaries of the existing MBDS. The temporary expansion is a circular area that contains the Potential Restoration Area, which includes most of the historic Industrial Waste Site (IWS). Decades ago, the IWS was used for the disposal of barrels containing industrial, chemical and low-level radioactive waste, as well as for the disposal of munitions, ordnance, construction equipment, and contaminated dredged material. The modification of the disposal site boundary will enable the U.S. Army Corps of Engineers (USACE) to place suitable dredged material generated from the Boston Harbor Deep Draft Navigation Project at the Potential Restoration Area in order to cover the barrels and other wastes disposed there in the past. This is expected to improve environmental conditions at the site. The Deep Draft Navigation Project includes improvement dredging of the main ship channel, which will generate approximately 11 million cubic yards (cy) of dredged material. The existing MBDS will continue to be used for disposal of other dredging projects, as usual. The expansion area will permanently close upon completion of the Boston Harbor Deep Draft Navigation Project, while the existing MBDS will remain open for the disposal of other suitable dredged material. Like the MBDS, however, the expansion area will be subject to ongoing monitoring and management to monitor the recovery of the area and to ensure continued protection of the marine environment.

DATES: The effective date of this rule is June 28, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R01–OW–2017–0528. All documents in the docket are listed on the *https://www.regulations.gov* website or on the EPA Region 1 MBDS web page at *https://www.epa.gov/ocean-dumping/massachusetts-bay-industrial-waste-site-restoration-project.* Although listed in

the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.* They are also available in hard copy during normal business hours at the EPA Region 1 Library, 5 Post Office Square Boston, MA 02109.

The supporting document for this site modification is the *Final Environmental Assessment on the Proposed Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site and Finding of No Significant Impact,* May 2018, which was prepared by EPA.

FOR FURTHER INFORMATION CONTACT: Alicia Grimaldi, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code: OEP 6–1, Boston, MA 02109; telephone—(617) 918–1806; fax—(617) 918–0806; email address—*grimaldi.alicia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Potentially Affected Persons

The expansion of the MBDS is a temporary modification made in order to improve environmental conditions at the Potential Restoration Area by allowing suitable dredged material from the USACE Boston Harbor improvement project to be placed over wastes dumped in the past at the historic IWS. The USACE are persons potentially affected by this action, as they are responsible for the Boston Harbor Deep Draft Navigation Project and the disposal of dredged material into ocean waters under MPRSA. The existing MBDS will continue to be used for the disposal of dredged material from other projects that is suitable for ocean disposal pursuant to the MPRSA. This action will also impact those fishermen who utilize the historic IWS for fishing, despite posted warnings, by helping to reduce the risk of potential injury resulting from the inadvertent retrieval of wastes from the IWS in their nets. There have been documented instances of fishermen trawling up barrels in the IWS area and this action will lower the risk of that occurring in the future.

II. Background

a. History of Disposal Sites in Massachusetts Bay

The IWS is a disposal site in Massachusetts Bay approximately 20 nautical miles (nmi) east of Boston that was used in the past for disposal of a variety of wastes that would not be permitted for disposal today. The IWS is a circular site with its center at 42°25.7′ N, 70°35.0′ W and a radius of 1 nmi. It is believed that disposal of derelict vessels, construction debris, commercial waste, and dredged material at the area may have begun in the early 1900s. There are records dating back to the 1940s documenting the disposal of radioactive, chemical and hospital waste, ordnance, munitions, etc. Use of the IWS was discontinued in 1977 and the site was officially de-designated in 1990 (55 FR 3688, February 2, 1990). From 1977 through 1993, there was an Interim Massachusetts Bay Disposal Site for dredged material disposal with a center 1 nmi east of the IWS at 42°25.7′ N, 70°34.0′ W and a radius of 1 nmi. In 1993, the existing MBDS was designated by EPA with a center at 42°25.1′ N, 70°35.0′ W and a radius of 1 nmi, an area of 3.14 nmi^2, and depth ranges from 82 to 92 meters (m). The MBDS overlaps the southern portion of the IWS, but avoids the known densest concentration of barrels, also known as the barrel field. The MBDS is used solely for the disposal of dredged material, primarily from Boston Harbor, but also from smaller harbors and navigation channels north and south of Boston.

The USACE will begin the Boston Harbor improvement dredging project in 2018. The project is expected to generate approximately 11 million cy of suitable dredged material consisting primarily of Boston blue clay and glacial till. EPA and USACE are proposing to use this dredged material beneficially by covering the area in and around the historic IWS barrel field to a depth of one to two meters. This will be accomplished utilizing a method of disposal developed and tested by the USACE, which is designed to prevent direct impact of sediment onto waste containers. This method of disposal is intended to reduce the risk of breaking barrels and resuspending potentially contaminated seafloor sediment.

Before any entity can dispose of dredged material at the MBDS, EPA and the USACE must evaluate the project according to the ocean dumping regulatory criteria (40 CFR 227) and determine whether to authorize the disposal. Under Section 103 of the MPRSA, disposal projects are authorized by the USACE and EPA independently evaluates proposed disposal projects and has the right to restrict and/or reject the disposal of dredged material if it determines that the environmental protection requirements under the MPRSA have not been met. This modification to the MBDS site boundaries does not constitute an approval by EPA or USACE for open-water disposal of dredged material from any specific project. Thus, although the plan is that suitable material from the USACE's Boston Harbor improvement project would be placed at the temporary expansion area, any material proposed for disposal will have to go through project-specific review and approval.

b. Location and Configuration of the Modified Ocean Dredged Material Disposal Site

This Final Rule temporarily modifies the MBDS by expanding it to include the Potential Restoration Area, which encompasses the IWS barrel field. The expansion will be temporary, opening upon the effective date of the Final Rule and closing upon completion of the Boston Harbor Deep Draft Navigation Project. The temporarily expanded site will consist of two partially overlapping circles:

- Center 1—42°25.1′ N, 70°35.0′ W, 1 nautical mile radius (existing MBDS)
- Center 2—42°26.417′ N, 70°35.373′ W, 0.75 nautical mile radius (temporary expansion)

The area of the temporarily modified MBDS is 4.60 nmi^2 and the western edge is approximately 19 nmi east of Boston. Water depths at the modified site range from 70 to 91 m. Like the existing MBDS, the modified MBDS will not overlap, and is not expected to impact, the Stellwagen Bank National Marine Sanctuary (SBNMS).

c. Response to Comments

On September 22, 2017, EPA published a Proposed Rule proposing to temporarily modify the MBDS with a supporting Draft Environmental Assessment and opened a public comment period under Docket ID EPA–R01–OW–2017–0528. The comment period ended on October 23, 2017. EPA received eleven comments on the Proposed Rule and Draft Environmental Assessment. The comments received are listed below:

- Support of the temporary expansion of the MBDS (6 commenters);
- Boundaries of the temporary expansion of the MBDS overlap with the Neptune Deepwater Port (1 commenter);
- Importance of proceeding with disposal carefully to prevent breakage of barrels (4 commenters);
- Barrels may no longer exist on the seafloor (1 commenter);
- Sewage sludge should not be disposed in the ocean or used for capping (1 commenter);

- There is no evidence of contamination at the IWS (1 commenter);
- Disposing material further out into the ocean is a cheaper solution (1 commenter);
- Other disposal sites were not considered (1 commenter);
- The temporary expansion of the MBDS will eliminate fishable bottom (2 commenters);
- How to stay informed on the status of the project (2 commenters);
- Disposal could impact the health of the ecosystem (1 commenter);
- Typographic errors in Draft EA (1 commenter);
- Modification of the MBDS will change the size of the SBNMS (1 commenter);
- The Potential Restoration Area will increase with additional dredged material (1 commenter);
- The removal of barrels from the IWS was not considered as an alternative (2 commenters);
- Ensure that the disposal of dredged material and the temporary expansion is monitored (2 commenters);
- The Massachusetts Department of Marine Fisheries (MDMF) would like to consult on disposal time-of-year restrictions to minimize impact to cod spawning (1 commenter); and
- MDMF would like the USACE and EPA to continue participating in a working group exploring other opportunities for beneficial use of dredged material (1 commenter).

The responses to these comments can be found in the *Final Environmental Assessment on the Proposed Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site and Finding of No Significant Impact,* which is available on *Regulations.gov* and the EPA Region 1 MBDS web page: *https://www.epa.gov/ocean-dumping/massachusetts-bay-industrial-waste-site-restoration-project.*

d. Management and Monitoring of the Site

There will be two distinct areas of the modified MBDS: The existing MBDS and the temporary expansion. The existing MBDS will continue to be utilized as a dredged material disposal site for those projects generating dredged material suitable for open-water disposal under the MPRSA. The temporary expansion will be used solely for the disposal of suitable dredged material generated from the Boston Harbor improvement dredging project. Management of both the existing MBDS and the temporary expansion will abide by the Site Management and Monitoring Plan (SMMP) for the MBDS. The SMMP includes management and monitoring requirements to ensure that the any dredged material placed at the sites is suitable for ocean disposal and that the adverse impacts of disposal, if any, are addressed to the maximum extent practicable. The SMMP for the MBDS includes restrictions on disposal vessel speeds, requirements for the presence of a marine mammal observer for each disposal event, and other guidelines to minimize any potential conflicts with threatened or endangered species and other uses or activities in this area.

e. MPRSA Criteria

EPA has assessed the temporary modification to the MBDS according to the criteria of the MPRSA, with particular emphasis on the general and specific regulatory criteria of 40 CFR 228.5 and 228.6, to determine whether the site modification satisfies those criteria. The *Final Environmental Assessment of the Proposed Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site and Finding of No Significant Impact* provides an extensive evaluation of the site selection criteria and other related factors considered for the modification of the MBDS, and a summary is included below.

General Criteria (40 CFR 228.5)

(a) *The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.*

Since its designation in 1993, disposal at the MBDS has not interfered with other activities in the marine environment. It is anticipated that this also will be the case for the temporarily modified MBDS. The IWS has been closed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) since 1980 to the harvesting of surf clams and ocean quahogs. There is also a warning from NOAA and the Food and Drug Administration (FDA) on all nautical charts against harvesting fish and shellfish in the area. The expanded MBDS area has low recreational boater density and does not overlap with the shipping lanes into and out of Boston Harbor.

(b) *Locations and boundaries of disposal sites will be so chosen that temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.*

The modified MBDS will be used only for dredged material suitable for ocean disposal under the MPRSA. USACE also models disposal projects to evaluate their potential to violate water quality standards. The nearest shoreline to the modified MBDS is approximately eight nmi to the north. The prevailing current is not expected to transport dredged material to surrounding beaches or shores. Temporary changes caused by the physical movement of sediment through the water column will be reduced to ambient conditions before reaching any environmentally sensitive area. The SBNMS is immediately east of the site, but a steep bathymetric rise between the two features provides containment of dredged material in the deeper area known as Stellwagen Basin. There are no known geographically-limited fisheries or shellfisheries in the project area.

(d) *The sizes of ocean disposal sites will be limited in order to localize for identification and control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. The size, configuration, and location of any disposal site will be determined as a part of the disposal site evaluation or designation study.*

The size and configuration of the temporarily modified MBDS is specifically designed to allow for the IWS barrel field to be covered by suitable dredged material generated during the USACE Boston Harbor improvement project. The MBDS area has been monitored under the USACE Disposal Area Monitoring System (DAMOS) program since the late 1970s. Monitoring will continue at the temporarily expanded MBDS to prevent adverse long-range impacts.

(e) *EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites that have been historically used.*

The continental shelf is over 220 nmi east of Boston. Therefore, transporting material to, and performing long-term monitoring at, a site located off the continental shelf is not economically or operationally feasible. Moreover, taking material somewhere off the continental shelf will not help to isolate the wastes previously placed at the IWS. The

project area has been used for ocean disposal since at least the early 1900s.

Specific Criteria (40 CFR 228.6(a))

(1) *Geographical position, depth of water, bottom topography and distance from coast.*

The temporarily expanded MBDS is located in an area of Massachusetts Bay known as Stellwagen Basin and is approximately eight nmi from the nearest coastline in Gloucester, MA. The depth of the temporarily expanded site ranges from 70–91 m. The seafloor in the area is primarily flat and consists primarily of silt and clay. There are two large glacial knolls included within the boundaries of the temporary expansion, both roughly 20 m high. These knolls are not included in the Potential Restoration Area and, therefore, no disposal will take place on them. There is a smaller glacial knoll, approximately six m high, included within the boundaries of the Potential Restoration Area. The USACE is drafting a project design that will ensure that this feature will be avoided by disposal operations.

(2) *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.*

The MBDS area contains Essential Fish Habitat (EFH) for various fish species, and certain species of whale and sea turtle listed as either threatened or endangered under the Endangered Species Act (ESA) have been sighted in the vicinity of the MBDS. Furthermore, the entirety of Massachusetts Bay and most of the larger Gulf of Maine are designated as critical foraging habitat for the North Atlantic Right Whale by NMFS. At the same time, NMFS has determined that dredged material disposal at the MBDS would not impact any of these species and restrictions are in place to ensure their safety, including vessel speed limitations and the requirement that marine mammal observers accompany the USACE on vessels during disposal operations. Furthermore, any risk of contaminants entering the food web is expected to be minimized by the covering of the IWS barrel field.

(3) *Location in relation to beaches and other amenity areas.*

The closest beach to the temporarily expanded MBDS is 10 nmi away. The SBNMS is just east of the MBDS. Past dredged material disposal has not impacted the SBNMS and no impact to the SBNMS is expected with the temporary expansion of the MBDS.

(4) *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.*

The MBDS is only to be used for the disposal of dredged material that is suitable for ocean disposal under the MPRSA. The temporary expansion of the MBDS will only be used for suitable dredged material generated during the USACE Boston Harbor improvement project. Disposal within the temporary expansion will utilize a berm-building technique devised by the USACE in order to minimize the risk of barrel breakage or resuspension of potentially contaminated seafloor sediment.

(5) *Feasibility of surveillance and monitoring.*

The MBDS is monitored through the DAMOS program under the guidance of the SMMP. Disposal is also monitored through the National Dredging Quality Management Program to confirm accurate placement of dredged material. The area of temporary expansion will be included in the monitoring of the MBDS under the DAMOS program from the time of first disposal for as long as MBDS monitoring continues.

(6) *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.*

Current velocities range from 0–30 cm/s in the MBDS area. Currents are influenced by tides in a rotational manner, but net water movement is to the southeast. Regional dredged material is primarily made up of fine sand, silt, and clay. Dredged material generated during the USACE Boston Harbor improvement project is primarily Boston blue clay, which is cohesive and, therefore, settles rapidly. Minimal horizontal mixing or vertical stratification of dredged material occurs, resulting in low suspended sediment concentrations. Previous modeling of initial disposal indicates no adverse impacts in the water column or violations of water quality criteria. Previous studies have demonstrated the relative immobility of dredged material at the MBDS. Storms with the potential to cause sediment resuspension at the MBDS are rare in Massachusetts Bay.

(7) *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).*

Beginning in the early 1900s, the historic IWS was used for the disposal of industrial, chemical, medical, low-level radioactive, and other hazardous wastes, in addition to contaminated dredged material, construction debris, derelict vessels, etc. An Interim MBDS was designated in 1977 for the disposal of dredged material and it was closed in 1993, when the existing MBDS was designated following all the requirements of the MPRSA and National Environmental Policy Act (NEPA). Studies and monitoring of the area have shown no significant impacts on water quality, sediment quality, or marine resources. More information regarding the effects of disposal in the area can be found in the *Final Environmental Assessment on the Proposed Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site and Finding of No Significant Impact.* The berm-building disposal technique designed by USACE is intended to limit the resuspension of potentially contaminated seafloor sediment or hazardous materials in the area. Furthermore, placing suitable dredged material generated during the USACE Boston Harbor improvement project on top of potentially contaminated materials dumped at the IWS in the past will isolate these potential contaminants under a protective layer of suitable sediments, consisting primarily of clay.

(8) *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.*

Extensive shipping, fishing, recreational, and scientific research activities take place in Massachusetts Bay throughout the year. Dredged material disposal operations at the MBDS have not interfered with these activities and temporarily expanding the MBDS is not expected to interfere with these activities either. Due to the hazardous nature of material historically disposed in the IWS, a warning to fishermen against fishing and shellfishing in the area is already included on all nautical charts, and the area is closed for the harvesting of ocean quahogs and surf clams. Therefore, disposal operations in the area are not expected to interfere with any existing fishing activity. To the extent that fishermen ignore the warnings regarding the IWS, the proposed action will not create any greater interference because, as stated above, both fishing and dredged material disposal activities have long been carried out in the area of the MBDS without interference. Moreover, once the IWS barrel field is covered, the area should be safer for any fishermen who drag their nets through that area.

(9) *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.*

Monitoring at the disposal area has taken place since the late 1970s under the DAMOS program. Surveys at the MBDS have detected no significant differences in water quality or biological

characteristics in the disposal site and adjacent reference areas. A *Baseline Seafloor Assessment Survey for the Proposed Expansion of the Massachusetts Bay Disposal Site* was completed by the USACE in anticipation of this project and is available on the USACE DAMOS webpage at *http://www.nae.usace.army.mil/Missions/Disposal-Area-Monitoring-System-DAMOS/.*

(10) *Potentiality for the development or recruitment of nuisance species in the disposal site.*

There are no known components of dredged material or consequences of its disposal that would attract or result in the recruitment or development of nuisance species at the expanded MBDS. Nuisance species have not been detected in any survey of the area.

(11) *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.*

There are two known shipwrecks within the boundaries of the existing MBDS: a Coast Guard vessel and a 55-foot fishing boat. Both were intentionally sunk in 1981 and are not considered to be historically significant. Additional shipwrecks have been revealed in the general area during subsequent surveys, although there are no identified shipwrecks within the Potential Restoration Area. Disposal operations have avoided and will continue to avoid any shipwrecks in the project area by implementing a fifty-meter buffer around known shipwrecks within which no disposal will occur.

III. Environmental Statutory Review

a. National Environmental Policy Act (NEPA)

Section 102 of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 to 4370f, requires federal agencies to prepare an Environmental Impact Statement (EIS) for major federal actions significantly affecting the quality of the human environment. When a federal agency evaluates an action that it plans to take and finds that it will not significantly affect the environment, it may issue an Environmental Assessment and a Finding of No Significant Impact (*i.e.,* an ''EA/FONSI'').

NEPA does not apply to EPA designations of ocean disposal sites under the MPRSA because EPA's actions under the MPRSA are exempt from the procedural requirements of NEPA through the functional equivalence doctrine. Nevertheless, as a matter of policy, EPA undertakes a NEPA review for certain of its regulatory actions, including the designation of dredged material disposal sites under Section 102 of the MPRSA. The EPA's ''Notice of Policy and Procedures for Voluntary Preparation of NEPA Documents'' (Voluntary NEPA Policy), 63 FR 58045 (October 29, 1998), sets out both the policy and procedures the EPA uses when preparing such environmental review documents.

The EPA's primary voluntary NEPA document addressing the temporary expansion of the MBDS is the *Final Environmental Assessment on the Proposed Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site and Finding of No Significant Impact* (Final EA), prepared by EPA in cooperation with USACE. Anyone desiring a copy of the Final EA may obtain one using the methods provided above in the Docket section. The *Draft Environmental Assessment on the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site (ODMDS)* (Draft EA) was released for public review concurrently with the Proposed Rule. The Final EA, which is part of the Docket for this action, provides the environmental review for the temporary modification of the MBDS. Information from the Final EA is used in the above discussion of the ocean dumping criteria.

b. Magnuson-Stevens Fishery Conservation & Management Act (MSA)

EPA integrated the EFH assessment into the Draft EA, pursuant to Section 305(b), 16 U.S.C. 1855(b)(2), of the Magnuson-Stevens Act, as amended (MSA), 16 U.S.C. 1801–1891d, and submitted that assessment to NMFS on September 28, 2017. NMFS responded via letter with a recommendation to avoid disposal on the glacial knoll that is within the boundaries of the Potential Restoration Area. EPA and USACE have adopted this recommendation and will avoid the disposal of any dredged material on this feature. This recommendation has also been incorporated into the Final EA.

c. Coastal Zone Management Act (CZMA)

EPA determined that the modification of the MBDS is consistent to the maximum extent practicable with the enforceable policies of the Massachusetts coastal management program, and a letter was submitted to the Massachusetts Office of Coastal Zone Management (MCZM) on September 28, 2017. MCZM submitted a letter of concurrence to EPA on November 30, 2017.

d. Endangered Species Act (ESA)

The Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 to 1544, requires federal agencies to consult with NMFS and the U.S. Fish and Wildlife Service (FWS) to ensure that any action authorized, funded, or carried out by the federal agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of any critical habitat. The EPA incorporated an assessment of the potential effects of temporarily modifying the MBDS on aquatic and wildlife species, including any species listed under the ESA, into the Draft EA, and EPA has submitted that assessment to NMFS and FWS. EPA concluded that this action is not likely to adversely affect any threatened or endangered species, nor would it adversely modify any designated critical habitat. EPA submitted a letter to NMFS on October 30, 2017, that stated that the re-initiation of consultation was not necessary for this action. NMFS submitted a letter of concurrence to EPA on November 21, 2017. EPA sent a letter to FWS on September 22, 2017, and confirmed that no consultation was necessary.

e. National Historic Preservation Act (NHPA)

The National Historic Preservation Act, as amended (NHPA), 16 U.S.C. 470 to 470a–2, requires federal agencies to take into account the effect of their actions on districts, sites, buildings, structures, or objects, included in, or eligible for inclusion in, the National Register of Historical Places. EPA submitted a letter to the Massachusetts State Historic Preservation Office (SHPO) on September 28, 2017, outlining the plan to avoid the historic shipwrecks in the area during disposal operations. The Massachusetts SHPO provided a letter of concurrence with the avoidance plan to EPA on October 19, 2017.

IV. Statutory and Executive Order Reviews

This rulemaking proposes the modification of an ODMDS pursuant to Section 102 of the MPRSA. This action complies with applicable Executive Orders and statutory provisions as follows:

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

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 3, 1993) and is, therefore, not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

b. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This temporary site modification does not require persons to obtain, maintain, retain, report, or publicly disclose information to or for a federal agency.

c. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (businesses, organizations, or jurisdictions). EPA has determined that this action will not have a significant economic impact on small entities.

d. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1531 to 1538, for state, local, or tribal governments or the private sector. This action imposes no new enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small government entities. Those entities are already subject to existing permitting requirements for the disposal of dredged material in ocean waters.

e. Executive Order 13132: Federalism

This action does not have federalism implications. It does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between the EPA and state and local governments, EPA has coordinated with, and specifically solicited comments from, state and local officials with regard to this action.

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

This action does not have tribal implications, as specified in Executive Order 13175. The modification of the MBDS will not have a direct effect on 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. Thus, Executive Order 13175 does not apply to this action.

g. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This action is not subject to Executive Order 13211 (66 FR 28355) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

i. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards and, therefore, the National Technology Transfer and Advancement Act does not apply.

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

Executive Order 12898 (59 FR 7629) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This action is expected to be protective of human health because it will enable the wastes already within the Potential Restoration Area to be isolated under a protective layer of sediment. This should help prevent any accidental recovery of barrels by fishermen and prevent contaminants from the historic disposal from entering the food web. The EPA has assessed the overall protectiveness of modifying the MBDS against the criteria established pursuant to the MPRSA to ensure that any adverse impact to the environment will be mitigated to the greatest extent practicable. No adverse impacts are expected. The action is, instead, expected to improve environmental conditions in Massachusetts Bay by enabling contaminated material dumped at the IWS in the past to be covered with suitable dredged material in order to isolate the former from the environment.

k. Executive Order 13158: Marine Protected Areas

Executive Order 13158 (65 FR 34909, May 31, 2000) requires EPA to ''expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment.'' EPA may take action to enhance or expand protection of existing marine protected areas and to establish or recommend, as appropriate, new marine protected areas. The purpose of the Executive Order is to protect the significant natural and cultural resources with the marine environment, which includes, ''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.''

EPA anticipates that this action will afford additional protection to the waters of Massachusetts Bay and organisms that inhabit them. By covering the barrel field and surrounding seafloor sediment of the historic IWS, potential contaminants should be prevented from entering the water column or food web in Massachusetts Bay. This should provide, if anything, greater protection for the natural resources of the SBNMS, which is in the vicinity of the temporarily expanded MBDS.

l. Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes

Section 6(a)(i) of Executive Order 13547, (75 FR 43023, July 19, 2010) requires, among other things, EPA and certain other agencies ''. . . to the fullest extent consistent with applicable law [to] . . . take such action as necessary to implement the policy set forth in section 2 of this order and the stewardship principles and national priority objectives as set forth in the Final Recommendations and subsequent guidance from the Council.'' The policies in section 2 of Executive Order 13547 include, among other things, the following: ''. . . it is the policy of the United States to: (i) Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources; [and] (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies. . . .'' As with Executive Order 13158 (Marine Protected Areas), the overall purpose of the Executive Order is to promote protection of ocean and coastal environmental resources.

EPA anticipates that this action will afford additional protection to the waters of Massachusetts Bay and organisms that inhabit them. By covering the barrel field and surrounding seafloor sediment of the historic IWS, potential contaminants should be prevented from entering the water column or food web in Massachusetts Bay.

m. Executive Order 13771 Reducing Regulation and Controlling Regulatory Costs

This action would not be a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 3, 1993) and is, therefore, not subject to review under Executive Order 13771. *See OMB, ''Guidance Implementing Executive Order 13771, Titled ''Reducing Regulation and Controlling Regulatory Costs''* (M–17–21) (April 5, 2017), p. 3 (''An 'E.O. 13771 Regulatory Action' is: (i) A significant regulatory action as defined in section 3(f) of E.O. 12866 that has been finalized and that imposes total costs greater than zero. . . .'').

n. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this 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**. A ''major rule'' cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. 804(2). This rule will be effective 30 days after date of publication.

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: May 15, 2018.

Alexandra Dapolito Dunn

Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, title 40, Chapter I, of the *Code of Federal Regulations* is to be amended as set forth below.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

■ 2. Amend § 228.15 by revising paragraphs (b)(2)(i), (ii), (iii), and (vi) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(b) * * *

(2) * * *

(i) *Location:* Two overlapping circles: Center of existing MBDS: 42°25.1′ N, 70°35.0′ W, 1 nautical mile radius; Center of temporary expansion: 42°26.417′ N, 70°35.373′ W, 0.75 nautical mile radius (NAD 1983).

(ii) *Size:* 4.60 sq. nautical miles.

(iii) *Depth:* Range from 70 to 91 meters.

* * * * *

(vi) *Restriction:* Disposal shall be limited to dredged material which meets the requirements of the MPRSA and its accompanying regulations. Disposal-and-capping is prohibited at the MBDS until its efficacy can be effectively demonstrated. The temporary expansion of the MBDS shall be used solely for the disposal of suitable dredged material generated during the Boston Harbor Deep Draft Navigation Project using the berm-building method devised and tested by the U.S. Army Corps of Engineers. The temporary expansion will automatically close upon completion of the Boston Harbor Deep Draft Navigation Project.

* * * * *

[FR Doc. 2018–11322 Filed 5–25–18; 8:45 am]

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Proposed Rules

Federal Register
Vol. 83, No. 103
Tuesday, May 29, 2018

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

DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 212, and 274a

[CIS No. 2572–15; DHS Docket No. USCIS–2015–0006]

RIN 1615–AC04

Removal of International Entrepreneur Parole Program

AGENCY: U.S. Citizenship and Immigration Services, DHS.

ACTION: Proposed rule.

SUMMARY: The Department of Homeland Security (''DHS'' or ''Department'') is proposing to remove its regulations pertaining to the international entrepreneur program, which guided the adjudication of significant public benefit parole requests made by certain foreign entrepreneurs of start-up entities in the United States. After review of all DHS parole programs in accordance with an Executive Order (E.O.) titled, Border Security and Immigration Enforcement Improvements, issued on January 25, 2017, the DHS is proposing to end the IE parole program, and remove or revise the related regulations, because this program is not the appropriate vehicle for attracting and retaining international entrepreneurs and does not adequately protect U.S. investors and U.S. workers employed by or seeking employment with the start-up.

DATES: Written comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments, identified by DHS Docket No. USCIS–2015–0006, by any one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the website instructions for submitting comments.
- *Mail:* You may submit comments directly to U.S. Citizenship and Immigration Services (USCIS) by mail by sending correspondence to Samantha Deshommes, Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW, Washington, DC 20529. To ensure proper handling, please reference DHS Docket No. USCIS–2015–0006 in your correspondence.

FOR FURTHER INFORMATION CONTACT: Steven Viger, Adjudications Officer, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue NW, Suite 1100, Washington, DC 20529–2140; Telephone (202) 272–8377 (not a toll free call).

Individuals with hearing or speech impairments may access the telephone numbers above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

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I. Public Participation

Interested persons are invited to comment on this rulemaking by submitting written data, views, or arguments on all aspects of the rule. Comments that will most assist DHS will focus on whether or not DHS should remove the IE parole program regulations and also explain the reasoning for each recommendation. Comments should include data, information, and the authority that supports each recommendation to the extent possible. Comments previously submitted to this docket do not need to be submitted again.

Instructions for filing comments: All submissions received should include the agency name and DHS docket number USCIS–2015–0006. All comments received (including any personal information provided) will be posted without change to *http://www.regulations.gov.* See **ADDRESSES**, above, for methods to submit comments.

II. Background

On January 17, 2017, the Department of Homeland Security (''DHS'' or ''Department'') published the IE Final Rule, with an effective date of July 17, 2017. *See* 82 FR 5238. The IE Final Rule followed the publication of a notice of proposed rulemaking on August 31, 2016. *See* 81 FR 60130 (''IE NPRM''). The IE Final Rule amended DHS regulations to include criteria that would guide the Secretary's discretionary parole authority for international entrepreneurs who can demonstrate that their temporary parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (INA) would provide a significant public benefit to the United States. The IE Final Rule's criteria allows an entrepreneur to make such a demonstration by showing that, among other things, the start-up entity in which he or she is an entrepreneur received significant capital investment from U.S. investors with established records of successful investments or obtained significant awards or grants from certain Federal, State, or local government entities.

In addition to defining criteria that could support a favorable exercise of the Secretary's discretionary parole authority, the final rule established a period of initial parole for up to 30 months (which could be extended by up to an additional 30 months) to facilitate the applicant's ability to oversee and grow his or her start-up entity in the United States. The final rule also

provided for employment authorization incident to parole, such that the entrepreneur parolee would be able to engage in employment at his or her start-up entity immediately upon being paroled into the United States. Under the IE Final Rule, the entrepreneur's dependent spouse and children would be able to apply for parole to accompany or follow-to-join the principal entrepreneur. Dependent spouses would also be able to request employment authorization after being paroled into the United States, but not the entrepreneur's dependent children.

On January 25, 2017, the President issued an executive order (E.O.) prescribing improvements to border security and immigration enforcement. *See* E.O. 13767, Border Security and Immigration Enforcement Improvements, 82 FR 8793 (Jan. 25, 2017). Section 11(d) of the order requires the Secretary of Homeland Security to ''take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from such parole.''

On July 11, 2017, DHS published a final rule with request for comments to delay the effective date of the IE Final Rule to March 14, 2018. *See* 82 FR 31887. On December 1, 2017 the U.S. District Court for the District of Columbia vacated the July 11, 2017 rule. *See Nat'l Venture Capital Ass'n* v. *Duke,* No. 17–1912, 2017 WL 5990122 (D.D.C. Dec. 1, 2017). In order to ensure compliance with the court order, on December 14, 2017, DHS began accepting applications for foreign entrepreneurs requesting parole under the IE Final Rule. In December 2017, DHS included a proposed rule to remove the IE Final Rule in the fall 2017 Unified Agenda.[1]

III. Proposed Removal of the IE Parole Program Regulations

After review of the IE parole program regulations in accordance with E.O. Order 13767, DHS believes that the regulations comprising the IE parole program should be removed, and is soliciting public comments on its proposal to do so.[2]

Although DHS continues to support the policy objectives of promoting investment and innovation in the United States, the Department believes that the extraordinary use of the Secretary's discretionary parole authority for this purpose set forth in the IE Final Rule is unwarranted and inadvisable for several reasons. First, this sort of complex and highly-structured program contemplated in the IE Final Rule is best left to the legislative procees rather than an unorthodox use of the Secretary's authority to ''temporarily'' parole, in a categorical way, otherwise inadmissible aliens into the United States for ''significant public benefit.'' INA 212(d)(5)(A), 8 U.S.C. 1182(d)(5)(A). Second, the IE Final Rule constitutes an extraordinary use of the Secretary's parole authority, prescribing specific, detailed eligibility criteria and requiring exceptionally complex adjudications. Third, the IE Final Rule does not provide durable immigration solutions and in turn inadequately promotes the entrepreneur's ability to sustain the required investment and the jobs that depend on them. The Department believes that the Final Rule focused too narrowly on the economic benefits that potential foreign entrepreneurs may bring, without giving sufficient attention to the existing statutory scheme and the absence of a durable immigration status for these individuals, which is not made available through the device of temporary parole. Fourth, while the Department may eventually recover the costs relating to administration of the International Entrepreneur Rule, through fees paid by applicants for parole under the policy, use of the agency's present resources must be prioritized in light of the current Administration's priorities. As such, the Secretary believes that limited agency resources should not continue to be expended on this program, especially given the sort of difficult, complex, resource-intensive adjudications that the IE Final Rule requires, particularly in relation to other parole determinations. Finally, the Secretary is permitted to decide to exercise her discretionary parole authority under section 212(d)(5) more narrowly than her predecessor(s). The Secretary has elected to do so here for the reasons described herein and in the interest of the efficient, effective implementation of the current statutory scheme, which already prescribes conditions under which certain entrepreneurs and investors may obtain lawful immigration status (such as E–2 treaty investor nonimmigrant status), and in certain instances lawful permanent resident status in the United States (through investment of their own capital either under the employment-based fifth preference (EB–5) immigrant classification or through receipt of a National Interest Waiver of the job offer requirement under the employment-based second preference immigrant classification).

A. IE Final Rule

In the IE NPRM, DHS recognized that historically, DHS has exercised its parole authority on an ad hoc basis and with respect to individuals falling within certain classes of aliens identified by regulation or policy. 81 FR at 60134. DHS noted that its statutory parole authority is broad and that Congress did not define ''significant public benefit.'' *Id.* Based on various studies, DHS determined that ''allowing certain qualified entrepreneurs to come to the United States as parolees on a case-by-case basis would produce a significant public benefit through substantial and positive contributions to innovation, economic growth, and job creation.'' *Id.* at 60136. DHS reasoned in the IE proposed rule that establishing a regulation that would guide the process and evaluation of requests for parole being sought by entrepreneurs of start-up entities was important given that such adjudications could be complex. *Id.* at 60131.

B. Justification for Removing the IE Parole Program Regulations

DHS stands by its previous findings that foreign entrepreneurs make substantial and positive contributions to innovation, economic growth, and job creation in the United States. DHS, however, has reevaluated the IE parole program and believes that the governing regulation should be removed as inadvisable, impracticable, and an unwarranted use of limited agency resources. The Department believes that parole, which allows for the ''temporary'' entry of inadmissible aliens into the United States for ''urgent humanitarian reasons or significant public benefit,'' INA 212(d)(5)(A), is not an appropriate legal mechanism to establish and implement a complicated program for entrepreneurs and business startups that requires complex and time-consuming adjudications, both for initial parole and re-parole determinations.

[1] *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201710&RIN=1615-AC04.*

[2] This proposed rule would not remove the unrelated revisions to 8 CFR 274a.2(b)(1)(v)(C)(*2*) promulgated as part of the IE Final Rule which added the Department of State Consular Report of Birth Abroad (Form FS–240) to the regulatory text and to the ''List C'' listing of acceptable documents for Form I–9 verification purposes. *See* 82 FR at 5241 n.3. This regulatory change and accompanying form instructions went into effect on July 17, 2017, as originally provided in the IE Final Rule.

The IE Final Rule's interpretation of significant public benefit, with its myriad and exceptionally detailed eligibility requirements relating to qualifying investments and start-up entities, amounted to an unconventional codification of significant public benefit parole criteria. Multiple commenters responding to the IE proposed rule opposed the rule because it sought to create an administrative program ''for highly trained and talented entrepreneurs'' without providing for durable immigration status or a concrete pathway to such a status, ''when visa and residency pathways already exist'' for such individuals. 82 FR at 5267. Upon further review and consideration of the IE Final Rule, DHS agrees with these commenters. The IE Final Rule focused too narrowly on the potential economic benefits that foreign entrepreneurs may bring, without giving sufficient attention to the existing statutory scheme wherein Congress has already provided pathways for certain entrepreneurs to come to the United States to start and grow their business, or to the absence of a durable immigration status for these individuals, which is not made available through the device of temporary parole.

In addition, agency resources are limited, and their use must be prioritized in light of the current Administration's priorities. As such, the Secretary believes that limited agency resources that are needed for other adjudications programs should not continue to be expended on this program, especially given the sort of difficult, complex, resource-intensive adjudications that the IE Final Rule requires, particularly in relation to other parole determinations, and the uncertain status that entrepreneurs would obtain.

These serious concerns motivate the reconsideration of this policy. The Secretary is permitted to decide to exercise her discretionary parole authority under section 212(d)(5) more narrowly than her predecessor(s). As proposed in this rule, the Secretary intends to apply more narrowly her discretionary parole authority for the reasons described herein and in the interest of the efficient, effective implementation of the current statutory scheme, which already prescribes conditions under which certain entrepreneurs and investors may obtain lawful immigration status, and eventually lawful permanent resident status, in the United States. DHS is therefore proposing to remove the regulations comprising the IE parole program.

1. Parole Is Not the Proper Vehicle for Implementing and Administering an Entrepreneur Immigration Program

DHS does not believe the framework of the rule adequately promotes the Administration's policy goals of attracting and *retaining* the best and brightest individuals from around the world, and encouraging investment and innovation in the United States. The approval of parole is inherently uncertain because it is wholly discretionary, whereas the approval of certain other types of immigration benefits (*e.g.* EB–5 immigrant investor petitions under INA 203(b)(5)) are not discretionary; if all applicable statutory and regulatory eligibility requirements are met, then the agency must approve the petition). Consequently, parole provides neither the entrepreneur nor the qualifying source of capital (whether private or public) with certainty or predictability necessary to ensure that a start-up entity is a success and ultimately provides a significant public benefit to the United States. Even if an entrepreneur satisfies the IE Final Rule's criteria, there is no certainty that the request for parole would be approved by USCIS in the exercise of discretion (*see, e.g.,* final 8 CFR 212.19(d) [3]) and, even if the request were approved, U.S. Customs and Border Protection (CBP) may decline to authorize parole at the port of entry.[4] And unlike employment-based immigrant and nonimmigrant programs, parole does not allow for derivative beneficiaries, such that each spouse or child must demonstrate that his or her entry itself would serve a significant public benefit. Furthermore, individuals who are granted parole based on a finding of significant public benefit—which can be terminated, generally on notice, at any time in the Secretary's discretion based on a determination that public benefit no longer warrants the individual's continued presence—are not considered to have been admitted to the United States, and cannot change to a nonimmigrant status. To acquire nonimmigrant status, the parolee would have to depart the United States and, unless exempt, apply for a visa with the Department of State. *See* INA sections 101(a)(13)(B), 212(d)(5)(A), 248(a); 8 U.S.C. 1101(a)(13)(B), 1182(d)(5)(A), 1258(a); *see also* 8 CFR 212.5(e), 248.1. Moreover, parole does not by itself confer lawful permanent resident status or an avenue to obtain such status. To adjust status to that of a lawful permanent resident, individuals generally must, among other things, be admissible to the United States, have a family-preference or employment-based immigrant visa immediately available to them, and not be subject to the various bars to adjustment of status. *See* INA section 245(a), (c), (k); 8 U.S.C. 1255(a), (c), (k); 8 CFR 245.1.

To the extent indirect paths for parolees to remain for longer periods already exist, those paths are inherently uncertain. Although parole under the IE Final Rule may be granted for up to 30 months, with possible re-parole for an additional 30 months, it is highly uncertain whether paroled entrepreneurs, including those who successfully start or grow a business in the United States, would qualify for an existing employment-based nonimmigrant or immigrant classification after an approved period of parole ends. The entrepreneur, if unable to qualify for an employment-based nonimmigrant or immigrant classification, most likely would be required to depart the United States and possibly move their operations abroad, eliminating possible further benefit to this country, and possibly creating some negative impacts to U.S. investors. Thus, reliance upon parole adds an additional degree of risk and unpredictability for the U.S. investors who may not be able to achieve the anticipated return on their investment, as well as any U.S. workers employed by or seeking employment with the start-up. This same degree of risk and unpredictability would generally not apply to entities started by U.S. entrepreneurs or even foreign entrepreneurs lawfully relying upon existing nonimmigrant or immigrant visa classifications. While DHS under the former Administration considered some of these risks, having re-evaluated the IE Final Rule consistent with President Trump's Executive Order, DHS now believes that they are significant negative factors supporting its decision to propose removing the IE Final Rule.

2. Entrepreneurs Should Consider Using Existing Immigrant and Nonimmigrant Visas or Congress Could Amend an Existing or Establish an Additional Specialized Visa To Facilitate Investment and Innovation

While DHS recognizes that some foreign entrepreneurs may face difficulty establishing eligibility under existing nonimmigrant and immigrant categories, options are still available for some foreign entrepreneurs, and removing the IE Final Rule would be more congruent with the overall statutory scheme.

[3] 82 FR at 5287.

[4] *Id.* at 5243.

Facilitating investment and innovation in the United States is of great importance to our country's ability to lead and remain competitive in the global marketplace. As indicated above, the United States has visa classifications that can be used by certain entrepreneurs or investors coming to the United States, *e.g.,* E–2 treaty investor nonimmigrant classification, EB–5 immigrant classification, INA sections 101(a)(15)(E), 203(b)(5). While these classifications do not encompass the entire population of entrepreneurs addressed in the IE Final Rule, Congress could create a new visa classification to provide legal immigration status to foreign nationals seeking to remain and start businesses in the United States using venture capital or other U.S.-sourced funding.[5] DHS believes this would be a more appropriate means for doing so because Congress is uniquely well-positioned to balance the many competing and complex policy priorities in attracting and retaining foreign entrepreneurs and promoting investment and innovation in the United States, including but not limited to incentivizing innovation and competitiveness of American entrepreneurs, job creation and protection of U.S. workers, United States trade objectives and foreign relations with many nations, and whether U.S. citizens and nationals who seek to pursue entrepreneurial endeavors abroad are treated on par with foreign nationals who seek to seed and promote their start-up entities in the United States. Therefore, in removing the IE Final Rule, DHS is proposing to defer to Congress on whether, and if so how to best create a specific immigration pathway that addresses the unique and varied characteristics of foreign entrepreneurs through the legislative process.

3. Limited Agency Resources & DHS's Current Priorities

In addition to the considerations discussed above, DHS believes that continuing to administer the IE Final Rule is out of sync with DHS' current policy priorities. The President has tasked DHS with improving existing employment-based immigrant and nonimmigrant visa programs to ensure program integrity and protect the interests of U.S. workers. Given that USCIS already has an established process for assessing a variety of individual parole requests, DHS does not believe that it would be appropriate to continue to expend limited agency resources to administer a parallel and complex regulatory parole framework. The assessments required for a parole determination under this program—including, among others, to resolve ''substantial ownership interest'' questions, whether the entity has a ''substantial potential for rapid growth and job creation,'' whether the applicant is ''well-positioned . . . to substantially assist'' with the growth and success of the business, whether the start-up entity has received ''lawfully derived capital,'' whether the entity has received either the requisite investment threshold or qualifying ''significant awards or grants for economic development'' or both, and whether an investor is ''qualified'' under the rule and has an established record of successful investments—would be highly challenging and extremely labor intensive. *See* 82 FR at 5286–89. Continuing to administer this parallel framework requires USCIS to expend significant resources to hire and train additional adjudicators with specific technical expertise, modify intake and case management information technology systems, revise application and fee intake contracts, develop guidance for the adjudicators, and communicate with the public about these changes. While the monetary costs associated with continuing to administer the framework to process these applications might be recovered over time, USCIS will not be able to offset the opportunity costs associated with diverting limited agency resources that are needed to meet the current Administration's priorities (for example, reviewing other existing immigration programs, developing new proposed regulatory changes, and carrying out initiatives to better deter and detect fraud and abuse). As such, DHS believes that removal of the IE Final Rule is appropriate to ensure that the agency's limited resources are used in an efficient and effective manner to implement the existing statutory scheme, and to limit the opportunity cost associated with diverting resources (*e.g.,* personnel, training resources) away from other programs in order to continue to administer this parallel framework.

DHS thus proposes, at least in this context, returning to the use of significant public benefit parole as it existed prior to issuance of the IE Final Rule, leaving to Congress whether to establish an entrepreneur immigration program and, in the meantime, encouraging individuals to pursue immigrant and nonimmigrant opportunities already provided in the immigration laws.

Accordingly, DHS proposes to remove the IE parole regulations. DHS is not removing the unrelated revisions to 8 CFR 274a.2(b)(1)(v)(C)(*2*) promulgated as part of the IE Final Rule which added the Department of State Consular Report of Birth Abroad (Form FS–240) to the regulatory text and to the ''List C'' listing of acceptable documents for Form I–9 verification purposes. *See* 82 FR at 5241 n.3. This regulatory change and accompanying form instructions went into effect on July 17, 2017, as originally provided in the IE Final Rule.

C. Transition From the IE Parole Program Regulations

In proposing to end the IE parole program and remove the related regulations, DHS is actively considering the transition away from the program. To date, USCIS has received 13 IE parole applications. DHS has not yet granted parole under this program. Under the IE final rule, DHS has discretion to, on a case-by-case basis, approve periods of parole for up to 30 months, including shorter durations. In addition, DHS is considering a number of options for transitioning away from the IE parole program and is specifically soliciting public comments on these options. The options discussed below assume that the final rule removing the IE parole program regulations would go into effect 30 days after publication. The following discussion is organized into groupings by the stage of the parole process an individual may be in on the effective date of the rule finalizing the removal of IE parole program regulations.

1. Individuals Paroled Into the United States as International Entrepreneurs

a. *Automatic termination of IE parole on the effective date of the final rule.* DHS believes that terminating IE parole and associated employment authorization on the effective date of the final rule removing the IE parole program regulations is most in line with its proposed policy objectives and reasons for terminating the IE parole program. *See* E.O. 13767, Border Security and Immigration Enforcement Improvements, 82 FR 8793 (Jan. 25, 2017). Therefore, this is DHS's preferred option for this rulemaking. DHS would amend its regulations to include a provision under which on the effective date of the final rule, parole granted under the IE final rule to both individual entrepreneurs, as well as any spouses and children of such entrepreneurs, would end. In addition, the employment authorization for

[5] *See, e.g.,* StartUp Visa Act of 2011, S. 565, 112th Cong., *available at https://www.congress.gov/bill/112th-congress/senate-bill/565/text.*

entrepreneurs and their spouses would be automatically terminated, even if the employment authorization documents for entrepreneur spouses have expiration dates after the effective date of the final rule. Depending on circumstances of the individual whose parole is terminated, including his or her age, the individual may also begin to accrue unlawful presence when IE parole is terminated.

b. *Termination of parole on notice.* Under this option, DHS would amend its regulations governing termination of parole at 8 CFR 212.19(k) to authorize the termination of all parole granted under the IE final rule after notice and an opportunity for the entrepreneur and any spouse and child of such entrepreneur to demonstrate that parole would otherwise be warranted under the existing non-IE final rule parole framework. The issuance of a notice of intent to terminate would create a presumption of termination that the entrepreneur could overcome by demonstrating that he or she has urgent humanitarian reasons or continues to provide a significant public benefit under 8 CFR 212.5 and merits a favorable exercise of discretion. Depending on the evidence provided, DHS could terminate or amend the period of parole as necessary to align the appropriate timeframe to accomplish the purpose of the parole. Under this option, if DHS determines that parole is warranted under 8 CFR 212.5, the individual would be able to remain in the United States as a parolee as evidenced by Form I–94. However, such Form I–94 would no longer be considered concurrent evidence of employment authorization incident to parole for the entrepreneur. While parolees granted parole under 8 CFR 212.5 may receive employment authorization, under current regulations, they do not receive employment authorization incident to parole and, therefore, cannot use their Form I–94 as evidence of employment authorization. Instead, such parolees must file an Application for Employment Authorization (Form I–765) with the required fee with USCIS on the basis of 8 CFR 274.12(c)(11). If granted, employment authorization would be evidenced on Form I–766 (Employment Authorization Document, EAD), rather than Form I–94. Similarly, the EAD of a spouse of an entrepreneur parolee that is based on 8 CFR 274a.12(c)(34) would no longer be evidence of his or her employment authorization. The spouse of the entrepreneur would have to apply for work authorization under 8 CFR 274a.12(c)(11). Given that DHS is proposing to end IE regulation-based parole, DHS does not believe that the regulations should be amended to make an exception for the small group of parolees who may be affected by this rulemaking by providing for continued employment authorization incident to parole for the entrepreneurs or allowing the spouses to continue work on a facially invalid EAD. However, DHS welcomes public comment on this issue. To minimize a potential gap in employment authorization under this option, DHS is considering permitting individuals to submit Forms I–765 with their response to a Notice of Intent to Terminate.

For those cases where DHS decides that termination of parole is warranted, the individual's employment authorization would be terminated on the date of the final notice of termination. There would be no opportunity to appeal a parole termination decision.

c. *Reopening of IE parole determination.* Under this option, DHS would reopen all of the IE parole adjudications on its own motion, without fee to the applicant, consistent with 8 CFR 103.5(a)(5), and provide the entrepreneur and any spouse or child of the entrepreneur with the opportunity to present evidence that he or she is eligible for parole under the existing non-IE final rule parole framework, rather than IE parole program regulations. DHS would consider eligibility for parole de novo under 8 CFR 212.5, including evidence already in the record and any new evidence the entrepreneur may provide. If DHS determines that the individual warrants a favorable exercise of discretion, DHS would issue a final decision. However, to receive employment authorization, the individual would need to make a request by filing an Application for Employment Authorization (Form I–765) with USCIS on the basis of 8 CFR 274a.12(c)(11). As discussed under the previous option involving Notices of Intent to Terminate, if DHS were to grant parole under 8 CFR 212.5, such parole would not include the benefit of employment authorization incident to parole. Therefore, employment authorization would have to be separately requested (with the required fee), granted, and evidenced through issuance of Form I–766 (Employment Authorization Document, EAD). Under this option, DHS could change the original validity period of parole in line with its case-by-case determination and underlying purpose of the parole.

d. *Expiration of initial period of parole.* Under this option, DHS would allow the parole approved under the IE parole program regulations to naturally expire, along with any associated employment authorization, unless otherwise terminated on other grounds. In this scenario, DHS would provide a later effective date for the removal of the § 212.19(k) termination provisions in order to retain the specific termination grounds for any individuals who remain paroled under the IE parole program. This approach would apply to the entrepreneur and any dependent spouse or child of the entrepreneur.

2. Individuals With USCIS-Approved IE Parole Applications Who Have Not Yet Been Paroled Into the United States

a. *Automatic Termination.* DHS believes that automatically terminating the approval of all I–941 parole applications is most in line with its proposed policy objectives and purpose for removing the IE parole program regulations and, therefore, is DHS's preferred option. DHS would amend its regulations at 8 CFR 212.19 to authorize, notwithstanding 8 CFR 212.5(e), automatic termination of approvals of Forms I–941 approved under the IE final rule. Such termination of the approval would prevent the individual from seeking parole pursuant to the approved Form I–941 at the port of entry or from obtaining automatic employment authorization (entrepreneurs) or applying for employment authorization on the basis of parole (spouses of entrepreneurs) *unless* the individual separately applies for and is granted parole under the existing non-IE final rule parole framework. If an individual is paroled into the United States, he or she would need to apply for employment authorization pursuant to 8 CFR 274a.12(c)(11).

b. *Termination of advance parole document on notice.* Under this option, DHS would amend its regulations governing termination of parole to authorize terminating USCIS-approved IE advance parole documents after notice and opportunity to respond is provided to the entrepreneur and any spouse and child of such entrepreneur—including demonstrating that parole would otherwise be warranted under the existing non-IE final rule parole framework. The issuance of a notice of intent to terminate would create a presumption of termination that the entrepreneur could overcome by demonstrating that he or she has urgent humanitarian reasons or continues to provide a significant public benefit under 8 CFR 212.5 and merits a favorable exercise of discretion. Depending on the evidence provided, DHS could terminate or amend the

period of parole as necessary to align the appropriate timeframe to accomplish the purpose of the parole. If the advance parole document remains approved, individuals could then seek to be paroled into the United States at a port of entry. Under this option, employment authorization for an entrepreneur would not be automatic for the entrepreneur; rather, each individual parolee would need to separately apply for employment authorization, with the required fee, pursuant to 8 CFR 274a.12(c)(11) to the extent consistent with the purpose of parole.

c. *Re-opening of IE parole determination.* Under this option, DHS would reopen all approved I–941 parole applications on its own motion, without fee to the applicant, consistent with 8 CFR 103.5(a)(5) and provide the entrepreneur and any spouse or child of the entrepreneur with the opportunity to present evidence that would allow DHS to reconsider the grant of parole under the existing non-IE final rule parole framework, rather than the IE parole program regulations. DHS would consider eligibility for parole de novo under 8 CFR 212.5, including evidence already in the record and any new evidence the entrepreneur may provide. If DHS determines that the individual warrants a favorable exercise of discretion, DHS would issue a final decision and the individual could then seek to be paroled into the United States. Under this option, and to the extent applicable, each parolee would need to apply for employment authorization, with the required fee, pursuant to 8 CFR 274a.12(c)(11) to the extent consistent with the purpose of parole.

3. Individuals Whose Parole Applications Are Pending With USCIS on the Effective Date of the Final Rule

a. *Rejection of pending parole applications.* Under this option, DHS would amend its regulations to allow for the rejecting of all pending I–941 applications for IE parole, and the return or refund of associated fees. This approach would be most consistent with DHS's proposed policy objectives and purpose for withdrawing the IE parole program regulations and, therefore, is DHS's preferred option.

b. *Withdrawal of pending applications for parole or conversion to adjudication under the existing non-IE final rule parole framework.* Under this option, DHS would amend its regulations to allow applicants to request to withdraw pending parole applications and request refund of all application fees or would issue a request for evidence (RFE) to allow applicants to demonstrate that they warrant the favorable exercise of discretion under the existing non-IE final rule parole framework. DHS is considering providing a period of 60 days after the effective date of the rule during which individuals may request withdrawal and full refund of application fees. If during that period an application is not withdrawn, DHS would proceed to adjudicate the application by issuing an RFE. Where the applicant does not respond to the RFE or is not able to demonstrate that he or she merits the favorable exercise of discretion under the existing non-IE final rule parole framework, DHS would deny the application and retain the application fee. Note that for those applicants whose applications are granted, and who are later paroled into the United States, the basis for their parole would be under 8 CFR 212.5 rather than 8 CFR 212.19. Therefore, employment would not be authorized incident to parole, and evidence of parole on Form I–94 could not also serve as evidence of employment authorization. Instead, those parolees seeking employment authorization in the United States would need to file an Application for Employment Authorization, with the required fee, with USCIS under 8 CFR 274a.12(c)(11). Because spouses and children of the entrepreneur would be applying for parole separately under the 8 CFR 212.5 criteria, spouses and children (otherwise eligible to work based on their age) could also submit Applications for Employment Authorization under 8 CFR 274a.12(c)(11).

c. *Adjudication of pending parole applications under the IE final rule criteria.* Under this option, DHS would continue to adjudicate all pending applications that were received prior to the effective date of the rescission under the IE final rule criteria at 8 CFR 212.19 until all such applications are either approved or denied. Where an application is approved, the individual could seek to be paroled into the United States at a port of entry. Entrepreneurs approved under the IE final rule would also benefit from employment authorization incident to their parole and their spouses whose parole is approved could apply for employment authorization in line with IE final rule requirements. Under this option, children of entrepreneurs would continue to be ineligible for employment authorization as specified in the IE final rule. In addition, DHS would retain the discretion to approve parole for an initial period of up to 30 months, which may be less than 30 months. In this scenario, DHS would provide a later effective date for the removal of the § 212.19(k) termination provisions in order to retain the specific termination grounds for any individuals who remain paroled under the IE parole program. DHS is also considering a variation on this proposal, in which it would amend its regulations to truncate the initial period of parole to a shorter duration, *e.g.,* 12 months for all pending requests that are approved.

4. Individuals Seeking Re-Parole After the Effective Date of the Final Rule Removing IE Parole Program Regulations

Upon the termination of the IE parole program, individuals would not be able to seek re-parole under 8 CFR 212.19.

DHS is soliciting public comments on all of the options proposed for transitioning away from the IE parole program.

IV. Statutory and Regulatory Reviews

A. Administrative Procedure Act

DHS is publishing this proposed rule to remove the IE parole program regulations with a 30-day comment period in the **Federal Register** in accordance with the Administrative Procedure Act, 5 U.S.C. 553. DHS separately published a final rule on July 11, 2017, with a request for comments to extend the effective date of the IE Final Rule to March 14, 2018. On December 1, 2017, the U.S. District Court for the District of Columbia vacated that rule. *See Nat'l Venture Capital Ass'n* v. *Duke,* No. 17–1912, 2017 WL 5990122 (D.D.C. Dec. 1, 2017).

B. Executive Order 12866 (Regulatory Planning and Review) and 13563 (Improving Regulation and Regulatory Review)

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

As was described fully in Part IV, Statutory and Regulatory Requirements of the IE Final Rule,[6] the costs of that rule consisted of the filing costs of principal applicants applying for parole and from the associated filing costs of dependents of principal applicants. Therefore, this proposal to remove the IE parole program regulations would result in a loss of these filing costs for those entrepreneurs and their dependents who apply for parole that would later be terminated. DHS stands by its previous findings that foreign entrepreneurs have made substantial and positive contributions to innovation, economic growth, and job creation in the United States, and that therefore the removal of the rule could cause potential loss of some of these economic benefits. However, for reasons explained previously, DHS is proposing to remove the IE parole program regulations after determining that the program is not a good use of DHS resources. While the monetary costs associated with developing and implementing the framework to process and adjudicate the applications might be recovered by the fees USCIS charges for applications, USCIS would not be able to offset the opportunity costs associated with diverting limited agency resources that are needed to meet other current priorities.

In the IE Final Rule, DHS cited studies that provided general support for the positive effects of entrepreneurs, but did not attempt to estimate the total number of new jobs that might be produced or quantify any new economic activity that might take place. Here, DHS has not attempted to estimate the total number of jobs that might not be produced or to quantify any new economic activity that might not take place with the removal of this rule. This discussion regarding the net impact on economic activity, for which we specifically request comment, also depends critically on the extent to which entrepreneurs would avail themselves of other immigraton programs. The costs of this rule would also depend on the costs of the other programs to which entrepreneurs might avail themselves. However, DHS is not able to predict which other programs these entrepreneurs would be eligible for since it would be specific to the circumstances of the entrepreneur. Therefore, these costs are not quantified in this proposed rule and DHS requests any data or comments on such costs. DHS had previously estimated that 2,940 foreign nationals annually could be eligible to apply for parole under the IE Final Rule, but also stated ''DHS has no way of predicting with certainty the actual number of foreign nationals who will seek parole under [the IE rule] rule over time.'' 82 FR 5277. This remains true as of the publication of this proposal.

The filing costs associated with the IE Final Rule involved the application fees as well as the opportunity costs of time associated with filing. Each principal applicant faces a filing cost of $1,200 for the Application for Entrepreneur Parole (Form I–941), and additional costs of $405.32, which covered the costs of submitting biometric information and the time related opportunity costs of filing for parole. This additional monetized cost breakdown includes an $85 per applicant biometrics filing fee and $28.75 in costs incurred for travel to an application support center (ASC) to submit the information.[7] The total time burden of filing, biometrics submission, and associated travel is estimated to be 8.37 hours. In order to anticipate the full opportunity cost of time to petitioners, DHS multiplied the average hourly U.S. wage rate by 1.46 to account for the full cost of employee benefits such as paid leave, insurance, and retirement,[8] for a total of $34.84.[9] Multiplying this benefits-burdened average hourly wage of $34.84 by 8.37 hours yields $291.57 in time-related opportunity costs. Adding this $291.57 opportunity costs, the $85 biometrics fee and the $28.75 travel cost yields $405.32. The total cost per principal applicant for entrepreneur parole was expected to be $1,605.32.[10] If DHS receives as many as 2,940 applications from persons eligible to apply, such applications would result in annual costs of $4,719,641.[11]

In addition, the spouse of each principal is able to file for employment authorization under the IE Final Rule via an Application for Employment Authorization (Form I–765) with a filing fee of $410. DHS estimates that the Form I–765 would take 3.42 hours to complete, generating time related opportunity costs of $36.20. The total costs per applicant would be $446.20, which for 2,940 spousal applicants would result in total costs of $1,311,830.[12]

In addition, DHS projected approximately 3,234 dependents could file an Application for Travel Document (Form I–131) and be required to submit biometrics. The fee for the Form I–131 is $575 and each applicant would face additional costs of $190.28, yielding a total cost per I–131 applicant of $765.28, which for the estimated 3,234 applicants would amount to $2,474,914.[13]

This proposed rule would remove the IE parole program regulations and therefore, the filing costs described above would be sunk costs for those entrepreneurs who have applied for parole since the effective date, but would no longer maintain parole once this rule is finalized. Additionally, DHS assumes that there will be familiarization costs associated with this rule. DHS assumes that each entreprenuer who has applied or been approved for parole would need to review the rule. Similarly, DHS assumes that the start-up entity and its investors also would need to review the rule. Based on the 2,940 IEs referenced as a maximum number of entrepreneurs who may apply, DHS assumes a total of at least 2,940 entrepreneurs would likely need to review the rule. It is also likely that some investors, venture capitalists,

[6] *See* 82 FR at 5238.

[7] The cost of such travel will equal $28.75 per trip, based on the 50-mile roundtrip distance to an ASC and the General Services Administration's (GSA) travel rate of $0.575 per mile. Calculation: 50 miles multiplied by $0.575 per mile equals $28.75. See 79 FR 78437 (Dec. 30, 2014) for GSA mileage rate.

[8] The benefits-to-wage multiplier is calculated as follows: (Total Employee Compensation per hour)/(Wages and Salaries per hour). See Economic News Release, U.S. Dep't of Labor, Bureau of Labor Statistics, Table 1. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group (June 2017), *available at https://www.bls.gov/news.release/archives/ecec_09082017.pdf.*

[9] Calculation: $23.86 (average hourly wage across all occupations) * 1.46 (benefits multiplier) = $34.84.

Opportunity costs reported for principal applicants are based on the 2016 average wage rate for all occupations, which were released by the Bureau of Labor Statistics (BLS) in the Occupational Employment Statistics (OES) survey data publicly on March 31, 2017. These figures were updated from the costs in the IE final rule notice that relied on earlier wage rates and are thus slightly higher than the previous cost estimates. The wage data are found at: *https://www.bls.gov/oes/2016/may/oes_nat.htm.*

[10] Calculation: $1,200 (filing fee) + $405.32 = $1,605.32.

[11] Calculation: 2,940 (projected principals) + $1,605.32 (total cost per application) = $4,719,640.80. The total annual cost of $4,719,641 is rounded from the actual $4,719,640.80.

[12] DHS made the assumption that spouses would not be in the U.S. labor force and as a result, are not represented in national average wage calculations. DHS recognized even if the spouses were not in the labor force, they had an opportunity cost of time above zero. In order to provide a reasonable proxy of time valuation for spouses, DHS calculated the opportunity costs based on the benefits adjusted minimum wage of $10.59. The total costs are rounded from $1,311,830.06.

[13] The additional $190 cost is based on the biometrics cost of $85, the expected costs of travel to an ASC of $28.75, and time related filing costs of 7.23 hours. Multiplying this time burden by the benefits-burdened minimum wage ($10.59) yields an opportunity cost of $76.53, which, when added to the other charges yields $190.28. The final cost figure is rounded from $2,474,914.06.

angel investors, and others who may be involved in the startup would also review the rule. DHS does not have data on the number of startups or investors who would need to review this rule at this time, and hence, will use 2,940 as a reasonable estimate. DHS assumes that it would take about 2 hours to review and inform any additional parties of the changes in this proposed rule. As mentioned previously, the weighted 2016 mean hourly wage across all occupations is $34.84. Therefore, the total cost of familiarization would be $204,859 based on the maximum number of potential IEs.[14]

1. Individuals Paroled Into the United States as International Entrepreneurs—Alternatives

a. Automatic Termination

In addition to the filing costs and familiarization of the final rule withdrawing the International Entrepreneur parole program, those entrepreneurs and their dependents who have approved parole and would have already traveled to the United States could incur some additional costs by leaving the United States earlier than expected. Such costs could be associated with the early notice of termination of housing or vehicle leases or with removing dependent children from school among other costs. Additionally, these entrepreneurs would have expended money, time, and/or other resources in their start-up entity. Under the original IE final rule, entrepreneurs have to show ownership in the start-up at the time they apply for IE parole. Even if the IE has to leave the country, they can still remain owners and work for the start-up from outside of the country. The rescission of the IE parole program means that they cannot work for the start-up from within the United States on this basis. It is possible that when the IE leaves, the start-up could lose additional funding from both current and future investors, but it is also possible that current and future investors could be undeterred by the IE's departure and could continue to fund the start-up entity's continued operations and growth. DHS is not able to predict the behavior of these entrepreneurs or their investors at this time. Additionally, DHS notes that it is also possible that the start-up entity may have one or more co-founders/owners, and those co-founders/owners could be U.S. citizens or otherwise authorized to work in the United States. As such, the IE's temporary or permanent departure from the country would not automatically mean that the start-up would dissolve. Though there is a possibility that the start-up entity could move outside of the United States with the entrepreneur as a result of this rule as well. DHS welcomes any public comments on the costs associated with the automatic termination option.

DHS also recognizes that it may be possible that once this rule is final and becomes effective that some spouses already paroled into the United States would be involuntarily separated from their employers. These employers would then face labor turnover costs as a result. While DHS estimates a total of 2,940 spouses of entrepreneurs who may be eligible to apply for parole, DHS cannot predict how many of these spouses and entrepreneurs will apply before this proposed rule would become finalized or how many entrepreneurs and spouses would qualify under other parole provisions and remain in the country. Therefore, DHS does not estimate the number of spouses who may involuntarily be separated or the number of companies that might incur labor turnover costs.

However, DHS can estimate the cost of labor turnover per spouse to employers. DHS has reviewed recent research and literature concerning turnover costs. While there is not an abundance of recently published peer-reviewed research to draw on, there are several dozen studies available which are cited repeatedly across various reports. These studies focus on specific locations and occupations, and measure turnover costs in different ways. A 2012 report published by the Center for American Progress surveyed several dozen studies that considered both direct and indirect costs and determined that turnover costs per employee ranged from 10 to 30 percent of the salary for most salaried workers, and, on average, an employer paid an average of about 20 percent of the worker's salary in total labor turnover costs.[15] Consistent with wages used for filing costs, if we assume the spouse is making the weighted minimum wage of $10.59 and assume typical annual work hours of 2,080, the annual salary would be $22,027 for a spouse. If DHS uses 20 percent of the spouse's salary to estimate labor related turnover costs, each employer that hired a spouse would incur a labor related turnover cost of $4,405 per worker.[16]

b. Termination on Notice

Entrepreneurs who have been approved for parole and have already traveled to the United States may be considered under the non-IE final rule parole framework. These entrepreneurs would be sent a notice of intent to terminate by USCIS. During this time, entrepreneurs may present information to be considered under the non-IE related parole framework. IEs would incur some additional time burden in gathering and submitting information to show they remain eligible for parole. However, DHS anticipates this time burden to be minimal. There may be some additional costs to the government in reconsidering these applications. However, those costs are anticipated to be minimal and covered by the original filing fees. USCIS would incur some costs associated with the creating and mailing of these notices, though DHS also anticipates these costs to be minimal. DHS would not require the IE or dependents to file an additional parole application and therefore, no fees would be charged. Under this option, however, if IEs are approved under the non-IE related parole framework, the IE and their dependents would be required to submit a Form I–765 with the notice of intent to terminate to minimize gaps in employment authorization. Form I–765 includes a filing fee of $410 and a total time burden of 3.42 hours to complete and file the application. Using the weighted mean hourly wage previously established of $34.84, the total cost for entrepreneurs to file Form I–765 is $529 per application.[17] As previously discussed, the total cost for dependents to file Form I–765 is $446 per application.[18] DHS does not have an estimate of the numbers of entrepreneurs or dependents that may qualify to apply for employment authorization under another non-IE related parole.

c. USCIS Motion To Reopen/Reconsider

Under the option to reopen all IE parole adjudications for those IE with approved parole and already in the United States, DHS anticipates minimal costs to IE associated with the burden of providing evidence for parole under the

[14] Weighted mean hourly wage ($34.84) * hours to review rule (2) * maximum number of entrepreneurs (2,940) = $204,859 total familiarization costs.

[15] *See* ''There Are Significant Business Costs to Replacing Employees,'' By Heather Boushey and Sarah Jane Glynn (2012), Center for American Progress, at: *https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/.*

[16] Calculation: Weighted minimum wage annual salary ($22,027) * 20 percent = $4,405.44.

[17] Calculation: Filing fee ($410) + (time burden 3.42 hours * weighted average hourly wage $34.84) = $529 (rounded).

[18] DHS refers to dependents to include the spouses and those children of entrepreneurs who may be eligible to apply for employment authorization.

existing non-IE final rule parole framework, rather than IE parole program regulations. DHS does not plan to charge any filing fees for reopening adjudication in these cases because they will be reopened on USCIS's own motion. DHS believes the benefits of being considered under the non-IE final rule parole framework outweighs the minimal burdens added by presenting additional evidence. As with the notice of intent to terminate option, entrepreneurs and dependents would be required to submit a Form I–765 for employment authorization if approved for non-IE related parole. Entrepreneurs and dependents would incur costs of $529 and $446 per application, respectively. Again, DHS is not able to estimate the number of applicants who might be eligible for non-IE related parole.

d. Expiration of Initial Period of Parole

Finally, the option to allow parole approved under the IE parole program regulations to naturally expire, along with any associated employment authorization, unless otherwise terminated on other grounds would require no additional costs on behalf of the applicant or the government.

2. Individuals With USCIS-Approved IE Parole Applications Who Have Not Yet Traveled to the United States

a. Automatic Termination

For those indviduals who have an approved IE parole application, but have not yet traveled to the United States, automatic termination for these individuals would result in the loss of the costs associated with filing Form I–941 totaling $1,605 per principal application. If the entrepreneur's dependents filed for Form I–131, additional losses of $765 per application would be incurred for parole that could never be realized. If these applications are automatically terminated, these individuals would lose any costs if they attempt to seek parole pursuant to the IE parole program at a port of entry after the effectiveness of this termination. DHS cannot predict how many IEs may fall into this group at this time, but welcomes comments from the public.

b. Termination on Notice

For the option of termination of the advance parole document on notice, those IEs who would receive notice and the opportunity to respond would incur some costs in terms of burden associated with providing evidence to demonstrate that parole would otherwise be warranted under the existing non-IE final rule parole framework for the entrepreneur and any dependents of such entrepreneur. Depending on the evidence provided, DHS may terminate or amend the validity period of the advance parole as necessary to align the appropriate timeframe to accomplish the purpose of the parole. If the advance parole document remains approved, individuals could then seek, during the validity of the advance parole document, to be paroled into the United States at a port of entry. Under this option, employment authorization for an entrepreneur would not be automatic; rather, each individual parolee would need to separately apply for employment authorization pursuant to 8 CFR 274a.12(c)(11) to the extent consistent with the purpose of parole. DHS does not know how many entrepreneurs would fall into this category, however, requests comments from the public on any such data or estimate. As previously established, the costs for entrepreneurs and dependents to submit Form I–765 would be $529 and $446 per application, respectively.

c. USCIS Motion To Reopen/Reconsider

For the option of re-opening IE parole determinations, DHS would reopen all approved Form I–941 parole applications without any additional fees to the applicant. These applicants would lose some of their initial $1,605 application costs associated with the original Form I–941. Some of this loss would be offset by not being required to reapply under the non-IE final rule parole framework which would have costs associated with Form I–131. Addtionally, there may be some time burden to the entrepreneur and dependents of the entrepreneur associated with the opportunity to present evidence that would allow DHS to reconsider the grant of parole under the the non-IE final rule parole framework, rather than the IE parole program regulations. There may be some additional costs to the government in reconsidering these applications. However, those costs are anticipated to be minimal and covered by the original filing fees. Similar to the option to terminate the advance parole document on notice, this option would require each parolee to apply for employment authorization if approved for non-IE final rule parole. DHS does not have information to determine how many individuals might fall into this option and therefore cannot estimate the numbers of IEs. However, the costs for entrepreneurs and dependents to submit Form I–765 would be $529 and $446 per application, respectively. DHS welcomes any public comment on any data or costs not considered under this option.

Finally if an IE is denied under the non-IE final rule parole framework, an entrepreneur whose original application was successfully adjudicated would have spent additional time providing evidence to be considered eligible under the non-IE final rule parole framework. This additional time would vary amongst applicants so DHS does not estimate the time or opportunity costs. Additionally and as discussed earlier, entrepreneurs have to show ownership in the start-up at the time they apply for IE parole. Therefore, even if the IE does not come into the country, they can still remain owners and work for the start-up from outside of the country. It is possible that the start-up could lose additional funding if investors follow the entrepreneur elsewhere or decide not to continue to invest in the start-up entity because of the proposed rescission of parole, however DHS cannot predict the behavior of a start-up entity's current or future investors. DHS welcomes any public comments on the costs associated with entrepreneurs who have approved IE parole applications, but have not yet traveled to the United States.

3. Individuals Whose Parole Applications Are Pending With USCIS on the Effective Date of the Final Rule

a. Reject/Refund

For individuals with pending parole applications on the effective data of the final rule, under the first option DHS would reject all pending Form I–941 applications for IE parole and return or refund associated fees. These IEs would incur only opportunity costs of time to file applications which would include $405 per application for Form I–941 per entrepreneur, $36 per application for Form I–765 per dependent, or $190 per application for Form I–131 per dependent. The filing fees for each application would be returned or refunded. There may be some administrative costs associated with the issuance of refunds to USCIS. USCIS does not have cost estimates indicating the number of hours required to process and issue these refunds. DHS welcomes any public comments on the impacts of this option.

b. Withdraw or Convert Adjudication to Non-IE Parole

Under the second option to withdraw pending applications for parole and request a refund for fees, the IE would again incur only costs related to the opportunity costs of time for completing Form I–941, Form I–765, or Form I–131.

For those IE who choose to convert their adjudication to existing non-IE parole, they may incur some additional costs associated with providing evidence to demonstrate that they warrant the favorable exercise of discretion under existing non-IE final rule parole frameworks. Applicants that do not respond to RFEs or are not able to favorably demonstrate that they merit approval under the existing non-IE final rule parole framework, would lose the application filing fees in addition to the opportunity costs of time to complete the application (Form I–941—$1,605, Form I–765—$446, or Form I–131—$765). USCIS would keep Form I–941 fees for applicants that respond to RFEs and are approved for non-IE related parole. Therefore, the costs for the original applications would be incurred as described above. Additionally, applicants would need to apply for employment authorization upon arrival to the United States. Applicants would incur an additional $529 per entrepreneur and $466 per dependent to file a Form I–765 upon arrival.

c. Continue Adjudications Under IE Parole Criteria

The third option is to adjudicate all pending applications received prior to the effective date of the rescission of the IE final rule criteria until all applications are approved or denied. For approved applications, DHS would provide a later effective date for rescission of the final rule and DHS is considering various timeframes for length of parole. This option does not impose any additional costs to applicants other than the original filing costs.

4. Individuals Seeking Re-Parole After the Effective Date of the Final Rule Removing IE Parole Program Regulations

There would be no additional costs for individuals who would no longer be able to seek re-parole after the effective date of this proposed IE parole program rescission. The IE parole program was originally limited to up to 30 months with a possible extension of an additional 30 months. By no longer allowing re-parole, DHS would shorten this timeframe.

Finally, DHS does not know whether some of the startup entities of these entrepreneurs could be considered small entities and could indirectly be impacted by this proposed rule or if some employers who hire the dependents of these entrepreneurs could be small entites and impacted by this proposed rule. Therefore, DHS has prepared an initial regulatory flexibility analysis (IRFA) under the Regaultory Flexibility Act (RFA) requesting more information on these impacts.

C. Regulatory Flexibility Act

This proposed rule would amend DHS regulations to remove the IE parole program promulgated through the IE Final Rule, 82 FR 5238. In accordance with the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(6), DHS examined the impact of this rule on small entities. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act, 15 U.S.C. 632), a small not-for-profit organization, or a small governmental jurisdiction (locality with fewer than 50,000 people).

In the IE Final Rule, DHS certified that the rule would not impose a significant impact on a substantial number of small entities. This certification was based on grounds that individual entrepreneurs are not considered small entities under the purview of the RFA. In addition, participation is strictly voluntary for the estimated population of 2,940 annual principal applicants. The IE Final Rule did not require any individuals or businesses, including those created by foreign nationals, to seek parole—either generally or as a specific condition for establishing or operating a business in the United States. While there are numerous costs associated with starting a new business, these various costs would be driven by the business activity that each applicant chooses to endeavor in and not by the rule itself.

Based on public comment feedback to the 2016 proposed rule (81 FR 60130), DHS considered the possibility that a business entity associated with the applicant entrepreneur could pay the parole application fees for these entrepreneurs. However, as DHS explained in the IE Final Rule and reiterates here, while this rule proposes to eliminate the entrepreneur-specific criteria and parole process established by the IE Final Rule, it does not eliminate an *individual's* ability to apply for parole using the standard Form I–131 process. DHS continues to stand by the determinations made in the final rule.

While DHS does not believe that there would be a direct impact to entrepreneurs who are individuals and therefore would not be considered as small entities under the RFA, DHS recognizes that there may be some indirect impacts imposed on small entities that are tied to these entrepreneurs. The RFA does not require indirect impacts to small entities to be considered, nevertheless, DHS has prepared an initial regulatory flexibility analysis (IRFA) and invites public comment on potential impacts of this proposed removal to small entities.

Initial Regulatory Flexibility Analysis

DHS proposes to remove the IE parole program regulations. As was discussed in the IE Final Rule and in the above sections of this notice, entreprenuers or individuals would be directly impacted by this proposed rule, however, individuals are not small entities and therefore, are not considered for RFA purposes. DHS recognizes that there could be some indirect impacts that this proposed rule may have on small entities that are tied to these entrepreneurs. While DHS does not have to consider indirect impacts for RFA purposes, DHS is including this analysis to determine if the proposed removal would indirectly impact small entities. Additionaly, DHS recognizes that some of the options presented could also impact the entities that hire the spouse of entrepreneurs and welcomes public comment on potential impacts of the proposed changes on small entities.

a. A description of the reasons why the action by the agency is being considered.

DHS is proposing to remove the IE parole program regulations because the policy it promulgated is not the appropriate vehicle for attracting and retaining international entrepreneurs and does not adequately protect U.S. investors and U.S. workers. Part III, Section B of the preamble of this proposed rule more fully describes the reasons for why action is being taken by the agency.

b. A succinct statement of the objectives of, and legal basis for, the proposed rule.

DHS objectives and legal authority for this proposed rule are discussed in the preamble of this proposed rule.

c. A description and, where feasible, an estimate of the number of small entities to which the proposed changes would apply.

In the Executive Orders 12866 and 13563 sections of this proposed rule and the IE Final Rule, DHS estimated that about 2,940 principal applicants, or entrepreneurs, could be eligible to apply each year. Again, this proposed rule directly impacts individual entrepreneurs, which are not required to be analyzed under the RFA. However, DHS recognizes that some small entities that are tied to the entrepreneur may be indirectly impacted by this proposed rule and therefore provides this

discussion. Currently, DHS is not able to estimate how many entities may be associated with or started by this group of potential applicants. However, DHS assumes that since these entrepreneurs are involved in startups and startups generally tend to be small, most of the entities tied to these entreprenuers could be considered small. Additionally, DHS could assume that these small entities tied to these entrepreneurs could face costs in terms of lost application fees, jobs that might not be produced, or other economic activity that might not take place. However, DHS does not currently have conclusive information to determine how many of these entities would be small entities and what the impact might be.

Additionally, DHS recognizes that the options proposed in the preamble may impact some entities that hire the spouses of entrepreneurs, which could be small entities. However, DHS does not have enough information at this time to estimate the number of small entities that may employ the spouses of these entrepreneurs. DHS welcomes public comments or data on the number of small entities that might be impacted by this proposed rule and what the impact might be to those small entities.

d. A description of the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills.

The proposed rule does not directly impose any new or additional ''reporting'' or ''recordkeeping'' requirements on filers. The proposed rule does not require any new professional skills for reporting.

e. An identification of all relevant Federal rules, to the extent practical, that may duplicate, overlap, or conflict with the proposed rule.

DHS is unaware of any duplicative, overlapping, or conflicting Federal rules, but invites any comment and information regarding any such rules.

f. Description of any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes and that minimize any significant economic impact of the proposed rule on small entities.

The IE Final Rule requires that applicants attain significant investor capital from qualified U.S. investors. A component of this requirement involves a minmum investment threshold of $250,000. DHS considered several alternatives for this amount, based on public input, in which commenters proposed levels for this minimum ranging from about $100,000 to $1 million. The minimum investment is not itself a size standard to determine whether entities are small. Furthermore, since the rule will involve startups, most would be small by definition, which is a feature of the business startup environment and not specifically the rule itself. Hence, the raising or lowering the minimum from the level established in the IE Final Rule would affect the number of potential applicants that would be eligible at a specific point in time, but DHS does not believe the alternatives would generate a considerable impact to small entities. First, DHS is not aware of evidence that establishes a significant relation between the size of firms over their lifetime and the amount of capital they receive in their seed or startup stage of development. Second, the amount of investment that firms receive at early stages of development reflect perceptions concerning their future success to investors and not their size. Third, DHS does not have evidence to suggest a higher or lower threshold would impact capital costs. DHS determined that changing the level of the threshold still would not address underlying issues over an appropriate vehicle to use in attracting and retaining international entrepreneurs. Therefore, this alternative was not considered any further.

D. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. The value equivalent of $100 million in 1995 adjusted for inflation to 2016 levels by the Consumer Price Index for All Urban Consumer (CPI–U) is $157 million.

This rule does not exceed the $100 million expenditure in any one year when adjusted for inflation ($157 million in 2016 dollars), and this rulemaking does not contain such a mandate. The requirements of Title II of the Act, therefore, do not apply, and DHS has not prepared a statement under the Act.

E. Small Business Regulatory Enforcement Fairness Act of 1996

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996, Public Law 104–121, 804, 110 Stat. 847, 872 (1996), 5 U.S.C. 804(2). This proposed rule has not been found to result in an annual effect on the economy of $100 million or more, a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic or export markets.

F. Executive Order 13132 (Federalism)

This rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order No. 13132, 64 FR 43255 (Aug. 4, 1999), this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order No.12988, 61 FR 4729 (Feb. 5, 1996).

H. National Environmental Policy Act (NEPA)

DHS Directive (Dir) 023–01 Rev. 01 establishes the procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality (CEQ) regulations for implementing NEPA. 40 CFR parts 1500 through 1508.

DHS analyzed this action and concludes that it is not a NEPA-triggering action. Removing a rule that was determined not to individually or cumulatively have a significant effect on the human environment accordingly has no impact on the human environment. If the rule was believed to have a significant impact an Environmental Impact Statement would have been prepared. If the rule was believed to have significant effects that were to be mitigated to insignificance, an Environmental Assessment would have been conducted and a Finding of No Significant Impact with mitigating measures would have been issued. If the rule had been found to have no significant effects because it is covered

by one or more categorical exclusions from further analysis, its removal again would have no significant effects. Therefore, we conclude that this proposed removal does not significantly affect the quality of the human environment. The IE parole program regulations, which this proposed rule seeks to remove, provide criteria and procedures for applying the Secretary's existing statutory parole authority to entrepreneurs in a manner to ensure consistency in case-by-case adjudications.

Furthermore, unlike the rescission of policy letters or other actions which do not involve rulemaking, public involvement, an important value of NEPA, is fully protected by the rulemaking process.

I. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995, Public Law 104–13, all agencies are required to submit any reporting requirements inherent in a rule to the Office of Management and Budget (OMB) for review and approval. This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

DHS is withdrawing all changes to the Form I–131 and Form I–765 approved with the IE Final Rule published at 82 FR 5238 on January 17, 2017. DHS will continue to use the version of Form I–765 approved by OMB on April 13, 2017, and will continue to use the version of Form I–131 approved on December 21, 2016. DHS also is proposing to discontinue the new information collection Form I–941 originally approved as a result of the Final Rule published at 82 FR 5238 on January 17, 2017. Finally, DHS is withdrawing all changes to the Form I–9 that were approved in connection with the IE Final Rule.

USCIS Forms

1. USCIS Form I–9

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Employment Eligibility Verification.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–9; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form was developed to facilitate compliance with section 274A of the Immigration and Nationality Act, which prohibits the knowing employment of unauthorized aliens. This information collection is necessary for employers, agricultural recruiters and referrers for a fee, and state employment agencies to verify the identity and employment authorization of individuals hired (or recruited or referred for a fee, if applicable) for employment in the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of employer and recruiter respondents for the information collection I–9 is 55,400,000 and the estimated hour burden per response is .33 hours. The estimated total number of employee respondents for the information collection I–9 is 55,400,000 and the estimated hour burden per response is .17 hours. The estimated total number of recordkeeping respondents for the information collection I–9 is 20,000,000 and the estimated hour burden per response is .08 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 29,300,000 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $0.

2. USCIS Form I–131

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Travel Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–131; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Certain aliens, principally permanent or conditional residents, refugees or asylees, applicants for adjustment of status, aliens in Temporary Protected Status (TPS) and aliens abroad seeking humanitarian parole, in need to apply for a travel document to lawfully enter or reenter the United States. Lawful permanent residents may now file requests for travel permits (transportation letter or boarding foil).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–131 is 594,324 and the estimated hour burden per response is 1.9 hours. The estimated total number of respondents for the biometrics collection is 71,665 and the estimated hour burden per response is 1.17 hours. The estimated total number of respondents for the passport style photographs is 319,727 and the estimated hour burden per response is .5 hours

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,372,928 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 177,928,330.

3. USCIS Form I–765

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–765; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The information collected on this form is used by the USCIS to determine eligibility for the issuance of the employment document.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–765 is 2,139,523 and the estimated hour burden per response is 3.42 hours. The estimated total number of respondents for the biometrics collection is 405,067 and the estimated hour burden per response is 1.17 hours. The estimated total number of respondents for the information collection I–765WS (Work Sheet) is 250,000 and the estimated hour burden per response is .5 hours. The estimated total number of respondents for the Passport-style Photographs is 2,136,583 and the estimated hour burden per response is .5 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 8,985,859 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is 650,414,992.

4. USCIS Form I–941

DHS is discontinuing the new USCIS Form I–941 (OMB Control Number 1615–0136).

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Freedom of information, Immigration, Privacy, Reporting and recordkeeping requirements.

8 CFR Part 212

Administrative practice and procedure, Aliens, Immigration, Passports and visas, Reporting and recordkeeping requirements.

8 CFR Part 274a

Administrative practice and procedure, Aliens, Employment, Penalties, Reporting and recordkeeping requirements.

Accordingly, DHS is proposing to amend chapter I of title 8 of the Code of Federal Regulations as follows:

PART 103—IMMIGRATION BENEFITS; BIOMETRIC REQUIREMENTS; AVAILABILITY OF RECORDS

■ 1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1101, 1103, 1304, 1356, 1365b; 31 U.S.C. 9701; Pub. L. 107–296, 116 Stat. 2135 (6 U.S.C. 1 *et seq.*); E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p.166; 8 CFR part 2; Pub. L. 112–54.

§ 103.7 [Amended]

■ 2. Amend § 103.7 by removing paragraph (b)(1)(i)(KKK).

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

■ 3. The authority citation for part 212 continues to read as follows:

Authority: 6 U.S.C. 202(4) and 271, 8 U.S.C. 1101 and note, 1102, 1103, 1182 and note, 1184, 1187, 1223, 1225, 1226, 1227, 1255, 1359; 8 U.S.C. 1185 note (section 7209 of Pub. L. 108–458); 8 CFR part 2.

§ 212.19 [Removed]

■ 4. Remove § 212.19.

PART 274a—CONTROL OF EMPLOYMENT OF ALIENS

■ 5. The authority citation for part 274a continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1324a; 48 U.S.C. 1806; 8 CFR part 2; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 114–74, 129 Stat. 599.

■ 6. Revise § 274a.2(b)(1)(v)(A)(*5*) to read as follows:

§ 274a.2 Verification of identity and employment authorization.

* * * * *

(b) * * *

(1) * * *

(v) * * *

(A) * * *

(*5*) In the case of an individual who is authorized to work for a specific employer incident to status, a foreign passport with an Arrival/Departure Record, Form I–94 (as defined in 8 CFR 1.4) or Form I–94A, bearing the same name as the passport and containing an endorsement of the alien's nonimmigrant status, as long as the period of endorsement has not yet expired and the employment is not in conflict with the individual's employment-authorized status and any restrictions or limitations identified on the Form;

* * * * *

■ 7. Amend § 274a.12 by:

■ a. Revising paragraph (b) introductory text;

■ b. Removing paragraph (b)(37);

■ c. Revising paragraph (c)(11); and

■ d. Removing and reserving paragraph (c)(34).

The revisions read as follows:

§ 274a.12 Classes of aliens authorized to accept employment.

* * * * *

(b) *Aliens authorized for employment with a specific employer incident to status.* The following classes of nonimmigrant aliens are authorized to be employed in the United States by the specific employer and subject to the restrictions described in the section(s) of this chapter indicated as a condition of their admission in, or subsequent change to, such classification. An alien in one of these classes is not issued an employment authorization document by DHS:

* * * * *

(c) * * *

(11) An alien paroled into the United States temporarily for urgent humanitarian reasons or significant public benefit pursuant to section 212(d)(5) of the Act.

* * * * *

Kirstjen M. Nielsen,

Secretary of Homeland Security.

[FR Doc. 2018–11348 Filed 5–25–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0454; Product Identifier 2017–NM–056–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Airbus Model A330–200 Freighter series airplanes, Airbus Model A330–200 and –300 series airplanes, and Airbus Model A340–200 and –300 series airplanes. This proposed AD was prompted by reports of cracked slat tracks at the location of the front stop attachment to the track. This proposed AD would require a detailed inspection, repetitive special detailed inspections, and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by July 13, 2018.

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

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

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2018–0454; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

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–2018–0454; Product Identifier 2017–NM–056–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0060, dated April 7, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A330–200 Freighter series airplanes; Airbus Model A330–200 and –300 series airplanes; and Airbus Model A340–200 and –300 series airplanes. The MCAI states:

> Several cases of cracked slat tracks at the location of front stop attachment to track have been reported by operators. Analysis of the affected slat tracks (Airbus pre-modification (mod) 45967 design) revealed that induced torque loads during normal installation of the front stop, in combination with an incorrect shaft length of the attachment bolts and geometry of the front stop, are the root cause.
>
> This condition, if not detected and corrected, would affect the structural integrity of the slat surface, which could lead to detachment of an outer or inner slat surface, possibly resulting in reduced control of the aeroplane and/or injury to persons on the ground.
>
> To address this potential unsafe condition, Airbus issued Service Bulletin (SB) A330–57–3123 and SB A340–57–4130, to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time detailed inspection (DET) of the front stop lateral and aft surfaces [for marks (dents or scratches),] and repetitive special detailed inspections (SDI) of the front stop attachment areas, of slat tracks number (No.) 5 to No. 16 inclusive, both left hand (LH) and right hand (RH) wings [for cracks], and, depending on findings, accomplishment of applicable corrective action(s) [corrective actions include rework, repair, and slat rigging].
>
> This [EASA] AD also includes reference to an optional modification (Airbus mod 205378) of the affected slat tracks, for which the associated SBs (SB A330–57–3126 and SB A340–57–4133, as applicable) are expected to become available in July 2017, which constitutes terminating action for the repetitive inspections required by this [EASA] AD.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0454.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; and Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. This service information describes procedures for a detailed inspection of the front stop lateral and aft surfaces for marks (dents or scratches), repetitive special detailed inspections of the front stop attachment areas, of slat track numbers 5 to 16 inclusive, both LH and RH wings for cracks, and corrective actions. These documents are distinct since they apply to different airplane models.

Airbus has also issued Service Bulletin A330–57–3126, including Appendixes 02 and 03, dated December 21, 2017; and Service Bulletin A340–57–4133, including Appendixes 02 and 03, dated December 21, 2017. This service information describes procedures for modification of all affected slat tracks on an airplane. These documents are distinct since they apply to different airplane models.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Differences Between This Proposed AD and the MCAI or Service Information

Although the MCAI specifies to continue repetitive inspections if certain cracks that do not exceed specified damage limits are found, this proposed AD would require repairing before further flight in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or obtaining corrective action instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA), and accomplishing them within the compliance time specified therein.

Although the MCAI specifies accomplishing the proposed actions in accordance with Airbus Service Bulletin A330–57–3123, dated June 14, 2016, or Airbus Service Bulletin A340–57–4130, dated June 14, 2016, this proposed AD would require using Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. For airplanes on which the actions specified in Airbus Service Bulletin A330–57–3123, dated June 14, 2016, or Airbus Service Bulletin A340–57–4130, dated June 14, 2016, have been done, this proposed AD provides credit for those actions provided that the additional work identified in Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, is done. The additional work

includes inspecting for certain part numbers and for those affected parts, doing a detailed inspection, and corrective actions if necessary. We have coordinated this difference with EASA.

Costs of Compliance

We estimate that this proposed AD affects 101 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed Inspection	25 work-hours × $85 per hour = $2,125 per inspection cycle.	$0	$2,125 per inspection cycle	$214,625 per inspection cycle.
Special Detailed Inspection	25 work-hours × $85 per hour = $2,125 per inspection cycle.	0	$2,125 per inspection cycle	$214,625 per inspection cycle.
Reporting	1 work-hour × $85 per hour = $85 per inspection cycle.	0	$85 per inspection cycle	$8,585 per inspection cycle.
Modification	49 work-hour × $85 per hour = $4,165	8,150	$12,315	$1,243,815.

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

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 NPRM is 2120–0056. The paperwork cost associated with this NPRM 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 NPRM 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 proposed AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2018–0454; Product Identifier 2017–NM–056–AD.

(a) Comments Due Date

We must receive comments by July 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all certificated models, all manufacturer serial numbers.

(1) Airbus Model A330–223F and –243F airplanes.

(2) Airbus Model A330–201, –202, –203, –223, and –243 airplanes.

(3) Airbus Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(4) Airbus Model A340–211, –212, –213 airplanes.

(5) Airbus Model A340–311, –312, and –313 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports of cracked slat tracks at the location of the front stop attachment to the track. We are issuing this AD to detect and correct cracked slat tracks which could affect the structural

integrity of the slat surface, possibly leading to detachment of an outer or inner slat surface, and resulting in reduced control of the airplane.

(f) Compliance

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

(g) Definitions

(1) For the purpose of this AD, ''affected slat track'' is defined as a pre-modification 45967 slat track, located at the wing positions as indicated in figure 1 to paragraph (g) of this AD, and having a part number specified in figure 2 to paragraph (g) of this AD. In case the part number identification (ID) plate is missing or cannot be read, the slat track can be identified by the ink marking. If the operator cannot determine the part number, then that airplane is in Group 1.

(2) For the purpose of this AD: Group 1 airplanes are those that, on the effective date of this AD, have an affected slat track installed. Group 2 airplanes are those that, on the effective date of this AD, do not have any affected slat track installed.

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Figure 1 to paragraph (g) of this AD – *Positions of Affected Slat Tracks*

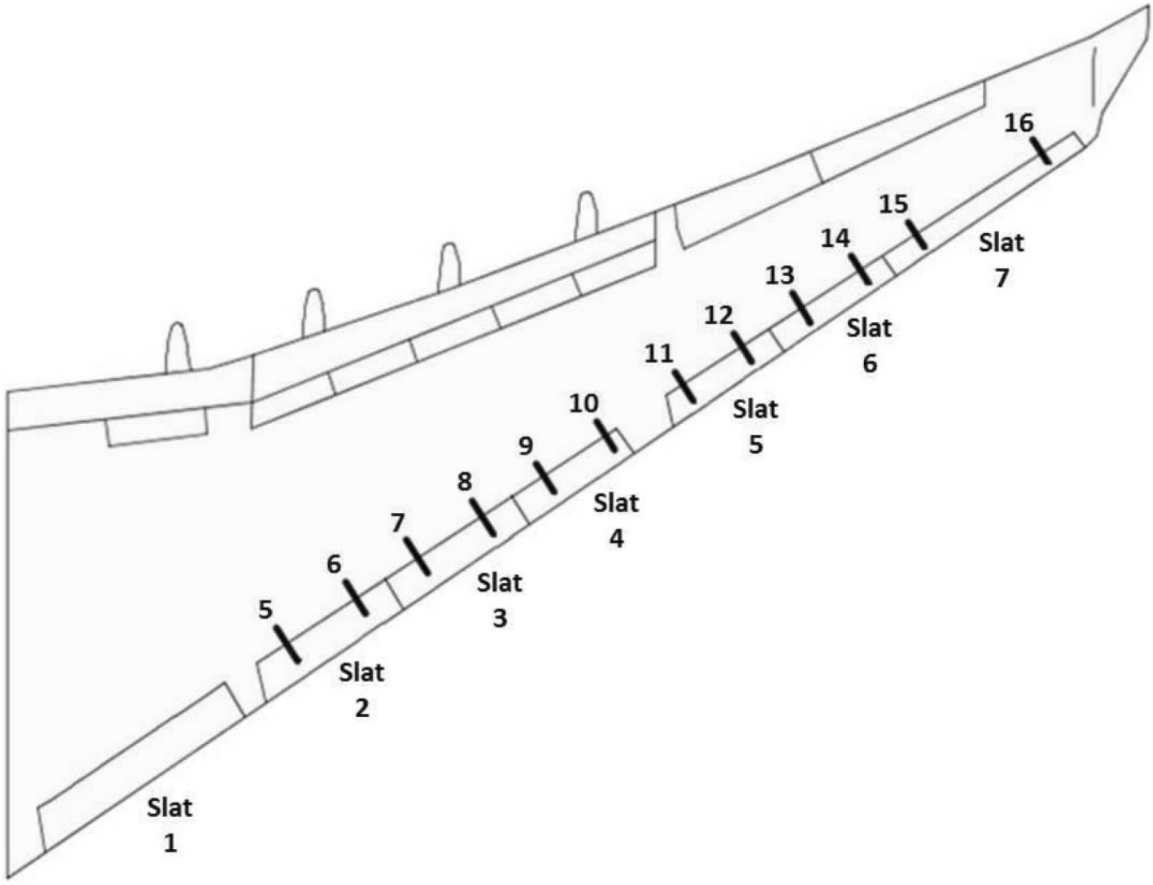

Figure 2 to paragraph (g) of this AD – *Affected Slats, Slat Track Positions, an Part Numbers (P/Ns)*

Slat	Slat Track Position	Track Assembly P/N (according to ID plate)	Track Assembly and Linkage P/N (according to ink marking)
No. 2	Track 5	F57464105-000 F57464105-002 F57464105-004	F57464005-000/001 F57464005-002/003 F57464005-004/005
	Track 6	F57464106-000 F57464106-002 F57464106-004	F57464006-000/001 F57464006-002/003 F57464006-004/005
No. 3	Track 7	F57464107-000 F57464107-002	F57464007-000/001 F57464007-002/003
	Track 8	F57464108-000 F57464108-002 F57464108-004	F57464008-000/001 F57464008-002/003 F57464008-004/005
No. 4	Track 9	F57464109-000 F57464109-002	F57464009-000/001 F57464009-002/003
	Track 10	F57464110-000 F57464110-002 F57464127-000	F57464010-000/001 F57464010-002/003 F57464082-000/001
No. 5	Track 11	F57464111-000 F57464111-002 F57464111-004	F57464011-000/001 F57464011-002/003 F57464011-004/005
	Track 12	F57464112-000 F57464112-002	F57464012-000/001 F57464012-002/003
No. 6	Track 13	F57464113-000 F57464113-002 F57464113-004	F57464013-000/001 F57464013-002/003 F57464013-004/005
	Track 14	F57464114-000 F57464114-002 F57464114-004	F57464014-000/001 F57464014-002/003 F57464014-004/005
No. 7	Track 15	F57464115-000 F57464115-002 F57464115-004	F57464015-000/001 F57464015-002/003 F57464015-004/005
	Track 16	F57464116-000 F57464116-002	F57464016-000/001 F57464016-002/003

(h) One-Time Detailed Inspection and Repetitive Special Detailed Inspections

For Group 1 airplanes: At the applicable times specified in figure 3 to paragraph (h) of this AD, do a detailed inspection of the front stop lateral and aft surfaces, and do a special detailed inspection of the front stop attachment areas of each affected slat track, both right hand (RH) and left hand (LH) wings, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; as applicable. Thereafter, repeat the special detailed

inspection for the front stop attachment areas of each affected slat track, both RH and LH wings, at intervals not to exceed the applicable compliance times specified in figure 4 to paragraph (h) of this AD.

Figure 3 to Paragraph (h) of this AD – *Initial Inspection Compliance Times*

Compliance Time: (whichever occurs later, **A** or **B**)		
A	A330:	Before exceeding 15,000 flight cycles (FC) or 50,000 flight hours (FH), whichever occurs first since airplane first flight
	A340:	Before exceeding 15,000 FC or 78,000 FH, whichever occurs first since airplane first flight
B	Within 24 months after the effective date of this AD	

Figure 4 to Paragraph (h) of this AD – *Repetitive Inspection Interval*

Airplane	**Compliance Times** (FC or FH, whichever occurs first)
A330:	7,000 FC or 24,000 FH
A340:	4,400 FC or 23,000 FH

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(i) Corrective Actions

(1) If, during any special detailed inspection required by paragraph (h) of this AD, any crack is detected at the front stop attachment area of an affected slat track: Before further flight, obtain corrective action instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA), and accomplish them within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) If, during any inspection required by paragraph (h) of this AD, marks (dents or scratches) are found on the front stop lateral or aft surfaces of an affected slat track; provided that no crack is detected; before further flight, rework the affected lateral front stop surface of that slat track, and accomplish slat rigging, as applicable, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. Accomplishment of rework or slat rigging on an airplane, as required by this paragraph, does not constitute terminating action for the repetitive special detailed inspection required by paragraph (h) of this AD.

(3) If, during any inspection required by paragraph (h) of this AD, marks (dents or scratches) are found on the front stop lateral or aft surfaces of an affected slat track, and any crack is detected at the front stop attachment area of that slat track: Before further flight, obtain corrective action instructions approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA, and accomplish them within the compliance time specified therein. If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Reporting

At the applicable time specified in paragraph (j)(1) or (j)(2) of this AD: Report the results of the inspections required by paragraph (h) of this AD to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*), or submit the results to Airbus in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017. The report must include the inspection results (including no findings), a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 60 days after each inspection required by paragraph (h) of this AD.

(2) If the inspection was done before the effective date of this AD: Submit the report within 60 days after the effective date of this AD.

(k) Optional Terminating Actions

(1) Replacement of an affected slat track at any position with a post-modification 45967 slat track, if accomplished as part of the corrective actions specified in paragraph (i)(1) or (i)(3) of this AD, terminates the repetitive inspections required by paragraph (h) of this AD, for that slat track position.

(2) Modification of all affected slat tracks on an airplane in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3126, including Appendixes 02 and 03, dated December 21, 2017; or Airbus Service Bulletin A340–57–4133, including Appendixes 02 and 03, dated December 21, 2017; as applicable, terminates the repetitive inspections required by paragraph (h) of this AD for that airplane, provided that, prior to modification, the affected slat tracks pass an inspection (crack free) in accordance with the instructions of Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017; or Airbus Service Bulletin A340–57–4130, Revision 01,

including Appendixes 02 and 03, dated September 27, 2017; as applicable.

(l) Parts Installation Limitations

(1) Except as specified in paragraph (l)(2) of this AD: For Group 1 airplanes, after the effective date of this AD, an affected slat track may be installed, provided the installation is accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) After modification of a Group 1 airplane as specified in paragraph (k)(2) of this AD, no person may install an affected slat track on that airplane.

(3) For Group 2 airplanes: As of the effective date of this AD, no person may install an affected slat track on any Group 2 airplane.

(m) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (h), (i), and (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A330–57–3123, dated June 14, 2016, or Airbus Service Bulletin A340–57–4130, dated June 14, 2016, provided that within 12 months after the effective date of this AD, the additional work identified in Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, as applicable, has been completed in accordance with Airbus Service Bulletin A330–57–3123, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, or Airbus Service Bulletin A340–57–4130, Revision 01, including Appendixes 02 and 03, dated September 27, 2017, as applicable.

(n) 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 Branch, send it to the attention of the person identified in paragraph (o)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *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 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.

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

(o) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0060, dated April 7, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0454.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206 231 3229.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Des Moines, Washington, on May 21, 2018.

James Cashdollar,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11415 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0452; Product Identifier 2017–NM–150–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 all The Boeing Company Model 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes. This proposed AD was prompted by the results of a fleet survey, which revealed cracking in bulkhead frame webs at a certain body station. This proposed AD would require repetitive inspections of the bulkhead frame web at a certain body station 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 July 13, 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–2018–0452.

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–2018–0452; 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: George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@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–2018–0452; Product Identifier 2017–NM–150–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 indicating that the results of a fleet survey of retired 737 airplanes revealed cracking in the bulkhead frame web at the upper lobe of the station (STA) 259.5 bulkhead frame webs. Two web cracks, measuring 0.45 inch and 1.7 inches, were found at the outer chord fastener locations between stringer (S)–11R and S–12R. A subsequent review of fleet data sources revealed additional crack findings on other 737 airplanes in the left and right side frame webs between S–11 and S–12. Fleet findings have been reported on a total of 5 airplanes with a range of between 60,640 and 73,655 total flight cycles. Such cracking may lead to subsequent failure of the skin and cockpit window surround structure, and could result in rapid decompression. No cracks have been reported on Model 727 airplanes but Model 727 and Model 737 airplanes have a similar frame installation at STA 259.5.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017. The service information describes procedures for repetitive high frequency eddy current inspections and low frequency eddy current inspections for cracks of the STA 259.5 bulkhead frame web from the first stiffener above S–10 to S–13, on the left and right sides of the airplane, 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 in the Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017, described previously, 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–2018–0452.

Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One enhancement is a process for annotating which steps in the service information are ''required for compliance'' (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the ''Accomplishment Instructions.'' The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.,* only the RC actions).

Costs of Compliance

We estimate that this proposed AD affects 106 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
Inspections ..	41 work-hours × $85 per hour = $3,485 per inspection cycle.	$0	$3,485 per inspection cycle.	$369,410 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed 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 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–2018–0452; Product Identifier 2017–NM–150–AD.

(a) Comments Due Date

We must receive comments by July 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 727C, 727–100, 727–100C, 727–200, and 727–200F series airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the results of a fleet survey which revealed cracking in bulkhead frame webs at a certain body station. We are issuing this AD to address cracking in the station 259.5 bulkhead frame web from the first stiffener above stringer S–10 to S–13. Such cracking may lead to subsequent failure of the skin and cockpit window surround structure, and could result in rapid decompression.

(f) Compliance

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

(g) Required Actions

Except as required by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017.

Note 1 to paragraph (g) of this AD: Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 727–53A0235, dated October 12, 2017, which is referred to in Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017.

(h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Service Bulletin 727–53A0235 RB, dated October 12, 2017, uses the phrase ''the original issue date of Requirements Bulletin 727–53A0235 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 727–53A0235 RB, dated October 12, 2017, specifies contacting Boeing, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(i) Special Flight Permit

Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), may be issued to operate the airplane to a location where the requirements of this AD can be accomplished, but concurrence by the Manager, Los Angeles ACO Branch, FAA, is required before issuance of the special flight permit.

(j) 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 (k)(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.

(k) Related Information

(1) For more information about this AD, contact George Garrido, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5232; fax: 562–627–5210; email: *george.garrido@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 Des Moines, Washington, on May 14, 2018.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–11416 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0464 Airspace Docket No. 18–AGL–12]

RIN 2120–AA66

Proposed Amendment of V–97 and V–422 in the Vicinity of Chicago, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify two VHF Omnidirectional Range (VOR) Federal airways (V–97 and V–422) in the vicinity of the Chicago, IL. The FAA is proposing this action due to the planned decommissioning of the Chicago O'Hare, IL, VOR/Distance Measuring Equipment (VOR/DME) navigation aid (NAVAID), which provides navigation guidance for portions of the affected Air Traffic Service (ATS) routes. The Chicago O'Hare VOR/DME is being decommissioned to facilitate the construction of a new runway at Chicago O'Hare International Airport.

DATES: Comments must be received on or before July 13, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0464; Airspace Docket No. 18–AGL–12 at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the route structure in the Chicago, IL, area as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA–2018–0464; Airspace Docket No. 18–AGL–12) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2018–0464; Airspace Docket No. 18–AGL–12.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

Background

The FAA is planning to decommission the Chicago O'Hare, IL, VOR/DME in January 2019 in support of construction activities for a new runway at Chicago O'Hare International Airport.

With the planned decommissioning of the Chicago O'Hare VOR/DME, the NAVAID radial used to define the BEBEE fix, located southeast of Chicago O'Hare International Airport, would no longer be available; thus, making the fix unusable. In lieu of redefining the BEBEE fix with another NAVAID remaining in the area, the FAA is proposing to remove the 2 nautical mile airway segment between the BEBEE and

NILES fixes from the V–97 and V–422 descriptions.

The airway segment between the BEBEE and NILES fixes overlays V–7, so removal of the airway segment from V–97 and V–422 would be mitigated by V–7 remaining unchanged and appear transparent to instrument flight rules traffic navigating through the area. Similarly, visual flight rules pilots who elect to navigate via the airways through the affected area would be unaffected and able to continue using V–7 in the area.

Additionally, the KRENA fix, located northwest of Chicago O'Hare International Airport, is defined in the V–97 description as the intersection of the Northbrook, IL, VOR/DME 291° and Janesville, WI, VOR/DME 112° radials, which is virtually a straight line. The FAA proposes to redefine the fix in its current location using radials from the DuPage, IL, VOR/DME and Janesville, WI, VOR/DME NAVAIDs to better define the fix using intersecting radials.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify the descriptions of VOR Federal airways V–97 and V–422. The planned decommissioning of the Chicago O'Hare, IL, VOR/DME has made these actions necessary. The proposed VOR Federal airway changes are described below.

V–97: V–97 currently extends between the Dolphin, FL, VOR/Tactical Air Navigation (VORTAC) and the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix), and between the intersection of the Northbrook, IL, VOR/DME 291° and Janesville, WI, VOR/DME 112° radials (KRENA fix) and the Gopher, MN, VORTAC. The airspace below 2,000 feet MSL outside the United States is excluded. The FAA proposes to remove the airway segment between the intersection of the Chicago Heights, IL, VORTAC 358°(T)/356°(M) and DuPage, IL, VOR/DME 101°(T)/099°(M) radials (NILES fix) and the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix). Also, the KRENA fix would be redefined in its existing location using the intersection of the DuPage, IL, VOR/DME 347°(T)/345°(M) and Janesville, WI, VOR/DME 112°(T)/109°(M) radials. The unaffected portions of the existing airway would remain as charted.

V–422: V–422 currently extends between the intersection of the Chicago O'Hare, IL, VOR/DME 127° and Chicago Heights, IL, VORTAC 358° radials (BEBEE fix) and the Flag City, OH, VORTAC. The FAA proposes to remove the airway segment between the intersection of the Chicago Heights, IL, VORTAC 358° and Chicago O'Hare, IL, VOR/DME 127° radials (BEBEE fix) and the intersection of the Chicago Heights, IL, VORTAC 358°(T)/356°(M) and DuPage, IL, VOR/DME 101°(T)/099°(M) radials (NILES fix). The unaffected portions of the existing airway would remain as charted.

All radials in the route descriptions below that are unchanged are stated in True degrees. Radials that are stated in True and Magnetic degrees are new computations based on available NAVAIDS.

Lastly, a minor editorial correction would be made to the V–97 airway description to correct the state abbreviation for the Cincinnati, KY, VORTAC. The ''Cincinnati, OH'' airway point listed would be changed to ''Cincinnati, KY''.

VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The VOR Federal airways listed in this document would be subsequently published in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–97 [Amended]

From Dolphin, FL; La Belle, FL; St. Petersburg, FL; Seminole, FL; Pecan, GA; Atlanta, GA; INT Atlanta 001° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, KY; Shelbyville, IN; INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358°(T)/356°(M) and DuPage, IL, 101°(T)/099°(M) radials. From INT DuPage, IL, 347°(T)/345°(M) and Janesville, WI, 112°(T)/109°(M) radials; Janesville; Lone Rock, WI; Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–422 [Amended]

From INT DuPage, IL, 101°(T)/099°(M) and Chicago Heights, IL, 358°(T)/356°(M) radials; Chicago Heights; INT Chicago Heights 117° and Knox, IN, 276° radials; Knox; Webster Lake, IN; INT Webster Lake 097° and Flag City, OH, 289° radials; to Flag City.

Issued in Washington, DC, on May 21, 2018.

Rodger A. Dean Jr.,

Manager, Airspace Policy Group.

[FR Doc. 2018–11329 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Docket No. FAA–2018–0432]

Policy on the Temporary Closure of Airports for Nonaeronautical Purposes

AGENCY: Federal Aviation Administration (FAA).

ACTION: Proposed Policy; Request for Comments.

SUMMARY: This notice announces a proposed update of the FAA policy regarding approval of the temporary closure of a federally obligated airport for a nonaeronautical purpose. Under Federal law, an airport operator that has accepted Federal grants is obligated to maintain the airport for public aviation use. In a limited exception to the general requirement, an airport operator may temporarily close the airport or part of the airport for a nonaeronautical event, if the FAA approves that closure in advance. The FAA proposes to adopt this policy statement to provide additional guidance to airport operators describing the process and criteria for evaluating airport closure requests, and the required contents of an airport operator's request for approval. The FAA is seeking comments on the proposed statement of policy.

DATES: Send your comments on or before July 30, 2018.

ADDRESSES: You may send comments identified by Docket Number FAA–2018–0432 using any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Bring comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

For more information, see the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: In accordance with 5 U.S.C., 553(c), the Department of Transportation (DOT) solicits comments from the public on its proposed Policy on the Temporary Closure of Airports for Nonaeronautical Purposes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Docket: To read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for accessing the docket. Or, go to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lorraine Herson-Jones, Manager, Airport Compliance Division, ACO–100, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–3085; facsimile: (202) 267–4629.

AVAILABILITY OF DOCUMENTS: You can get an electronic copy of this Policy and all other documents in this docket using the internet by:

(1) Searching the Federal eRulemaking portal (*http://www.faa.gov/regulations/search);*

(2) Visiting FAA's Regulations and Policies web page at (*http://www.faa.gov/regulations_policies;* or

(3) Accessing the Government Printing Office's web page at (*http://www.gpoaccess.gov/index.html*).

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Airport Compliance and Management Analysis, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–3085. Make sure to identify the docket number, notice number, or amendment number of this proceeding.

AUTHORITY FOR THE POLICY: This notice is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, section 47122(a).

SUPPLEMENTARY INFORMATION:

I. Background

Airport Sponsor Obligations

Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) have agreed to comply with certain Federal policies included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97–248), as amended and recodified at 49 U.S.C., § 47107(a)(1), and the contractual sponsor assurances require that the airport sponsor make the airport available for aviation use. Title 49 U.S.C., § 47107(a)(8) requires grant agreements to include an assurance that ''a proposal to close the airport temporarily for a nonaeronautical purpose must first be approved by the Secretary [of Transportation].'' This requirement is implemented by Grant assurance 19, *Operation and Maintenance,* which incorporates the requirement that a temporary airport closure for a nonaeronautical purpose be first approved by the Secretary. The Secretary's approval authority has been delegated to the FAA as part of the administration of the AIP. It is the longstanding policy of the FAA that airport property be available for aeronautical use unless a particular nonaeronautical use is approved by the FAA.

Each year sponsors of federally obligated airports request temporary closure of a ramp, taxiway, runway or an entire airport for a nonaeronautical event, typically for a period of one to three days. Any such request must be approved by the FAA in advance before the event can take place. While the FAA offices generally applied a consistent set of criteria to the evaluation of requests for temporary closure, the agency has not provided uniform guidance for sponsors on the process to apply for a temporary closure. The FAA believes that a detailed description of the contents of an application for temporary closure of airport facilities, and a clear listing of the obligations of an airport sponsor before, during and after a closure, will benefit both to airport sponsors and to the FAA offices handling applications.

Conducting an event on airport property is a complex undertaking. Whether the purpose is an aeronautical event (*e.g.,* air show) or nonaeronautical event, and whether the event requires a full closure of the airport or simply a closure of a ramp or taxiway, the event will require detailed planning and preparation that should not be taken lightly. The airport sponsor's primary purpose is to operate a safe airport providing access to aviation community.

The FAA affirms in this Notice that federally assisted airports should remain open for aviation use. Where an airport sponsor does request a temporary closure of airport facilities for a nonaeronautical event, this Notice describes the required contents of a request, and the criteria for FAA's approval.

Summary of Key Provisions

The proposed policy statement provides a standard application process for approval of nonaeronautical events at a federally obligated airport, and a detailed explanation of the measures an airport sponsor will need to take in order to protect the airport and comply with the terms of the FAA grant agreements. In summary:

- As a first step, the airport sponsor should arrange a meeting with the local FAA office to discuss their plans for the event.
- Applications for temporary closure must be submitted to the FAA in writing in advance, with a complete explanation and justification for the event.
- The greater the degree of impact on aeronautical use, the greater the justification required for closure and the greater the need for mitigation of impacts on airport operations, facilities and resources.
- Mitigation measures to ensure safety and preservation of airport assets include:
  - Timely notice to tenants and to itinerant operators through NOTAMs;
  - Development of a 'Safety Plan' to include notice to airport tenants and users, special markings, airport security, and provisions for crowd control and separation from operations;
  - Filing of a Form 7460 when necessary to allow the FAA review of any temporary structures or other elements that may impact the National Airspace System (NAS);
  - Receipt of fair market value compensation for use of airport facilities; and
  - Restoration of all airport facilities to the condition prior to the event at the event proponent's expense.
- The FAA will review applications for justification, adequate safety mitigation, full reimbursement of airport expenses, and protection and restoration of airport facilities.

II. The Proposed Policy

In consideration of the foregoing, the Federal Aviation Administration proposes to adopt the following statement of policy on its statutory responsibility to review and approve or disapprove requests for temporary closure of federally obligated airport facilities for a nonaeronautical airport event.

Policy on the Temporary Closure of Airports for Nonaeronautical Purposes

To implement the requirements of 49 U.S.C., § 47107(a)(8) and AIP Grant Assurance 19, the FAA will use the following procedures and criteria to evaluate and approve requests for the temporary closure of a federally obligated airport for a nonaeronautical event.

A. Policy. Airports should remain available for aviation use. Under certain circumstances, the FAA may approve temporary closure for nonaeronautical event purposes, such as car races/shows, county fairs, parades, car testing, model airplane events, running events and fireworks; however, the FAA will not approve a closure where impacts to safety and efficiency have not been mitigated and would result in a negative impact to civil aviation. In most cases, the impact to aviation, safety, security, liability, and other risks outweighs the financial and community goodwill returns promised to the airport for nonaeronautical activities. A proposed nonaeronautical use of an airport should not prevent the airport from realizing its economic potential nor diminish or hamper its existing or forecasted role in the system of airports.

B. Mitigation measures. If a temporary closure of the airport is planned, the sponsor must ensure that adequate measures will be in place to:

1. Make no permanent change in airport facilities as depicted on the Airport Layout Plan;
2. Maintain the safety, efficiency, and utility of the airport consistent with the limited authority of the FAA to grant a temporary closure for a nonaeronautical event;
3. Provide timely notice to tenants and itinerant aircraft operators of the planned event and the effect on the availability of airport facilities;
4. Receive fair market value for all nonaeronautical use of airport property;
5. Use of airport property for nonaeronautical activities at less than fair market value is limited to community use as defined in section VII.D of the Policy and Procedures Concerning the Use of Airport Revenue (Revenue Use Policy);
6. Provide benefits to the airport that outweigh the temporary impact on aviation use;
7. Ensure that airport revenue, personnel and equipment are not used to subsidize non-airport activities;
8. Ensure compliance with operational safety, certification and security regulations, protection of airspace, and maintenance of the FAA design and safety standards during aircraft operations; and
9. Ensure that the sponsor does not surrender its rights and powers at any time before, during, or after the event.

C. Degree of impact on aeronautical use. The greater the effect on aeronautical use of the airport from a proposed closure, the greater the justification required for the temporary closure, and the more attention and detail required for mitigation of safety, efficiency and other impacts.

1. Where an event would require that aircraft operations be suspended during the event, a proposal must identify why closure of the airport is necessary, and how the proposed nonaeronautical use justifies loss of the use of the airport for the duration of the event. The proposal must include a Safety Plan that describes how based and itinerant aircraft operators will be advised of the closure.
2. Where an event would use aeronautical facilities but not require total suspension of aircraft operations, the Safety Plan must include measures to assure that the temporary changes in available facilities do not affect the safety of concurrent operations.
3. In all cases, an application for temporary closure must identify measures for maintaining separation between public event areas and aircraft operating areas.
4. Documentation must demonstrate that the event was coordinated with air carriers, Flight Standards District Office (FSDO), Air Traffic Control Tower (ATCT), aeronautical tenants and users serving the airport as applicable. Documentation must show that concerns have been properly addressed.
5. Identify other airports in the area that could accommodate diverted traffic during the closure.
6. Regional Airports Division (Region) or Airports District Office (ADO) should coordinate with the appropriate FAA regional Lines of Business. Most events trigger notification requirements as per the current version of FAA Order 7400.2, Procedures for Handling Airspace Matters, which requires internal coordination through the Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) system. When events have been circulated through the OE/AAA, the non-rulemaking airports (NRA) case number should be included in the agency approval/disapproval letter.
7. When the nonaeronautical event is at an airport with air carrier service, the sponsor must coordinate with the Transportation Security Administration.

D. Airshows and aeronautical events. While 49 U.S.C., § 47107(a)(8) and Grant Assurance 19 do not require Office of Airports approval of the temporary closure of an airport for *aeronautical* events in the processes of issuing an airshow waiver Flight Standards Service (AFS) will describe the safety conditions for the FAA's approval of the event. However, the AFS waiver relates

to aircraft operations and the separation between aircraft operations and the viewing public. AFS will coordinate the ground operations plan with Regions and ADOs as appropriate. Events that are primarily nonaeronautical with an air show or other aeronautical event as an incidental activity should be reviewed by the Region or ADO.

E. Maintaining safety

1. For a proposed closure of the airport to operations or a closure of any part of the airfield movement area or proposed obstructions to movement area associated safety clearances, the sponsor must prepare a Safety Plan to include at least the following items:

a. Special markings for the event, and removal and restoration of markings after the event.

b. Notice to tenants and airmen, including appropriate NOTAMs.

c. Inspection and repair of any damage to airport property.

d. Reporting and marking of any structures affecting protected zones or surfaces.

e. Safe separation between aircraft operations and the public. These may include: special taxi routes, access to terminal gates, crowd control, vehicular routes, staging areas, and others.

f. Sponsor's determination and analysis that there is no adverse effect on the airport's approved security plan.

g. Where necessary to maintain the safety, security and efficiency of airport operations, Regions or ADOs should use applicable elements from the AC 150/5370–2, Operational Safety on Airports During Construction.

2. The airport sponsor must provide timely advance notice of the nonaeronautical event to pilots and airport tenants, and to the ATC tower if applicable. The sponsor must issue appropriate NOTAMs to advise itinerant pilots of any limited availability of the airport during the event. The sponsor must provide advance notice to airport businesses and other tenants of any effect on use of airport property during the event.

3. Filing of a Form 7460 may be necessary to obtain FAA review of any temporary structures on the airport and use of airport property. The Form 7460 can be filed prior to or with the application for approval of closure, but must be filed no later than 120 days prior to the event to allow time for the FAA to review, comment and response from proponent.

F. Ensuring That the Event Sponsor Bears the Costs of the Event

1. The airport must recover fair market value (FMV) payment for the nonaeronautical use of airport property to the extent required by the Revenue Use Policy.

2. The airport sponsor must receive full compensation for the time of airport personnel and the use of airport resources for the event (*e.g.* police/airport operations overtime pay), but not necessarily staff time for review of the event.

3. Airport funds and resources may not be used to subsidize the event, except insofar as the event will be staged by the airport sponsor itself. Use of airport property for a nonaeronautical purpose at below fair market value payment is considered a subsidy.

4. The airport sponsor's agreement with the event promoter should contain the event promoter's binding written agreement to indemnify and hold harmless the airport sponsor for any damages, liabilities or judgments against the airport sponsor relating to the use of the airport for the event.

G. Protection of Airport Property and Resources

1. The airport sponsor should assess the condition of airfield facilities and airport property in the event areas before the event, and have the event proponent acknowledge that condition in writing.

2. The airport sponsor's agreement with the event sponsor must include the event proponent's binding written agreement to restore airport property to its pre-event condition and repair all damage to airport facilities resulting from the event. All repairs and restoration of property must be completed at the expense of the event proponent in a timely manner and in conformance with FAA standards.

3. The event areas should be re-inspected following the event to assure that they have been restored to the preexisting condition.

III. Application for Temporary Airport Closure

To apply for temporary airport closure for a nonaeronautical purpose, an airport sponsor must submit a proposal to the Region or ADO for analysis and approval. In Block Grant states the proposal may be submitted to the State Block Grant Agency with a copy to the Region or ADO. The airport sponsor must submit sufficient information and assurances to indicate that each requirement has been or will be satisfied.

Contents of Sponsor Request for Temporary Closure for a Nonaeronautical Event

The airport sponsor requesting a temporary airport closure must submit the information below to the Region and or ADO or State Block Grant Agency to request approval of the temporary closure:

1. The dates of the proposed closure periods including any necessary set up and take down period. Identify whether this is an annual or one-time event.

2. An estimation of the number of operations (commercial, general aviation, military) to be impacted and how this number was determined.

3. An event map depicting:

a. Where and how the airport property will be used for the nonaeronautical activity (*e.g.,* spectator areas, parking areas, staging areas, fueling, concession areas).

b. Areas used for the event that have been developed or improved with Federal funds (identify the grant number and anticipated impact to the Federal investment).

c. Impacted Navigational Aids (NAVAIDs).

d. Location and description of elements [1] that may affect the NAS.

e. Structures or other elements that may require a form 7460 application.

4. Procedures and equipment to delineate closed areas (*e.g.,* X on runways, fencing, gates, barricades, etc.).

5. A Safety Plan.

6. If applicable, a description of the mutual aid fire and rescue agreements and whether there needs to be a presence of mutual aid safety services during the event.

7. Plan to assess the airport property prior to re-opening for aeronautical uses to identify and fix:

a. Damage.

b. Temporary markings HAZMAT issues (if applicable).

c. Conduct Foreign Object Debris (FOD) sweep.

8. Identification of the party who will be responsible for funding any repairs and a timeframe within which the repairs will be made.

9. Indicate impacts to NAVAIDs and procedures for taking these out and in service.

10. Draft of the NOTAM(s) to be issued for the event.

11. Certification of Notification to Stakeholders—at a minimum the following entities must be notified of the event and provided an opportunity to give feedback. The sponsor should address concerns from stakeholders and include comments and responses in the proposal, including mitigation where

[1] E.g. pyrotechnics; electromagnetic radiation; radio frequency proposals; line-of sight obscurations/glare for the traffic pattern, Air Traffic Control Tower, intersecting runways or other airport environment areas needed for the safe and efficient use for the airport; etc.

applicable. Provide a list of those notified, the concerns raised and the mitigations made to address the concerns:

a. Tenants, FBOs, airlines, and local users (*e.g.,* DOD, etc.).

b. Air traffic control tower.

c. Local aviation organizations.

d. Airport security and local law enforcement agencies.

e. Flight Standards District Office.

12. An explanation of how the event benefits the airport and is compliant with the FAA Policy on Revenue Use.

a. For an event proposed by a commercial/for-profit party:

i. Financial benefits must be equal to at least the fair market value of the subject property use.

ii. In-kind services or benefits must be equivalent to FMV compensation.

iii. Airport revenue cannot be used toward conducting the event (*e.g.,* use of airport staff must be reimbursed, equipment rental, advertisement of the event cannot be funded in part or whole by the airport).

iv. The event should also generate intangible benefits for the airport such as community goodwill and community interest.

b. For an event organized by a non-profit/charitable organization or by the airport sponsor itself on its own behalf. In all non-profit nonaeronautical cases there needs to be a benefit to the airport that clearly outweighs the loss or displacement of aeronautical activities. Examples of benefits to the airport may include:

i. Advertising for the airport included in the event advertising at no cost to the airport.

ii. A percentage of ticket sales paid to the airport.

iii. Intangible benefits (*e.g.,* community goodwill, increasing local awareness of the airport, encouraging local and community support of the airport, generating an interest in airport use).

c. For events proposed by a party other than the airport sponsor, the event proponent should assume the costs of the event, *e.g.,* equipment rental, advertisement of the event, staffing, and restoration of facilities to pre-event conditions.

13. Approval of the closure of airport facilities for a nonaeronautical event is a Federal action that requires environmental review.

Issued in Washington, DC, on May 23, 2018.

Kevin C. Willis,

Director, Office of Airport Compliance and Management Analysis.

[FR Doc. 2018–11466 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0171]

RIN 1625–AA00

Safety Zone; City of North Charleston Fireworks, North Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain navigable waters of the Cooper River in North Charleston, SC. This action is necessary to provide for the safety of the general public, spectators, vessels, and the marine environment from potential hazards during a fireworks display. This proposed rulemaking would prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 28, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0171 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Lieutenant Justin Heck, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *Justin.C.Heck@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On February 23, 2018, the City of North Charleston notified the Coast Guard that it will be conducting a fireworks display from 10 p.m. to 11 p.m. on July 4, 2018. The fireworks are to be launched from a barge along the bank of the Cooper River at River Front Park in North Charleston, SC. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within a 500-yard radius of the barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 500-yard radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 9:45 p.m. to 11:15 p.m. on July 4, 2018. The safety zone would cover all navigable waters within 500 yards of the fireworks barge located at River Front Park on the Cooper River in North Charleston, SC. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 p.m. to 11 p.m. fireworks display. No vessel or person would be permitted to enter, transit through, anchor in, or remain within the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document. The Coast Guard would provide notice of the safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant

regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. The safety zone will only be enforced for an hour and a half, and although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, vessel traffic would be able to safely operate in the surrounding area during the enforcement period and the rule would allow vessels to seek permission to enter the zone. Moreover, the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners via VHF–FM marine channel 16.

B. Impact on Small Entities

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

We have considered the impact of this proposed rule on small entities. This rule may affect the following entities, some of which may be small entities: The owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the enforcement period. For the reasons stated in section IV.A. above, this proposed rule would not have a significant economic impact on a substantial number of small entities.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting an hour and a half that would prohibit entry within 500 yards of a barge from which fireworks will be launched. Normally such actions are categorically excluded from further review under paragraph L 60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

We accept anonymous comments. All comments received will be posted

without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0171 to read as follows:

§ 165.T07–0171 Safety Zone; City of North Charleston Fireworks, North Charleston, SC.

(a) *Location.* This rule establishes a safety zone on all waters within a 500-yard radius of the barge, from which fireworks will be launched on the bank of the Cooper River at River Front Park in North Charleston, SC.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Period.* This rule will be enforced on July 4, 2018 from 9:45 p.m. until 11:15 p.m.

Dated: May 16, 2018.

J.W. Reed,

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

[FR Doc. 2018–11474 Filed 5–25–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0380]

RIN 1625–AA00

Safety Zone; Willamette River, Lake Oswego, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Willamette River near Lake Oswego, OR. This action is necessary to provide for the safety of life on these navigable waters during a fireworks display on July 4, 2018. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Columbia River or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 13, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0380 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Laura Springer, Waterways Management Division, Marine Safety Unit Portland, U.S. Coast Guard; telephone 503–240–9319, email *msupdxwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On April 17, 2018, the City of Lake Oswego notified the Coast Guard that it will be conducting a fireworks display from 10 p.m. to 10:30 p.m. on July 4, 2018, to commemorate Independence Day. The fireworks will launch from a barge in the Willamette River approximately 150 yards east of George Rodgers Park in Lake Oswego, OR. Hazards from firework displays include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. The Captain of the Port Columbia River has determined that potential hazards associated with the fireworks in this display are a safety concern for anyone within a 450-yard radius of the barge.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters within a 450-yard radius of the fireworks barge before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The Captain of the Port Columbia River proposes to establish a safety zone from 9 p.m. to 11:30 p.m. on July 4, 2018. The safety zone would cover all navigable waters of the Willamette River within 450-yards of a barge located at 45°24′37.46″ N, 122°39′29.70″ W, in vicinity of George Rogers Park in Lake Oswego, OR. The duration of the zone is intended to ensure the safety of vessels and these navigable waters before, during, and after the scheduled 10 p.m. to 10:30 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The

regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic would be able to safely transit around this safety zone which would impact a small designated area of the Willamette River for approximately two hours during the evening when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than two and a half hours that would prohibit entry within 450-yards of a fireworks barge. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at *http://*

www.regulations.gov. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–0380 to read as follows:

§ 165.T13–0380 Safety Zone; Willamette River, Lake Oswego, OR.

(a) *Safety zone.* The following area is designated a safety zone: Waters of the Willamette River, within a 450-yard radius of the fireworks barge located at 45°24′37.46″ N, 122°39′29.70″ W in vicinity of George Rogers Park in Lake Oswego, OR.

(b) *Regulations.* In accordance with § 165.23, no person may enter or remain in this safety zone unless authorized by the Captain of the Port Columbia River or his designated representative. Also in accordance with § 165.23, no person may bring into, or allow to remain in this safety zone any vehicle, vessel, or object unless authorized by the Captain of the Port Columbia River or his designated representative.

(c) *Enforcement period.* This section will be enforced from 9 p.m. to 11:30 p.m. on July 4, 2018.

Dated: May 22, 2018.

D.F. Berliner,

Captain, U.S. Coast Guard, Acting Captain of the Port, Sector Columbia River.

[FR Doc. 2018–11370 Filed 5–25–18; 8:45 am]

BILLING CODE 9110–04–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2018–4; Order No. 4610]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is noticing a recent filing requesting that the Commission initiate an informal rulemaking proceeding to consider changes to an analytical method for use in periodic reporting (Proposal One). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES:

Comments are due: June 13, 2018.

Reply Comments are due: June 20, 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. Proposal One
III. Notice and Comment
IV. Ordering Paragraphs

I. Introduction

On May 17, 2018, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports and compliance determinations.[1] The Petition identifies the proposed analytical method changes filed in this docket as Proposal One.

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), May 17, 2018 (Petition).

II. Proposal One

Background. Proposal One relates to sampling procedures for the Delivery Point Sequenced (DPS) portion of the Rural Carrier Cost System (RCCS) data used for the distribution of rural carrier costs within the Cost and Revenue Analysis (CRA) Report. Petition at 1. The RCCS is a continuous, ongoing cross-sectional statistical study, or probability sample of rural carrier route-days. *Id.* Proposal One at 1. For each selected route-day, a sample of mail is selected, and for each selected mailpiece, characteristics are recorded directly into a portable microcomputer. *Id.* RCCS data are primarily used to distribute rural carrier costs among the products that rural carriers deliver. *Id.* at 2.

The Origin-Destination Information System—Revenue, Pieces, and Weight (ODIS–RPW) used to estimate volume and revenue is also a probability-based destinating mail sampling system in which data collectors also record mail characteristics from sampled mailpieces. *Id.* Data collectors record mail characteristics using digitally captured images of letter-shaped and card-shaped mail, thereby eliminating the need for manual sampling of DPS letters and cards. *Id.* Mailpiece information obtained from ODIS–RPW digital sampling is similar to RCCS DPS data elements, including the destinating carrier route number. *Id.*

Proposal. Proposal One involves a methodology change in RCCS data collection procedures and in the volume proportion estimation procedures used for cost distribution for certain DPS mail. *Id.* at 1. Proposal One is similar to Proposal Nine approved by the Commission in Docket No. RM2017–13, which proposed use of digital image samples for the City Carrier Cost System (CCCS).[2]

Proposal One would allow utilization of the same digital data (regarding DPS pieces destined for delivery by rural routes) currently employed by ODIS–RPW to simultaneously enhance the RCCS estimation of delivered DPS volumes and eliminate the need to manually sample a large portion of DPS mail. Petition, Proposal One at 2. Details about the mapping of products to mailcodes are set forth in the RCCS Digital Mailcode Flowchart Excel file electronically attached to the Petition. The RCCS Digital System documentation electronically attached to Proposal One as a PDF document provides more details on the proposed

[2] *Id.* Docket No. RM2017–13, Order on Analytical Principles Used in Periodic Reporting (Proposal Nine), December 15, 2017 (Order No. 4278).

procedures. For rural routes in ZIP Codes that are not included in the ODIS–RPW digital sampling frame, the current methodology of manually sampling DPS mail would continue, and those estimates would be combined with the digital DPS estimates to produce the distribution key for DPS mail used to apportion street activity costs to categories of mail in Cost Segment 10. *Id.* at 3.

Rationale and impact. The Postal Service states that including ODIS–RPW digital data would greatly enhance RCCS DPS estimates and would substantially magnify the benefits of utilizing digital data already approved by the Commission. *Id.* RCCS data collectors on most RCCS tests would no longer have to take the time to pull sample mailpieces from DPS letter trays. *Id.* This would allow them more time to devote to sampling other mail types, like parcels and cased letters and flats. *Id.* at 3–4. This could also help avoid delays of carriers leaving the office to deliver mail. *Id.* at 4.

The automated, systematic method of collecting images of DPS letter and cards used to collect the sample would reduce the risk of undetected sampling errors, and the retention of the mailpiece images for 30 days would permit review and post-analysis by data collectors and supervisors. *Id.* Detailed information regarding the rational and impact of Proposal One, Rural Carrier Cost System—Digital DPS Statistical Documentation, is attached to the Petition as a PDF document. A table, Impact of Proposal One, included in the Petition also compares the FY 2017 DPS distribution key proportions and estimates the impact on unit costs from the proposal. *Id.* at 5. The Postal Service states that the table and an electronically attached Excel file demonstrate that the expected impact of Proposal One would be minimal. *Id.* at 4.

III. Notice and Comment

The Commission establishes Docket No. RM2018–4 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal One no later than June 13, 2018. Reply comments are due no later than June 20, 2018. Pursuant to 39 U.S.C. 505, Lawrence Fenster is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2018–4 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal One), filed May 17, 2018.

2. Comments by interested persons in this proceeding are due no later than June 13, 2018.

3. Reply comments are due no later than June 20, 2018.

4. Pursuant to 39 U.S.C. 505, the Commission appoints Lawrence Fenster to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

5. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–11366 Filed 5–25–18; 8:45 am]

BILLING CODE 7710–FW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0053; FRL–9978–46—Region 6]

Approval and Promulgation of Implementation Plans; Texas; Attainment Demonstration for the Houston-Galveston-Brazoria Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is proposing approval of elements of a State Implementation Plan (SIP) revision for the Houston-Galveston-Brazoria 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) nonattainment area (HGB area). Specifically, EPA is proposing approval of the attainment demonstration, a reasonably available control measures (RACM) analysis, the contingency measures plan in the event of failure to attain the NAAQS by the applicable attainment date, and Motor Vehicle Emissions Budgets (MVEBs) for 2017, which is the attainment year for the area. EPA is also notifying the public of the status of EPA's adequacy determination for these MVEBs for the HGB area.

DATES: Written comments must be received on or before June 28, 2018.

ADDRESSES: Submit your comments, identified by Docket No. EPA–R06–OAR–2017–0053, at *http://www.regulations.gov* or via email to *young.carl@epa.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact Carl Young, 214–665–6645, *young.carl@epa.gov.* For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (*e.g.,* copyrighted material), and some may not be publicly available at either location (*e.g.,* CBI).

FOR FURTHER INFORMATION CONTACT: Carl Young, 214–665–6645, *young.carl@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Mr. Young or Mr. Bill Deese at 214–665–7253.

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

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I. Background

A. The 2008 Ozone NAAQS and the HGB Area

Ground-level ozone is an air pollutant that is formed from the reactions of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) (77 FR 30088, 30089, May 21, 2012). In 2008 we revised the 8-hour ozone primary and secondary NAAQS to a level of 0.075 parts per million (ppm) to provide increased protection of public health and the environment (73 FR 16436, March 27, 2008). The Houston-Galveston-Brazoria 2008 8-hour ozone NAAQS nonattainment area (HGB area) was classified as a ''Marginal'' ozone nonattainment area for the 2008 8-hour ozone NAAQS (77 FR 30088, May 21, 2012). The area consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. The area was initially given an attainment date of no later than December 31, 2015 (77 FR 30160, May 21, 2012).

On December 23, 2014, the D.C. Circuit Court issued a decision rejecting, among other things, our attainment deadlines for the 2008 ozone nonattainment areas, finding that we did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC* v. *EPA,* 777 F.3d 456, 464–69 (D.C. Cir. 2014). Consistent with the court's decision we modified the attainment deadlines for all nonattainment areas for the 2008 ozone NAAQS, and set the attainment deadline for all 2008 ozone Marginal nonattainment areas, including the HGB area as July 20, 2015 (80 FR 12264, March 6, 2015). The HGB area qualified for a 1-year extension of the attainment deadline and we revised the attainment deadline to July 20, 2016 (81 FR 26697, May 4, 2016). As the HGB area did not meet the revised attainment deadline of July 20, 2016, we reclassified the area to ''Moderate'' and set a due date for submittal of a revised SIP of January 1, 2017 (81 FR 90207, December 14, 2016). The 2008 ozone NAAQS attainment deadline for Moderate areas is July 20, 2018 (40 CFR 51.1103). As an attainment showing is based on the most recent three full years of ozone data available, the relevant years for demonstrating attainment by the attainment deadline for Moderate areas is 2015–2017 and the ''attainment year'' is 2017 (80 FR 12313, 12268).

B. CAA and SIP Requirements for the HGB Area

When we reclassified the HGB area, we also identified the SIP requirements for the area. The requirements being addressed in this notice are: (1) Modeling and an attainment demonstration (40 CFR 51.1108), (2) RACM (40 CFR 51.1112), (3) a contingency measures plan in the event of failure to attain the NAAQS by the applicable attainment date (CAA sections 172(c)(9) and 182(c)(9)), and (4) attainment MVEBs for 2017, which is the attainment year for the HGB area (40 CFR 93.118(b)).

For areas classified as Moderate and above, CAA section 182(b)(1)(A) requires a SIP revision that provides for VOC and NO_X reductions as necessary to attain the ozone standard by the applicable attainment date. For areas classified as Moderate nonattainment or above for the 2008 ozone NAAQS, adequacy of an attainment demonstration shall be demonstrated by means of a photochemical grid model or any other analytical method determined by the Administrator to be at least as effective (40 CFR 51.1108).

We previously approved SIP revisions addressing the following requirements for the HGB area: (1) Emissions inventory (80 FR 9204, February 20, 2015) and (2) confirmation of provisions addressing emissions statements from facilities, new source review emission offsets and a basic vehicle inspection and maintenance program (82 FR 22291, May 15, 2017). In a separate action we are proposing to approve the HGB area reasonable further progress (RFP) demonstration and RFP milestone failure contingency measures plan (83 FR 17964, April 25, 2018). We plan to address the HGB area's reasonable available control technology demonstration in a separate action.

C. State SIP Submittal

On December 29, 2016, Texas submitted a SIP revision for the HGB area. The SIP revision included a description of how CAA requirements for the 2008 ozone NAAQS in the HGB area are met for: (1) Modeling and attainment demonstration, (2) RACM, (3) a contingency plan and (4) MVEBs. A copy of the SIP revision is available on line at *www.regulations.gov,* Docket number EPA–R06–OAR–2017–0053.

II. The EPA's Evaluation

We have prepared technical support documents (TSDs) for this rulemaking which detail our evaluation. Our TSDs may be accessed online at *http://www.regulations.gov,* Docket No. EPA–R06–OAR–20173–0053.

A. Modeling and Attainment Demonstration

EPA's regulations at 40 CFR 51.1108(c) specifically require that areas classified as moderate and above submit a modeled attainment demonstration based on a photochemical grid modeling evaluation or any other analytical method determined by the Administrator to be at least as effective as photochemical modeling. Section 51.1108(c) also requires each attainment demonstration to be consistent with the provisions of section 51.112, including Appendix W to 40 CFR part 51 (*i.e.,* ''EPA's Guideline on Air Quality Models,'' 70 FR 68218, November 9, 2005 and 82 FR 5182, January 17, 2017). See also EPA's ''Guidance on the Use of Models and Other Analyses for Air Quality Goals in Attainment Demonstrations for Ozone, $PM_{2.5}$, and Regional Haze,'' April 2007 and ''Draft Modeling Guidance for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze,'' December 2014 (hereafter referred to as ''EPA's 2007 A.D. guidance'' and ''EPA's 2014 Draft A.D. guidance'') [1], which describe criteria that an air quality model and its application should meet to qualify for use in an 8-hour ozone attainment demonstration. For our more detailed evaluation of the attainment demonstration (modeling and the Weight of Evidence (WOE) analyses) for the HGB 8-hour Ozone Attainment Demonstration see the ''Modeling and Other Analyses Attainment Demonstration'' (MOAAD) TSD. The MOAAD TSD also includes a complete list of applicable modeling guidance

[1] A.D. is Attainment Demonstration.

documents. These guidance documents provide the overall framework for the components of the attainment demonstration, how the modeling and other analyses should be conducted, and overall guidance on the technical analyses for attainment demonstrations.

As with any predictive tool, there are inherent uncertainties associated with photochemical modeling. EPA's guidance recognizes these limitations and provides approaches for considering other analytical evidence to help assess whether attainment of the NAAQS is demonstrated. This process is called a WOE determination. EPA's modeling guidance (updated in 1996, 1999, and 2002) discusses various WOE approaches. EPA's modeling guidance has been further updated in 2005, 2007 and in addition a draft in 2014 was issued for the 2008 8-hour ozone attainment demonstration procedures. EPA guidance has consistently recommended that all attainment demonstrations include supplemental analyses, WOE, in addition to the recommended modeling. These supplemental analyses would provide additional information such as data analyses, and emissions and air quality trends, which would help strengthen the overall conclusion drawn from the photochemical modeling. EPA's Guidance for 1997 8-hour ozone SIPs was that a WOE analysis is specifically recommended to be included as part of any attainment demonstration SIP where the modeling results predict Future Design Values (FDVs) [2] ranging from 82 to less than 88 ppb (EPA's 2005 and 2007 A.D. Guidance documents). EPA's recent 2014 Draft A.D. Guidance removed the specific range and indicated that WOE should be analyzed when the results of the modeling attainment test are close to the standard. EPA's interpretation of the Act to allow a WOE analysis has been upheld. See *1000 Friends of Maryland* v. *Browner,* 265 F. 3d 216 (4th Cir. 2001) and *BCCA Appeal Group* v. *EPA,* 355 F.3d 817 (5th Cir. 2003).

TCEQ submitted the HGB attainment demonstration SIP with photochemical modeling and a WOE analyses on December 29, 2016. The results of the photochemical modeling and WOE analyses are discussed below.

1. Photochemical Grid Model Selection

Photochemical grid models are the state-of-the-art method for predicting the effectiveness of control strategies in reducing ozone levels. The models use a three-dimensional grid to represent conditions in the area of interest. TCEQ chose to use the Comprehensive Air Model with Extensions (CAMx), Version 6.31 photochemical model for this attainment demonstration SIP. The model is based on well-established treatments of advection, diffusion, deposition, and chemistry. TCEQ has used the CAMx model in other SIPs and EPA has approved many SIPs using CAMx based modeling analyses. 40 CFR part 51 Appendix W indicates that photochemical grid models should be used for ozone SIPs and lists a number of factors to be considered in selecting a photochemical grid model to utilize. EPA has reviewed the TCEQ's reasons for selecting CAMx and EPA agrees with the choice by TCEQ to utilize CAMx for this SIP.

In this case, TCEQ has developed a modeling grid system that consists of three nested grids. The outer grid stretches from west of California to east of Maine and parts of the Atlantic Ocean to the east, and from parts of southern Canada in the north to much of Mexico to the south extending to near the Yucatan Peninsula on the southern edge. The model uses nested grid cells of 36 km on the outer portions, 12 km for most of the Region 6 states (most of New Mexico and all of Oklahoma, Arkansas, Louisiana, and Texas) and 4-kilometer grid cells for much of Texas (not including West Texas and the Panhandle) and portions of nearby States. The 4-kilometer grid cells include the HGB Nonattainment Area. For more information on the modeling domain, see the MOAAD TSD. The model simulates the movement of air and emissions into and out of the three-dimensional grid cells (advection and dispersion); mixes pollutants upward and downward among layers; injects new emissions from sources such as point, area, mobile (both on-road and nonroad), and biogenic into each cell; and uses chemical reaction equations to calculate ozone concentrations based on the concentration of ozone precursors and incoming solar radiation within each cell. Air quality planners choose historical time period(s) (episode(s)) of high ozone levels to apply the model. Running the model requires large amounts of data inputs regarding the emissions and meteorological conditions during an episode.

Modeling to duplicate conditions during an historical time period is referred to as the base case modeling and is used to verify that the model system can predict historical ozone levels with an acceptable degree of accuracy. It requires the development of a base case inventory, which represents the emissions during the time period for the meteorology that is being modeled. These emissions are used for model performance evaluations. Texas modeled much of the 2012 ozone season (May 1—September 30), so the base case emissions and meteorology are for 2012. If the model can adequately replicate the measured ozone levels in the base case and responds adequately to diagnostic tests, it can then be used to project the response of future ozone levels to proposed emission control strategies.

TCEQ chose to use recent versions of Weather Research and Forecasting Model (WRF) version 3.7.1 for the meteorological modeling for generation of meteorological fields and the Emission Processing System (EPS) version 3 for the emission processing to generate the necessary meteorological and emission fields to be used in CAMx. TCEQ also chose one of the most recent versions of CAMx, version 6.31 for the photochemical grid modeling. WRF is considered a state of the science meteorological model and its use is acceptable in accordance with 40 CFR part 51 Appendix W Section 5. The use of EPS for emissions processing and CAMx for photochemical modeling are also one of the two predominant modeling platforms used for SIP level modeling and these models and versions that TCEQ used. EPA reviewed the models used and modeling grids and determined that the model versions used are recent versions of the model and the modeling grid is large and sufficiently sized to try and minimize the impact of sources outside the grid. Both the models used and the modeling grid are acceptable and in accordance with 40 CFR part 51 Appendix W Section 5.

2. What time period (episode) did Texas choose to model?

Texas chose to model May 1st thru September 30th, which is the core of the 2012 ozone season (HGB ozone season is January 1st through December 31st) and includes a number of historical episodes with monitored exceedances. The 2012 ozone season was a period when multiple exceedance days occurred with a good variation of meteorological conditions that lead to ozone exceedances in the HGB area. Texas evaluated other years (2011 and 2013) in their episode selection process. The 2011 core ozone season period had a number of exceedances but was also complicated by a drought through much of Texas and surrounding states that made 2011 less desirable than 2012 which had a similar level of

[2] The design value is the truncated 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration (40 CFR 50, Appendix I). Future Design Value is the modeling based projected Design Value in the 2017 Future Year.

exceedances. The 2013 core ozone season period had significantly less exceedances than 2012. Other years considered either did not have as many exceedances or were older episodes so TCEQ chose the 2012 period to model.

We evaluated Texas' 2012 period/episode selection for consistency with our modeling guidance (2007, and Draft 2014 versions). Among the items that we considered were the ozone levels during the selected period compared to the Design Value (DV) at the time; how the meteorological conditions during the proposed episode match with the conceptual model of ozone exceedances that drive the area's DV; number of days modeled; and whether the time period selected was sufficiently representative of the meteorology that drives elevated ozone in the area. This evaluation is necessary to insure the model would be adequate for evaluating future air quality and any potential control strategies. EPA's guidance indicates that all of these items should be considered when evaluating available episodes and selecting periods/episodes to be modeled. EPA believes that the 2012 core ozone period (May 1–September 30) includes many exceedance days and is an acceptable time period for use in TCEQ's development of the 8-hour ozone attainment plan. This period has a number of meteorological conditions that are consistent with the conditions that yield high ozone in the conceptual model for the HGB area, and was among the episode periods evaluated with the highest number of ozone exceedances. In selecting periods, it is advantageous to select periods with several exceedance days and with multiple monitors exceeding the standard each day when possible. This 2012 period was among the best of all the periods evaluated when the selection was being conducted. EPA concurs with this period. See the MOAAD TSD for further discussion and analysis.

3. How well did the model perform?

Model performance is a term used to describe how well the model predicts the meteorological and ozone levels in an historical episode. EPA has developed various diagnostic, statistical and graphical analyses which TCEQ performed to evaluate the model's performance. TCEQ performed several analyses of both interim model runs and the final base case model run and deemed the model's performance adequate for control strategy development. As described below, we agree that the TCEQ's model performance is adequate.

From 2014 to 2016, several iterations of the modeling were performed by TCEQ incorporating various improvements to the meteorological modeling, the 2012 base case emissions inventory, and other model parameters. TCEQ shared model performance analyses with EPA and EPA provided input. This data included analysis of meteorological outputs compared to benchmark statistical parameters. TCEQ also performed graphical analyses of the meteorology and extensive analyses of the photochemical modeling for several base case modeling runs.

EPA has reviewed the above information and is satisfied that the meteorological modeling was meeting most of the statistical benchmarks, and was transporting air masses in the appropriate locations for most of the days.[3] EPA also conducted a review of the model's performance in predicting ozone and ozone pre-cursors and found that performance was within the recommended 1-hour ozone statistics for most days. We evaluate 1-hour time series and metrics as this information has less averaging/smoothing than the 8-hour analyses and results in a higher resolution for evaluating if the modeling is getting the rise and fall of ozone in a similar manner as the monitoring data. We also evaluated the 8-hour statistics, results of diagnostic and sensitivity tests, and multiple graphical analyses and determined that overall the ozone performance was acceptable for Texas to move forward with future year modeling and development of an attainment demonstration.

EPA does not expect any modeling to necessarily be able to meet all the EPA model performance goals, but relies on a holistic approach to determine if the modeling is meeting enough of the goals and the time series are close enough and diagnostic/sensitivity modeling indicates the modeling is performing well enough to be used for assessing changes in emissions for the model attainment test.[4] EPA agrees that the overall base case model performance is acceptable, but notes that even with the refinements, the modeling still tends to have some underestimation bias on some of the higher ozone days. See the MOAAD TSD for further analysis.

4. Once the base case is determined to be acceptable, how is the modeling used for the attainment demonstration?

Before using the modeling for attainment test and potential control strategy evaluation, TCEQ evaluated the base case emission inventory, and made minor adjustments to the inventory to account for things that would not be expected to occur again or that were not normal. Examples of this are: (1) Inclusion of electric generating units, or EGUs, that were not operating due to temporary shutdown during the base case period but were expected to be operating in 2017 and (2) Adjusting the hour specific EGUs continuous emissions monitor (CEM) based NO_X emissions to a typical Ozone season day emission rate). This adjusted emission inventory is called the 2012 baseline emission inventory. The photochemical model is then executed again to obtain a 2012 baseline model projection.

Since the HGB area is classified as a Moderate nonattainment area, the attainment date is as expeditiously as practicable but no later than July 20, 2018. To meet this deadline, it is necessary for emission reductions to be in place by no later than what is termed the attainment year, which in this case is 2017. Future case modeling using the base case meteorology and estimated 2017 emissions is conducted to estimate future ozone levels factoring in the impact of economic growth in the region and State and Federal emission controls.

EPA's 8-hour ozone modeling guidance recommends that the attainment test use the modeling analysis in a relative sense instead of an absolute sense. To predict future ozone levels, we estimate a value that we refer to as the Future Design Value (FDV). First, we need to calculate a Base Design Value (BDV) from the available monitoring data. The BDV is calculated for each monitor that was operating in the base period by averaging the three DVs that include the base year (2012). The DVs for 2010–2012, 2011–2013, and 2012–2014 are averaged to result in a center-weighted BDV for each monitor.

To estimate the FDV, a value is also calculated for each monitor that is called the Relative Response Factor

[3] EPA's modeling guidance for both meteorological modeling and ozone modeling indicates general goals for model performance statistics based on what EPA has found to be acceptable model performance goals from evaluations of a number of modeling analyses conducted for SIPs and Regulatory development. EPA's guidance also indicates that none of the individual statistics goals is a ''pass/fail'' decision but that the overall suite of statistics, time series, model diagnostics, and sensitivities should be evaluated together in a holistic approach to determine if the modeling is acceptable. Modeling is rarely perfect, so EPA's basis of acceptability is if the model is working reasonably well most of the time and is doing as well as modeling for other SIPs and EPA rulemaking efforts. For more details on model performance analyses and acceptability see the MOAAD TSD. (EPA 2007 A.D. Guidance, EPA 2014 Draft A.D. Guidance, and Emery, C. and E. Tai, (2001), Enhanced Meteorological Modeling and Performance Evaluation for Two Texas Ozone Episodes, prepared for the Texas Near Non-Attainment Areas through the Alamo Area Council of Governments'', by ENVIRON International Corp, Novato, CA).

[4] *Id.*

(RRF) using a ratio of future and baseline modeling results around each monitor. This calculation yields the RRF for that monitor. The RRF is then multiplied by the Base Design Value (BDV) for each monitor to yield the FDV for that monitor. The modeled values for each monitor may be calculated to hundredths of a ppb, then truncated to an integer (in ppb) as the final step in the calculation as recommended by EPA's guidance. The truncated values are included in Table 1. TCEQ employed EPA's recommended approach for calculating FDV's. For information on how the FDV is calculated refer to the MOAAD TSD.

The 2014 Draft A.D. Guidance indicates that instead of using all days above the standard (0.075 ppm or 75 ppb) in the baseline, that the subset of 10 highest modeled baseline days at each monitor should be used for calculating an RRF.[5] The 10 highest days are the 10 highest 8-hour maximum daily values at each specific monitor. TCEQ provided the 2017 FDV values for each of the monitors using the procedure in the 2014 Draft A.D. Guidance.

EPA has reviewed the components of TCEQ's photochemical modeling demonstration and finds the analysis meets 40 CFR part 51, including 40 CFR part 51 Appendix W—Guideline on Air Quality Models. For a more complete description of the details of the base and future case modeling inputs, set-up, settings, the meteorology and photochemical model performance analysis (and EPA's evaluation of these procedures and conclusions, see the MOAAD TSD in the Docket for this action (EPA–RO6–OAR–2017–0053).

5. What did the results of TCEQ's 2017 future year attainment demonstration modeling show?

The results of the 2012 and 2017 baseline modeling run RRFs and model FDV calculations using EPA's 2014 Draft A.D Guidance methods are shown in Table 1. Table 1 includes the modeling projections prior to evaluating any other modeling sensitivity runs. EPA's full analysis for this HGB modeling and our results/conclusions for all the monitors is included in the MOAAD TSD.

TABLE 1—SIP MODELING PROJECTIONS FOR 2017

HGB monitor	2012 BVD (ppb)	Relative response factor (RRF)	2017 FDV (ppb)	2017 FDV (ppb)
Manvel Croix Park—C84	85	0.934	79.41	79
Deer Park—C35	78.33	0.956	74.91	74
Houston East—C1	78	0.962	75.06	75
Park Place—C416	77.33	0.956	73.89	73
Houston Northwest—C26	80	0.925	74.01	74
Bayland Park—C53	78.67	0.943	74.21	74
Croquet—C409	78.67	0.934	73.49	73
Houston Monroe—C406	76.67	0.957	73.4	73
Seabrook Friendship Park—C45	76.33	0.948	72.34	72
Houston Texas Ave—C411	75	0.961	72.11	72
Houston Aldine—C8	76.67	0.947	72.59	72
Conroe Relocated—C78	78	0.936	73.04	73
Clinton Drive—C403	74.67	0.968	72.25	72
Houston Westhollow—C410	77.67	0.92	71.45	71
Lang—C408	76.33	0.934	71.31	71
Galveston—C1034	75.33	0.944	71.15	71
Channelview—C15	73	0.959	69.99	70
North Wayside—C405	73.67	0.953	70.23	70
Lynchburg Ferry—C1015	71	0.956	67.88	67
Lake Jackson—C1016	69.33	0.937	64.94	64

The second column is the Base DV for the 2012 period. Using the 2014 Draft A.D. Guidance, 19 of the 20 HGB area monitors are in attainment and one is projected to have a 2017 FDV of 79 ppb.

The standard attainment test is applied only at regulatory monitor locations. The 2007 A.D. Guidance and the 2014 Draft A.D. Guidance both recommend that areas within or near nonattainment counties but not adjacent to monitoring locations be evaluated in an unmonitored areas (UMA) analysis to demonstrate that these UMAs are expected to reach attainment by the required future year. The UMA analysis is intended to identify any areas not near a monitoring location that are at risk of not meeting the NAAQS by the attainment date. EPA provided the Modeled Attainment Test Software (MATS) to conduct UMA analyses, but has not specifically recommended in EPA's guidance documents that the only way of performing the UMA analysis is by using the MATS software.

TCEQ used their own UMA analysis (called the TCEQ Attainment Test for Unmonitored areas or TATU). EPA previously reviewed TATU during our review of the modeling protocol for the HGB area (2010 Attainment Demonstration SIP) and we approved analysis using TATU in previous approval of the 2013 HGB 1997 8-hour attainment demonstration (See MOAAD TSD for 2013 SIP approval in Docket EPA–R06–OAR–2013–0387 (79 FR 57, January 2, 2014). We are proposing approval of the use of the TATU tool as providing an acceptable UMA analysis for this SIP approval action (See MOAAD TSD for review and evaluation details). The TATU is integrated into the TCEQ's model post-processing stream and MATS requires that modeled concentrations be exported to a personal computer-based platform, thus it would be more time consuming to use MATS for the UMA. Based on past analysis, results between TATU and MATS are similar and EPA's guidance (2007 and Draft 2014) provides states the

[5] The 10 highest baseline days at a monitor are summed and become the denominator and the future year values for the same 10 days are summed and become the numerator in the RRF calculation.

flexibility to use other technically supportable tools for the UMA.

The TATU analysis included in the SIP indicates the maximum in most of the unmonitored areas is not significantly different than the 2017 FDVs calculated using all days above 75 ppb in the baseline (2007 A.D. Guidance). TCEQ's TATU analysis found two unmonitored areas that indicated high values above the standard but neither of these areas are higher than the area wide maximum modeled value at Manvel Croix Park monitor that is part of the monitored attainment test. One is a small unmonitored area on the Harris and Montgomery County border that is indicated just above the standard and areas in the Gulf of Mexico. The area on the Harris and Montgomery County border is an area between the Conroe and NW Harris Co. regulatory monitors but there is also a non-regulatory monitor (UH WG Jones Forest) that represents some of the area between these two regulatory monitors. In comparison to these two regulatory monitors the UH WG Jones Forest (UH WG) monitor's recent 4th High 8-hour ozone values (2013—preliminary 2017) [6] have been equal or similar to 4th Highs of at least one of these two regulatory monitors except in 2016 when the UH WG 4th High was higher. The 2016 UH WG 4th High was still several ppb lower than the 2016 HGB maximum 4th High indicating that this area including the unmonitored area did not represent the area with highest ozone levels in 2016. The UH WG DV (non-regulatory) has been within 3 ppb of one of these two regulatory monitors and also several ppb less that the HGB maximum DV in recent years (2013-preliminary 2017), further indicating that this unmonitored area is not an area of significant concern. The other area identified was an area over the Gulf of Mexico and parts of Galveston Island where there are no meteorology or ozone monitors to evaluate model performance/accuracy, the accuracy of the spatial interpolation, and the predicted 2017 FDVs, therefore these values are less reliable. Additionally, they are not higher than the value at Manvel Croix monitor.

We agree with TCEQ's analysis finding that the 2 areas identified that are outside of the monitored areas are not a concern because they are not higher than the value predicted at Manvel Croix and because of the issues discussed above. Therefore, the 2017 FDVs are properly capturing the geographic locations of the monitored peaks and no additional significant hotspots were identified that need to be further addressed.

For a more complete description of the modeling attainment test procedures and conclusions and EPA's evaluation of these procedures and conclusions, see the MOAAD TSD in the Docket for this action.

6. What are EPA's conclusions of the modeling demonstration?

EPA has reviewed the modeling and modeling results and finds they meet 40 CFR part 51 requirements. The modeling using the 2014 Draft A.D. Guidance indicates that 19 out of 20 of the monitors are projected to be in attainment in 2017 while one monitor has a 2017 FDV of 79 ppb, above the 2008 8-hour Ozone NAAQS (75 ppb). EPA concludes that given that 95% of the monitors are in attainment, only one monitor is predicted above the standard, and the unmonitored area analysis did not show any areas of concern with values higher than the maximum value at the Manvel Croix monitor, the overall modeling results are within the range [7] where EPA recommends Weight of Evidence (WOE) be considered to determine if the attainment demonstration is approvable.

7. Weight of Evidence

a. Background

A WOE analysis provides additional scientific analyses as to whether the proposed control strategy, although not modeling attainment, demonstrates attainment by the attainment date. The intent of EPA's guidance is to recognize potential uncertainty in the modeling system and future year projections therefore utilize other supplemental information or WOE in deciding if attainment will be achieved. Thus, in the HGB case, even though the modeling predicts one out of 20 monitors has an FDV above the NAAQS, additional information (WOE) can provide a basis to conclude attainment is demonstrated. EPA's guidance indicates that several items should be considered in a WOE analyses, including the following: Additional modeling, additional reductions not modeled, recent emissions and monitoring trends, known uncertainties in the modeling and/or emission projections, and other pertinent scientific evaluations. Pursuant to EPA's guidance, TCEQ supplemented the control strategy modeling with WOE analyses.

We briefly discuss the more significant components of the WOE that impacted EPA's evaluation of the attainment demonstration in this action. Many other elements are discussed in the MOAAD TSD that had less significant impact on EPA's evaluation. For EPA's complete evaluation of the WOE considered for this action, see the MOAAD TSD.

b. What additional modeling-based evidence did Texas provide?

TCEQ used a modeling concept that tracks the ozone generated in the modeling from ozone precursors by location and category of type of emission source that is referred to as source apportionment.[8] TCEQ performed source apportionment modeling using 2012 baseline and 2017 future case modeling databases using the Anthropogenic Precursor Culpability Assessment (APCA) tool. [9] TCEQ provided analysis for select monitors that tend to drive the HGB area's DV (Manvel Croix, Aldine, and Deer Park) and two of the outer monitors that can have higher monitored values and also be more representative of background depending on the transport pattern of a given day (Galveston and Conroe Relocated). Overall, the APCA indicated that HGB emission sources contribute more on the 10 highest days that are used for the RRF and FDV calculations than on other days. For these 10 highest days used in the modeled attainment test at the higher monitors, the amount of 8-hour ozone at the monitor in 2017 due to emissions from local HGB sources was often in the 15–40 ppb range for Manvel Croix (10-day average 28.2 ppb from HGB emissions and 5.35 ppb from rest of Texas emissions), 6–48 ppb range for Aldine (10-day average 27.9 ppb from HGB emissions and 3.24 ppb from rest of Texas emissions), 7–32 ppb range for Deer Park (10-day average 18.1 ppb from HGB emissions and 5.2 ppb from rest of Texas emissions). This source apportionment indicates that on the

[6] The 2017 monitoring data is preliminary and still has to undergo Quality Assurance/Quality Control analysis and be certified by the State of Texas, submitted to EPA, and reviewed and concurred on by EPA.

[7] 2007 A.D. Guidance indicated within 2–3 ppb for the 1997 8-hour 84 ppb standard and the 2014 Draft A.D. Guidance indicated the model results should be close to the standard without giving an exact range. Only one of the 20 value is over with the 2014 Draft A.D. Guidance and EPA considers this be within the range of 'close' as indicated by the guidance (2014 Draft A.D. Guidance page 190 ''In conclusion, the basic criteria required for an attainment demonstration based on weight of evidence are as follows: (1) A fully-evaluated, high-quality modeling analysis that projects future values that are close to the NAAQS.''

[8] Source apportionment allows the tracking of ozone generation from regions (such as upwind states or the HGB area, etc.) and also by source category (such as on-road, nonroad, EGU, point sources, etc.).

[9] See 3.7.3 of the State's August 5, 2016 SIP submittal.

worst days in the HGB area, local emission reductions and reductions within Texas are more beneficial than on other baseline exceedance days. This adds a positive WOE that HGB area reductions in mobile on-road and non-road categories, emission reductions in point source cap and trade programs as well as other categories aid in demonstrating attainment. When we say positive WOE, EPA is indicating that the WOE element factors more into supporting the demonstration of attainment. For EPA's complete evaluation of the modeled WOE elements considered for this action, see the MOAAD TSD.

c. Other Non-Modeling WOE

TCEQ showed that 8-hour and 1-hour ozone DVs have decreased over the past 12 years, based on monitoring data in the HGB Area (2005 through 2016). TCEQ indicated that the 2015 8-hour ozone DV for the HGB nonattainment area is 80 ppb at Manvel Croix, which is in attainment of the former 1997 8-hour standard (84 ppb) and demonstrates progress toward the current 75 ppb standard.

TCEQ's trend line for the 1-hour ozone DV shows a decrease of about 4 ppb per year, and the trend line for the 8-hour ozone DV shows a decrease of about 2 ppb per year and reaching attainment of the 75 ppb standard in 2017. The 1-hour ozone DVs decreased about 29% from 2005 through 2016 and the 8-hour ozone DVs decreased about 23% over that same time.

EPA has also supplemented TCEQ's monitoring data analysis with additional analysis of 2014–2016 and preliminary 2017 monitoring data [10] (See Tables 2 and 3). There were 20 regulatory monitors in 2012 (base case year) so the modeling was restricted to FDVs at 20 monitors, but the regulatory ambient network has expanded to 21 monitors in recent years. The Manvel Croix monitor is located on the south side of the urban core, to the west of the Houston Ship Channel. The Aldine monitor is located on the north side of the urban core and to the northwest of the Houston Ship Channel. One of these two monitors has been setting the HGB area DV from 2009 through 2016 years (and preliminarily in 2017). The 2016 DV (2014–2016 data) data indicates that only three of the 21 regulatory monitors had a DV above the standard (Aldine—79 ppb, West Hollow and Galveston—76 ppb). Current preliminary 2015–2017 DV data indicates that only five of the 21 monitors in the HGB area may be above the standard with a preliminary 2017 DVs of 81 ppb at Aldine, Park Place and Bayland Park with 77 ppb, and Westhollow and Lang with 76 ppb.[11]

The monitored DV is calculated by averaging the 4th High values from three consecutive years and truncating to integer (whole number) level in ppb. For example, the 2016 DV is the truncated average of 4th Highs from 2014–2016. See Table 3 for the 2014-prelminary 2017 4th High 8-hour values. In 2014 none of the 21 monitors in the HGB area had a 4th High 8-hour high value above 75 ppb. In 2015 worse meteorology (more conducive for formation of ozone) occurred and the 4th high 8-hour exceedance value monitored at Aldine jumped to 95 ppb with the second highest value of 91 ppb at Lang (both 27 ppb higher than their 2014 value) and 15 other monitors had 4th High 8-hour values greater than 75 ppb (17 of the 21 monitors were greater than 75 ppb). In 2016, the 4th High 8-hour values went back down and only Westhollow and Bayland Park monitors had 4th High 8-hour values greater than 75 ppb with 79 ppb and 78 ppb respectively, all other HGB area monitors (19 of 21) were 75 ppb or less. In the preliminary 2017 data, only 3 of the 21 monitors had 4th High 8-hour values above 75 ppb (Conroe—79 ppb, Clinton Drive—77 ppb, and Manvel Croix—77 ppb) and the other 18 monitors had values of 75 ppb or less. It is unusual that the 79 ppb at the Conroe monitor was the monitor with the preliminary highest 4th High in 2017 in the HGB area and the Clinton Drive monitor had a 77 ppb, as these monitors are not some of the typical High DV monitors in HGB. The Conroe and Clinton Drive monitor's 2015 and 2016 DVs are below the standard (Clinton Drive 69 ppb both years and Conroe 2015—73 ppb and 2016–72 ppb) even with the higher ozone monitored in 2015. Considering as recently as 2012, 15 of 20 monitors were violating the NAAQS, the area has had large decreases in ozone levels.

Overall as seen in Tables 2 and 3 below, 2015 stands out with high ozone monitored data compared to other recent years (2014, 2016 and preliminary 2017). These 4th High 8-hour values support that the area with recent emission levels has been close to attaining the standard for several years. The high 2015 4th High 8-hour data is driving all the DVs for 2015, 2016, and preliminary 2017. To assess what might have occurred if 2015 hadn't been such a high year we have calculated the average of the last two years (2016 and preliminary 2017) 4th Highs and all are equal to or below 75 ppb except the Bayland Park monitor with 76 ppb,[12] confirming that 2015 is driving the recent DVs because the 2015 4th Highs are much higher than other recent years (2014, 2016, and preliminary 2017).

Despite the high 2015 4th High 8-hour data that contributed to higher 2015, 2016, and preliminary 2017 DV values, examination of the 4th High 8-hour values for 2014, 2016 and preliminary 2017, support the conclusion that the general long term trend identified by TCEQ of a steady reduction in DV of 2 ppb per year is anticipated to continue. Both the individual 4th High monitoring data from 2014, 2016, and 2017 and the average of the 2016 and preliminary 2017 data are strong WOE. The ozone data indicates that emission levels in HGB area and the meteorology that occurred in 2014, 2016, and 2017 have led to ozone levels that are consistent with attainment of the NAAQS. Overall, with the exception of the high 2015 data, the recent monitoring data provides a strong positive WOE.

TABLE 2—HGB AREA MONITOR DVS (2014–2017) [1]

HGB monitor	2014	2015	2016	2017 [1]
Baytown Eastpoint	66	68	69	71
Deer Park	72	69	67	68
Aldine	72	79	79	81

[10] The 2017 monitoring data is preliminary and still has to undergo Quality Assurance/Quality Control analysis and be certified by the State of Texas, submitted to EPA, and reviewed and concurred on by EPA.

[11] Any determination of whether the HGB area has attained the 2008 ozone NAAQS by the applicable attainment date is a separate analysis that will be part of a separate EPA rulemaking. This rulemaking is focused on whether the State's submitted attainment demonstration is approvable under CAA standards. EPA is not in a position at this time to determine whether the HGB area has attained by the applicable attainment date, given that the attainment date has not yet passed and 2017 monitoring data is still preliminary.

[12] Average of 2016 and preliminary 2017 4th Highs: Aldine—74 ppb, Park Place—68.5 ppb, Westhollow—75 ppb and Lang—69.5 ppb.

TABLE 2—HGB AREA MONITOR DVS (2014–2017) [1]—Continued

HGB monitor	2014	2015	2016	2017 [1]
Clinton Drive	68	69	69	75
Croquet	75	75	71	71
Monroe	74	70	65	63
NW Harris Co.	75	73	69	73
Westhollow	76	75	76	76
Lang	74	78	74	76
Wayside	69	70	67	69
Mae Drive (Houston East)	72	74	73	75
Bayland Park	75	76	75	77
Seabrook	72	71	70	71
Channelview	67	68	68	69
Lynchburg	66	67	65	61
Park Place	74	77	72	74
Galveston	72	73	76	77
Conroe	76	73	72	74
Manvel	80	80	75	77
Lake Jackson	66	64	64	65

[1] 2017 DV and 4th High 8-hour values are preliminary data.

TABLE 3—HGB AREA MONITOR 4TH HIGH 8-HOUR VALUES (2014–2017) [1]

HGB monitor	2014	2015	2016	2017 [1]	2016–2017 [1] avg.
Baytown Eastpoint	67	77	65	73	69
Deer Park	63	77	62	66	64
Aldine	68	95	74	74	74
Clinton Drive	58	84	65	77	71
Croquet	67	79	67	67	67
Monroe	65	73	57	59	58
NW Harris Co.	63	78	67	74	70.5
Westhollow	70	79	79	71	75
Lang	64	91	69	70	69.5
Wayside	62	78	62	68	65
Mae Drive (Houston East)	66	88	67	70	68.5
Bayland Park	67	80	78	74	76
Seabrook	65	83	64	67	65.5
Channelview	64	81	61	65	63
Lynchburg	59	79	59	46	52.5
Park Place	66	87	65	72	68.5
Galveston	71	84	74	73	73.5
Conroe	72	73	71	79	75
Manvel Croix	71	86	69	77	73
Lake Jackson	61	65	66	65	65.5

[1] 2017 4th High 8-hour values are preliminary data.

TCEQ also submitted WOE components that are further discussed in the MOAAD TSD including the following: Conceptual model and selection of the 2012 period to fit the range of days and meteorological cycles that yield high ozone in HGB, meteorological transport clustering, additional ozone design value trends, ozone variability analysis and trends, NO_X and VOC monitoring trends, emission trends, NO_X and VOC chemistry limitation analysis, and local contribution analyses. Details of these WOE components that also provide positive WOE are included in Chapter 5 of the December 29, 2016 SIP submittal and discussed in the MOAAD TSD.

d. Other WOE Items From Texas Not Currently Quantified With Modeling: Additional Programs/Reductions, etc.

Refinery Consent Decrees—Texas noted that EPA's existing and continued efforts are resulting in many consent decrees that obtain reductions at refineries across the U.S. and approximately 14% of the nation's refining capacity is in the HGB area. Texas indicted that these consent decrees are yielding reductions in flaring operations, better monitoring of emissions using continuous emission monitors or predictive emission monitoring systems, and other emission reductions from large emissions sources at these facilities. Texas indicated that not all of these emissions have been quantified and included in the model, so some emission reductions required by these actions provide positive WOE.

Texas Emission Reduction Plan (TERP)—The TERP program provides financial incentives to eligible individuals, businesses, or local governments to reduce emissions from polluting vehicles and equipment. In 2015, the Texas Legislature increased funding for TERP to $118.1 million per year for FY 2016 and 2017, which was an increase of $40.5 million per year which resulted in more grant projects in eligible TERP areas, including the HGB area. Texas also noted that since the inception of TERP in 2001 through August 2016, over $1,013 million dollars have been spent within the state through TERP and the Diesel Emission Reduction Incentive Program (DERI) that has resulted in 171,945 tons of NO_X

reductions in Texas by 2016. TCEQ also noted that over $423.6 million in DERI grants have been awarded to projects in the HGB area through 2016 resulting with a projected NO_X reduction of 75,739 tons that is also estimated as 14.1 tons per day of NO_X. These DERI and TERP benefits were not modeled but the reductions and future reductions do provide positive WOE.

Low–Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP)—TCEQ established a financial assistance program for qualified owners of vehicles that fail the emissions test. The purpose of this voluntary program is to repair or remove older, higher emitting vehicles from use in certain counties with high ozone. In HGB area between December 12, 2007 and May 31, 2016, the program repaired 19,297 and retired and replaced 29,716 vehicles at a cost of $98.1 million. Participating HGB area counties were allocated approximately $20.1 million per year for LIRAP for FYs 2016 and 2017. This is an increase of approximately $17.5 million per year over the previous biennium. These LIRAP benefits were not modeled but the reductions and future reductions do provide positive WOE.

Local Initiative Projects (LIP)—Funds are provided to counties participating in the LIP for implementation of air quality improvement strategies through local projects and initiatives (Examples: Studies on emissions inspection fraud and targeting high emission vehicles). The 2016 and 2017 state budgets included increases of approximately $1.9 million per year over previous biennium. These LIP benefits were not modeled but the reductions and future reductions do provide positive WOE.

Local Initiatives—TCEQ indicated that there is an assortment of locally implemented strategies in the HGB nonattainment area including pilot programs, new programs, or programs with pending methodologies. These Local Initiatives benefits were not modeled but the reductions and future reductions do provide positive WOE.

Energy Efficiency/Renewable Energy (EE/RE) Measures—Additional quantified and unquantified WOE emissions reductions (without NO_X reductions calculated) include a number of energy efficiency measures (Residential and Commercial Building Codes, municipality purchase of renewable energies, political subdivision projects, electric utility sponsored programs, Federal facilities EE/RE Projects, etc.). These efforts are not easily quantifiable for an equivalent amount of NO_X reductions that may occur, but they do provide positive WOE that growth in electrical demand is reduced and this results in reduced NO_X emissions from EGUs.

Voluntary Measures—Blue Skyway and Smartway programs encourage voluntary emission reductions in fleets by supporting reduced fuel combustion and use of alternative fuels. Since these are voluntary measures and reporting/verification is not a requirement, the amount of NO_X and VOC reductions that may occur are not easily quantifiable, but they do provide positive WOE from this sector.

8. Is the attainment demonstration approvable?

Consistent with EPA's regulations at 40 CFR 51.1108(c), Texas submitted a modeled attainment demonstration based on a photochemical grid modeling evaluation. EPA has reviewed the components of TCEQ's photochemical modeling demonstration and finds the analysis is consistent with EPA's guidance and meets 40 CFR part 51, including 40 CFR part 51 Appendix W—Guideline on Air Quality Models. The photochemical modeling was conducted to project 2017 ozone levels to demonstrate attainment of the standard by the attainment date. Although the modeled attainment test is not met at one of the 20 HGB monitors because one of the monitors was projected to remain above the standard, consistent with our A.D. guidance, TCEQ submitted a WOE analysis that supports that the emission levels in the area are consistent with attainment. This WOE analysis provides additional scientific analyses based on identification of emission reductions not captured in the modeling, monitoring trends, recent monitoring data (EPA included more recent monitoring data since the SIP submission) and other modeling analyses. The average of the 2016 and preliminary 2017 4th High Data indicates all monitors but one are at or below the standard. This includes the Manvel Croix monitor, the one monitor projected in the modeling to be over the standard, with a value of 73 ppb. The one monitor, which the 2016–2017 average is above standard is just 1 ppb over. The combination of the modeling and the WOE indicate that recent emission levels are consistent with attainment of the standard and demonstrate attainment by the attainment date. We are therefore proposing to approve the attainment demonstration submitted in the December 29, 2016 submittal.

B. RACM

A demonstration is required that all RACM necessary to demonstrate attainment as expeditiously as practicable has been adopted (CAA section 172(c)(1) and 40 CF 51.1112(c)). We consider a control measure to be necessary under the RACM requirement if it: (1) Is technologically feasible, (2) is economically feasible, (3) does not cause substantial widespread and long-term adverse impacts, (4) is not absurd, unenforceable, or impracticable and (5) can advance the attainment date by at least a year (57 FR 13498, 13560, April 16, 1992; 74 FR 2945, 2951, January 16, 2009; and 78 FR 55037, 55044, September 9, 2013).

Texas identified and analyzed whether potential control measures would be considered a RACM measure. Texas determined that none of these measures meet the five RACM criteria. We reviewed the RACM analysis and propose to approve the Texas demonstration that the HGB area has met the RACM requirement. We note that to advance the attainment date by at least a year (to July 20, 2017) additional control measures would need to be implemented at the beginning of 2016. Given the requirement for a SIP revision was published December 14, 2016, it is not feasible that additional measures could be implemented at the beginning of 2016.

C. Contingency Measures Plan

CAA section 172(c)(9) require contingency measures to be implemented in the event of failure to attain the NAAQS by the applicable attainment date or if the area fails to make reasonable further progress. These contingency measures must be fully adopted rules or measures which are ready for implementation quickly upon failure to meet attainment. Implementation of the contingency measures should provide additional emissions reductions of up to 3% of the base year inventory (or lesser percentage that will cure the identified failure). The reductions are to be achieved in the year following the year in which the failure has been identified (57 FR 13498, 13510–12, April 16, 1992). The base year inventory is that specified by CAA section 182(b)(1)(B) and 40 CFR 51.1115.

The Texas contingency measures plan is based on (1) a 2011 base year inventory, (2) a 2% NO_X emissions reduction and a 1% VOC emissions reduction and (3) reductions from 2017 to 2018 due to Federal control measures for on-road motor vehicles. Texas used the EPA MOVES2014a mobile source

emissions estimation model to calculate the on-road emissions reductions.

Table 4 is a summary of the Texas contingency measures plan for the HGB area. As Texas has demonstrated that the base year emissions will be reduced by at least 3% from 2017 to 2018, we propose to approve the HGB contingency measures plan.

TABLE 4—CONTINGENCY MEASURES DEMONSTRATION FOR THE HGB AREA

Description	NO_X emissions (tons per day)	VOC emissions (tons per day)
Base Year Emissions Inventory	459.94	531.40
Percent for Contingency Calculation (Total of 3%)	2%	1%
Required 2017 to 2018 Contingency Reductions	9.20	5.31
Total 2017 to 2018 Contingency Reductions due to Federal Measures for On-road Motor Vehicles	24.35	8.78
Contingency Excess (+) or Shortfall (-)	+15.15	+3.47

D. MVEBs

MVEBs are required for ozone attainment demonstrations to ensure that transportation plans, transportation improvement programs and federally supported highway and transit projects are consistent with (''conform to'') the purpose of the SIP. Conformity to the purpose of the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the relevant NAAQS or interim reductions and milestones (81 FR 12264, 12283–84, March 6, 2015). The SIP included attainment NO_X and VOC MVEBs for the 2017 attainment year (table 5). The MVEBs represents the maximum level of on-road emissions of NO_X and VOC that can be produced in 2017—when considered with emissions from all other sources—which demonstrate attainment of the NAAQS. As our review found that the 2017 MVEBs are consistent with the emissions inventory and control measures that we are proposing provide for attainment, we propose to approve the MVEBs.

TABLE 5—2017 HGB MVEBS

Pollutant	Summer weekday emissions (tons per day)
NO_X	95.56
VOC	54.40

When reviewing submitted ''control strategy'' SIPs containing MVEBs, EPA may affirmatively find the MVEBs contained therein adequate for use in determining transportation conformity. EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). EPA is evaluating the adequacy of the submitted MVEBs in parallel to this proposed approval action on the attainment demonstration. The NO_X and VOC MVEBs for the HGB area opened for public comment on EPA's adequacy website on May 17, 2018, found at: *https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa.* The adequacy comment period for these MVEBs will close on June 18, 2018.

Once EPA affirmatively finds the submitted MVEBs are adequate for transportation conformity purposes, these MVEBs must be used by state and Federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA. Within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the publication date for the final rule for this action, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e)(3).

E. CAA 110(l) Demonstration

Section 110(l) of the CAA precludes EPA from approving a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and RFP (as defined in section 171 of the Act), or any other applicable requirement of the CAA. This action proposes approval of a plan that demonstrates that already adopted measures both Federal or State will provide levels of emissions consistent with attaining the ozone NAAQS. Since it is a demonstration, it will not interfere with any other requirement of the Act. Also in this action, we are proposing to approve the attainment MVEBs, which are lower than MVEBs proposed to be approved for RFP (83 FR 17964, April 25, 2018), and the contingency measures plan. The lower attainment demonstration MVEBs and on-going emission reductions through the contingency measures plan both provide progress toward attainment and as such do not interfere with any applicable requirement of the Act.

III. Proposed Action

We are proposing to approve elements of a HGB area SIP revision for the 2008 8-hour ozone NAAQS. Specifically, we are proposing approval of the attainment demonstration, a RACM analysis, the contingency measures plan in the event of failure to attain the NAAQS by the applicable attainment date, and NO_X and VOC MVEBs for 2017. We are proposing approval of the use of TATU's tool and its Unmonitored Area analysis as acceptable for meeting the recommended evaluation of ozone levels in the Unmonitored Area analysis for this SIP approval action. Further, as part of today's action, we are describing the status of our adequacy determination for the NO_X and VOC MVEBs for 2017 in accordance with 40 CFR 93.118(f)(2). Within 24 months from the effective date of our adequacy determination for the MVEBs or the publication date for a final rule approving the MVEBs, whichever is earlier, the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e)(3).

IV. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone.

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

Dated: May 22, 2018.

Anne Idsal,

Regional Administrator, Region 6.

[FR Doc. 2018–11352 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 83, No. 103
Tuesday, May 29, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 23, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by June 28, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725—17th Street NW, Washington, DC 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Forest Service

Title: Timber Sale Contract Operations and Administration.

OMB Control Number: 0596–0225.

Summary of Collection: The Forest Service (FS) is authorized under the National Forest Management Act (16 U.S.C. 472a); Contract Disputes Act of 1978; Food, Conservation, and Energy Act of 2008; Executive Order 11246, as amended by E.O. 11375 and E.O. 12086; 36 CFR 223.30–60 and 36 CFR 223.110–118; 40 CFR 112 and Forest Resources Conservation and Shortage Relief Act of 1990, § 620d Monitoring and Enforcement, as amended in 1997 by Public Law 105–83 and current through Public Law 110–450 and Agricultural Act of 2014, Title VIII Forestry, to collect information associated with operations and administration of bilateral contracts for the sale of timber and other forest products.

Need and Use of the Information: The information is needed by the FS for a variety of uses associated with operations and administration of contracts for the sale and disposal of National Forest System timber and other forest products. The information collected includes plans, inspections, requests for action by the other party, agreements, modifications, acceptance of work, and notices necessary for operations under the terms of the contracts. Each contract specifies the information the contractor will be required to provide, including the timing and frequency of the information collection. The information is submitted in a variety of formats including FS forms; Government Standard forms; forms developed by individual contractors, charts, maps, email messages and letters.

Description of Respondents: Business or other for-profit; Farms; Not-for-profit institutions.

Number of Respondents: 3,400.

Frequency of Responses: Reporting: Annually; Semi-annually; Monthly; On occasion.

Total Burden Hours: 40,139.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–11387 Filed 5–25–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by July 30, 2018.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Avenue SW, STOP 1522, Room 5164-South Building, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435 or email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Director, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Avenue SW, Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov.*

Title: Rural Alaska Village Grant Program.

OMB Control Number: 0572–0150.

Type of Request: Extension of a currently approved collection.

Abstract: The Rural Alaska Village Grant (RAVG) Program is authorized under Section 305D of the Consolidated Farm and Rural Development Act (CONACT), (7 U.S.C. 1926(d)), as amended. Governing regulations are currently codified in 7 CFR 1780. Under the RAVG program, the Secretary of Agriculture may make grants to the State of Alaska for the benefit of rural or Native Villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those Villages. To be eligible to receive a grant under the RAVG program, the project must provide 25 percent in matching funds from the State of Alaska. The matching funds must come from non-Federal sources. The Secretary shall consult with the State of Alaska on a method of prioritizing the allocation of grants according to the needs of, and relative health and sanitation conditions in, each village.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1.36 hours per response.

Respondents: Business or other for-profit, not-for-profit institutions, State, Local, or Tribal Government.

Estimated Number of Respondents: 25.

Estimated Number of Responses per Respondent: 13.8.

Estimated Total Annual Burden on Respondents: 469.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435 or email: *rebecca.hunt@wdc.usda.gov.* All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 30, 2018.

Kenneth L. Johnson,

Administrator, Rural Utilities Service.

[FR Doc. 2018–11398 Filed 5–25–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: American Community Survey Methods Panel Tests.

OMB Control Number: 0607–0936.

Form Number(s): ACS–1 and ACS–1(GQ).

Type of Request: Regular Submission.

Number of Respondents: 455,500 per year.

Average Hours per Response: 40 minutes.

Burden Hours: 266,168 per year.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) for the American Community Survey (ACS) Methods Panel Tests.

An ongoing data collection effort with an annual sample of the magnitude of the ACS requires that the Census Bureau continue research, testing, and evaluations aimed at improving data quality, achieving survey cost efficiencies, reducing respondent burden, and improving ACS questionnaire content and related data collection materials. The ACS Methods Panel is a robust research program focused on enhancing the quality of the respondent experience, survey operations, and data.

From 2018 to 2021, the ACS Methods Panel program may include testing methods for increasing survey efficiencies, reducing survey cost, improving the respondent experience, increasing response rates, and improving data quality. At this time, plans are in place to propose several tests:

- Mail Materials Test that will explore ways to improve the respondent experience and address respondent concerns about the perceived intrusiveness of the ACS balanced against increasing self-response to the survey.
- Self-Response Mail Messaging Tests that research various aspects of the mail materials and contact strategy.
- Multilingual Testing that would explore ways to engage respondents with limited English proficiency during the self-response portion of data collection.
- Content Tests that will test new and/or revised content.
- Respondent Burden Questions Test that would incorporate questions about respondents' experience with the survey.
- Respondent Comment/Feedback Test which would add a comment field to make it easy for respondents to give feedback about the ACS.
- Administrative Data Use Test to assess the potential for supplementing or replacing survey content with administrative data.
- Group Quarters Test to assess the feasibility of making an internet self-response option available to non-institutional GQ residents.

Since the ACS Methods Panel is designed to address emerging issues, we may conduct additional testing as needed. Any additional testing would focus on methods for reducing data collection costs, improving data quality, revising content, or testing new questions that have an urgent need to be included on the ACS. The tests may be conducted on HUs, GQs, or both. As more details are developed for the additional tests, the Census Bureau will submit a non-substantive change request, (and **Federal Register** Notice, as necessary) documenting the change or revision.

The tests proposed allow the Census Bureau to continue to examine operational issues, research the data quality, collect cost information and make recommendations for improvements to this annual data collection.

Affected Public: Individuals or households.

Frequency: Multiple one-time tests over a 3-year period.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–11437 Filed 5–25–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an opportunity to apply for membership on the United States Travel and Tourism Advisory Board.

SUMMARY: The Department of Commerce is currently seeking applications for membership on the United States Travel and Tourism Advisory Board (Board). The purpose of the Board is to advise the Secretary of Commerce on matters relating to the U.S. travel and tourism industry.

DATES: Applications for immediate consideration for membership must be received by the National Travel and Tourism Office by 5:00 p.m. Eastern Daylight Time (EDT) on Friday, June 15, 2018.

ADDRESSES: Please submit application information by email to *TTAB@trade.gov.*

FOR FURTHER INFORMATION CONTACT: Brian Beall, National Travel and Tourism Office, U.S. Department of Commerce, 1401 Constitution Ave. NW, Room 10003, Washington, DC 20230; telephone: 202–482–0140; email: *TTAB@trade.gov.*

SUPPLEMENTARY INFORMATION: The United States Travel and Tourism Advisory Board (Board) is established under 15 U.S.C. 1512 and under the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (FACA). The Board advises the Secretary of Commerce on government policies and programs that affect the U.S. travel and tourism industry, including ways to ensure the United States remains the preeminent destination for international travel and tourism. The Board acts as a liaison to the stakeholders represented by the membership, consulting with them on current and emerging issues in the industry to support sustainable growth in travel and tourism.

The National Travel and Tourism Office is accepting applications for Board members. Members shall be Chief Executive Officers or senior executives from U.S. companies, U.S. organizations, or U.S. entities in the travel and tourism sectors representing a broad range of products and services, company sizes, and geographic locations. For eligibility purposes, a ''U.S. company'' is a for-profit firm that is incorporated in the United States (or an unincorporated U.S. firm with its principal place of business in the United States) that is controlled by U.S. citizens or by other U.S. companies. A company is not a U.S. company if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is known to be controlled, directly or indirectly, by non-U.S. citizens or non-U.S. companies. For eligibility purposes, a ''U.S. organization'' is an organization, including trade associations and nongovernmental organizations (NGOs), established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. company (or companies), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. For eligibility purposes, a U.S. entity is a tourism-related entity that can demonstrate U.S. ownership or control, including but not limited to state and local tourism marketing entities, state government tourism offices, state and/or local government-supported tourism marketing entities, and multi-state tourism marketing entities.

Members of the Board will be selected in accordance with applicable Department of Commerce guidelines based on their ability to carry out the objectives of the Board as set forth in the Board's charter and in a manner that ensures that the Board is balanced in terms of geographic diversity, diversity in size of company or organization to be represented, and representation of a broad range of services in the travel and tourism industry. Each member shall serve for two years from the date of the appointment, and at the pleasure of the Secretary of Commerce.

Members serve in a representative capacity, representing the views and interests of their particular business sector, and not as Special Government employees. Members will receive no compensation for their participation in Board activities. Members participating in Board meetings and events will be responsible for their travel, living, and other personal expenses. Meetings will be held regularly and, to the extent practical, not less than twice annually, usually in Washington, DC.

To be considered for membership, please provide the following information by the Friday, June 15, 2018 deadline to the address listed in the **ADDRESSES** section:

1. The name and title of the individual requesting consideration.

2. A sponsor letter from the applicant on his or her company/organization/entity letterhead or, if the applicant is to represent a company/organization/entity other than his or her employer, a letter from the company/organization/entity to be represented, containing a brief statement of why the applicant should be considered for membership on the Board. This sponsor letter should also address the applicant's travel and tourism-related experience.

3. The applicant's personal resume.

4. An affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

5. If the applicant is to represent a company, information regarding the control of the company, including the stock holdings as appropriate, signifying compliance with the criteria set forth above.

6. If the applicant is to represent an organization, information regarding the control of the organization, including the governing structure, members, and revenue sources as appropriate, signifying compliance with the criteria set forth above.

7. If the applicant is to represent a tourism-related entity, the functions and responsibilities of the entity, and information regarding the entity's U.S. ownership or control, signifying compliance with the criteria set forth above.

8. The company's, organization's, or entity's size, product or service line and major markets in which the company, organization, or entity operates.

9. A brief statement describing how the applicant will contribute to the work of the Board based on his or her unique experience and perspective (not to exceed 100 words).

Brian Beall,

Designated Federal Officer, National Travel and Tourism Office.

[FR Doc. 2018–11362 Filed 5–25–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0649–XG266

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Monday, June 18 through Thursday, June 21, 2018.

ADDRESSES: The meeting will take place at the Marriott Beachside Key West hotel located at 3841 N. Roosevelt Boulevard, Key West, FL 33040; telephone (305) 296–8100.

Council address: Gulf of Mexico Fishery Management Council, 2203 N Lois Avenue, Suite 1100, Tampa, FL 33607; telephone (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Douglas Gregory, Executive Director, Gulf of Mexico Fishery Management Council; telephone (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Agenda

Monday, June 18, 2018; 8:30 a.m.–5:30 p.m.

The Coral Committee will review and discuss taking Final Action on Amendment 9: Coral Habitat Area Considered for Management in the Gulf of Mexico. The Mackerel Committee will receive an update on Coastal Migratory Pelagics (CMP) Landings, review and discuss taking Final Action on CMP Amendment 31: Atlantic Cobia Management for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; and, review options for CMP Framework Amendment 7: Modifications to Gulf Cobia Size and Possession Limits. The Gulf SEDAR Committee will receive a summary from the May 2018 Steering Committee meeting.

After lunch, Sustainable Fisheries Committee will review and discuss taking Final Action on Amendment 49: Modifications to the Sea Turtle Release Gear and Framework Procedure for the Reef Fish Fishery; review proposed Aquaculture Bill and Potential Impacts; discuss draft Generic Amendment for Carryover or Unharvested Quota; and, receive the 2018 Regulatory Review.

The Council will convene in a FULL COUNCIL—CLOSED SESSION (at approximately 4 p.m.–5:30 p.m.) to review and appoint applicants to the Standing and Special Scientific and Statistical Committees (SSC); and, make final selections for the Reef Fish and Shrimp Advisory Panel members.

Tuesday, June 19, 2018; 8 a.m.–5:30 p.m.

The Reef Fish Management Committee will convene and receive an update on Reef Fish Landings; receive assessments on SEDAR 31: Hogfish Update, SEDAR 51: Gray Snapper Benchmark, and SEDAR 52: Red Snapper Standard; and receive an update on State Management Program for Recreational Red Snapper. After lunch, the committee will review a scoping document for Reallocation of Red Snapper Annual Catch Limits (ACL); review public hearing draft for Reef Fish Amendment 48/Red Drum 5: Status Determination Criteria and Optimum Yield; review draft framework action to modify the Annual Catch Target (ACT) for Red Snapper Federal For-Hire and Private Angling Components; and, receive a Scientific and Statistical Committee (SSC) summary report. Under other business, the Committee will discuss Red Grouper.

Wednesday, June 20, 2018; 8:30 a.m.–5:30 p.m.

The Ecosystem Committee will review a draft roadmap for Ecosystem-Based Fisheries Management Regional Plan for the Gulf of Mexico. The Spiny Lobster Committee will receive an update on Spiny Lobster Landings; and, review a public hearing draft for Spiny Lobster Amendment 13. The Outreach and Education Committee will review the Council's Outreach Plan on Descending and Venting; review the Anecdotal Data Collection Tool; review of Council Communication Analytics; receive a presentation on Transition from Paper Regulations to FishRules App; and receive a summary from the Outreach and Education Technical Committee meeting.

After lunch, the Full Council will reconvene with a Call to Order, Announcements, and Introductions; Adoption of Agenda and Approval of Minutes. The Council will receive presentations from Western Central Atlantic Fishery Commission—Overview and Strategic Reorientation Process, Florida Law Enforcement, and a 6-month update on Lionfish Harvesting by Lionfish International. The Council will receive open public testimony from 2:45 p.m. until 5:30 p.m. on taking Final Action on Amendment 49: Modifications to the Sea Turtle Release Gear and Framework Procedure for the Reef Fish Fishery, Final Action on Coral Amendment 9: Habitat Areas Considered for Management in the Gulf of Mexico, and Final Action on CMP Amendment 31: Atlantic Cobia Management for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region; and, on any other fishery issues or concerns. Anyone wishing to speak during public comment should sign in at the registration station located at the entrance to the meeting room.

Thursday, June 21, 2018; 8:30 a.m.–3 p.m.

The Council will receive committee reports from Coral, Mackerel, Spiny Lobster, Sustainable Fisheries, Gulf SEDAR, Ecosystem, Outreach and Education and Reef Fish Management Committees. After lunch, the Council will review the Reef Fish and Shrimp Advisory Panel, and SSC Appointments. The Council will receive updates from the following supporting agencies: South Atlantic Fishery Management Council; Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and, the Department of State.

Lastly, the Council will discuss any Other Business items.

Meeting Adjourns

The meeting will be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the Council meeting on the calendar. *https://attendee.gotowebinar.com/register/3383291116212545537*—The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 23, 2018.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2018–11386 Filed 5–25–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG264

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, June 11, 2018 at 2 p.m.

ADDRESSES: The meeting will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone (207) 775–2311.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Committee will review draft alternatives for skate wing possession limits, which are intended to prolong the skate wing fishery. They will also recommend preferred alternatives for skate wing possession limits for Framework 6 to the Council. Other Business will be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 23, 2018.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2018–11393 Filed 5–25–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Department of the Air Force

U.S. Air Force Scientific Advisory Board; Notice of Federal Advisory Committee Meeting

AGENCY: U.S. Air Force Scientific Advisory Board, Office of the Department of the Air Force, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Air Force Scientific Advisory Board will take place.

DATES: Partially Closed to the public Thursday June 14, 2018 from 8:30 a.m. to 4:00 p.m. Pacific Time.

ADDRESSES: Beckman Center Auditorium, Arnold and Mabel Beckman Center of the National Academies of Sciences and Engineering, 100 Academy Way, Irvine, CA 92617

FOR FURTHER INFORMATION CONTACT: Evan Buschmann, (240) 612–5503 (Voice), 703–693–5643 (Facsimile), *evan.g.buschmann.civ@us.af.mil* (email). Mailing Address is 1500 West Perimeter Road, Ste. #3300, Joint Base Andrews, MD 20762. Website: *http://www.sab.af.mil/.* The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140.

Purpose of the Meeting: The purpose of this quarterly board meeting is to formally complete, outbrief, and receive majority approval for the content and recommendations contained in the United States Air Force Scientific Advisory Board Fiscal Year 2018 studies.

Agenda: 0830–0900 Welcoming Remarks & Quarterly Update—Dr. James S. Chow, Chair, SAB 0900–0930 Air Force Scientific Advisory Board Volunteer Executive Officer Awards 0930–1000 FY19 S&T Review Program Update—Dr. Lara Schmidt, Chair, S&T Reviews 1000–1130 Technologies for Enabling Resilient Command and Control (TRC)—Dr. Nils Sandell, Study Chair (Closed to Public) 1130–1300 Lunch Break 1300–1500 Maintaining Technology Superiority for the USAF (MTS)—Lt Gen George Muellner (Ret.) (Closed to Public) 1500–1515 Break 1515–1545 FY19 Study Topic Terms of Reference discussion—Dr. James S. Chow, Chair, SAB (Closed to Public) 1545–1600 Closing Comments—Dr. James S. Chow, Chair, SAB

Meeting Accessibility: Portions of the Air Force Scientific Advisory Board Summer Meeting will be closed to the public because the Board will discuss classified information and matters covered by Section 552b of Title 5, United States Code, subsection (c), subparagraph (1).

Written Statements: Any member of the public that wishes to provide input on the Air Force Scientific Advisory Board Summer Meeting must contact the meeting organizer at the phone number or email address listed in this announcement at least five working days prior to the meeting date. Please ensure that you submit your written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act. Statements being submitted in response to the agenda mentioned in this notice must be received by the Scientific Advisory Board meeting organizer at least five calendar days prior to the meeting commencement date. The Scientific Advisory Board meeting organizer will review all timely submissions and respond to them prior to the start of the meeting identified in

this notice. Written statements received after this date may not be considered by the Scientific Advisory Board until the next scheduled meeting.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2018–11439 Filed 5–25–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF ENERGY

Notice of Orders Issued Under Section 3 of The Natural Gas Act During April 2018

	FE Docket Nos.
SANTA FE GAS LLC	18–36–NG
WEST TEXAS GAS, INC.	18–39–NG
POWEREX CORP.	18–37–NG; 16–170–NG
SPARK ENERGY GAS, LLC	18–38–NG; 16–164–NG
NEW YORK STATE ELECTRIC & GAS COMPANY.	18–41–NG
NOBLE AMERICAS GAS & POWER CORP..	17–36–NG
IGI RESOURCES, INC.	18–43–NG
ENERGY SOURCE NATURAL GAS INC..	18–42–NG
EMPIRE NATURAL GAS CORPORATION.	18–44–NG
ENGELHART CTP (US) LLC	18–45–NG

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during April 2018, it issued orders granting authority to import and export natural gas, and to import and export liquefied natural gas (LNG), and vacating authorization. These orders are summarized in the attached appendix and may be found on the FE website at *https://www.energy.gov/fe/downloads/listing-doefe-authorizationsorders-issued-2018-1.*

They are also available for inspection and copying in the U.S. Department of Energy (FE–34), Division of Natural Gas Regulation, Office of Regulation and International Engagement, Office of Fossil Energy, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on May 22, 2018.

Amy Sweeney,

Director, Division of Natural Gas Regulation.

Appendix

DOE/FE ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

4171	04/09/18	18–36–NG	Santa Fe Gas LLC	Order 4171 granting blanket authority to import/export natural gas from/to Mexico.
4172	04/23/18	18–39–NG	West Texas Gas, Inc.	Order 4172 granting blanket authority to export natural gas to Mexico.
4173; 3938–A	04/20/18	18–37–NG; 16–170–NG.	Powerex Corp.	Order 4173 granting blanket authority to import/export natural gas from/to Canada/Mexico and to vacate prior authority Order 3938.
4174; 3910–A	04/20/18	18–38–NG; 16–164–NG.	Spark Energy Gas, LLC	Order 4174 granting blanket authority to import natural gas from Canada and vacating prior authority Order 3910.
4175	04/20/18	18–41–NG	New York State Electric & Gas Company.	Order 4175 granting blanket authority to import/export natural gas from/to Canada.
4012–A	04/20/18	17–36–NG	Noble Americas Gas & Power Corp..	Order 4012–A vacating blanket authority to import/export natural gas from/to Canada/Mexico.
4176	4/25/18	18–43–NG	IGI Resources, Inc.	Order 4176 granting blanket authority to import/export natural gas from/to Canada.
4177	4/25/18	18–42–NG	Energy Source Natural Gas Inc.	Order 4177 granting blanket authority to import/export natural gas from/to Canada.
4179	04/27/18	18–44–NG	Empire Natural Gas Corporation	Order 4179 granting blanket authority to import/export natural gas from/to Canada.
4180	4/27/18	18–45–NG	Engelhart CTP (US) LLC	Order 4180 granting blanket authority to import/export natural gas from/to Canada/Mexico.

[FR Doc. 2018–11402 Filed 5–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Monday, July 9, 2018 12:00 p.m.–6:00 p.m. EST

Tuesday, July 10, 2018 8:00 a.m.–12:00 p.m. EST

ADDRESSES: The meeting will be held at the National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (202) 586–1060 or Email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the

Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2, to provide advice to the Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include panels or presentations on the development of the North American grid resilience model, frequency response and grid resilience, the Grid Modernization Initiative Multi-year Program Plan, and the advanced grid research and development portfolio. Additionally, the meeting is expected to include an update on the programs and initiatives of the DOE's Office of Electricity and an update on the plans and activities of the Energy Storage Subcommittee and the Smart Grid Subcommittee.

Tentative Agenda: July 9, 2018

12:00 p.m.–1:00 p.m. EAC Leadership Committee Meeting
12:00 p.m.–1:00 p.m. Registration
12:00 p.m.–1:00 p.m. Swearing in for New Special Government Employee Members
1:00 p.m.–1:15 p.m. Welcome, Introductions, Developments since the February 2018 Meeting
1:15 p.m.–2:15 p.m. Update on the DOE Office of Electricity's Programs and Initiatives
2:15 p.m.–2:30 p.m. Break
2:30 p.m.–4:45 p.m. Panel Session: Development of North American Grid Resilience Model
4:45 p.m.–5:00 p.m. Break
5:00 p.m.–5:30 p.m. Energy Storage Subcommittee Update
5:30 p.m.–5:55 p.m. Smart Grid Subcommittee Update
5:55 p.m.–6:00 p.m. Wrap-up and Adjourn Day 1 of July 2018 Meeting of the EAC

Tentative Agenda: July 10, 2018

8:00 a.m.–10:00 a.m. Panel Session: Frequency Response and Grid Resilience
10:00 a.m.–10:15 a.m. Break
10:15 a.m.–11:00 a.m. Grid Modernization Initiative Multi-Year Program Plan
11:00 a.m.–11:45 a.m. Advanced Grid Research and Development Portfolio
11:45 a.m.–11:55 a.m. Public Comments
11:55 a.m.–12:00 p.m. Wrap-up and Adjourn July 2018 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC website at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Tuesday, July 10, 2018, but must register at the registration table in advance. Approximately 10 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''Electricity Advisory Committee Open Meeting,'' by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on May 22, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–11404 Filed 5–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity, Department of Energy.

ACTION: Notice of Open Teleconference.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Monday, June 25, 2018, from 11:00 a.m. to 12:55 p.m. EST. To receive the call-in number and passcode, please contact the Committee's Designated Federal Officer, Matthew Rosenbaum, at the address or phone number listed below.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (202) 586–1060 or email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2,

to provide advice to the Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include discussion of four work products created by EAC subcommittees, as well as recommendations developed from the special project on regulatory reform. During the meeting, the full EAC membership will vote on whether to approve the recommendations in the five work products.

Tentative Agenda

June 25, 2018

11:00 a.m.–11:15 a.m. Welcome, Introductions, Meeting Logistics
11:15 a.m.–11:30 a.m. Presentation, Discussion, and Voting on Special Project: Regulatory Reform Recommendations
11:30 a.m.–11:45 a.m. Presentation, Discussion, and Voting on Energy Storage Subcommittee Work Product: A Review of Emerging Energy Storage Technologies
11:45 a.m.–12:00 p.m. Presentation, Discussion, and Voting on Energy Storage Subcommittee Work Product: Energy Storage for Resiliency and Reliability
12:00 p.m.–12:15 p.m. Presentation, Discussion, and Voting on Power Delivery Subcommittee Work Product: Transmission-Distribution I Interface
12:15 p.m.–12:30 p.m. Presentation, Discussion, and Voting on Smart Grid Subcommittee Work Product: Enhancing Grid Resilience with Integrated Storage from Electric Vehicles
12:30 p.m.–12:40 p.m. Public Comments
12:40 p.m.–12:55 p.m. Wrap-up and Adjourn June 2018 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC website at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so. Approximately 10 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''Electricity Advisory Committee Open Meeting,'' by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW, Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC, on May 22, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–11403 Filed 5–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee

AGENCY: Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice for solicitation of members.

SUMMARY: In accordance with the Federal Advisory Committee Act, the U.S. Department of Energy is soliciting nomination for candidates to fill vacancies on the Biomass Research and Development Technical Advisory Committee (Committee).

DATES: Deadline for Technical Advisory Committee member nominations is June 30, 2018.

ADDRESSES: The nominee's name, resume, biography, and any letters of support must be submitted via one of the following methods:

(1) Email to *Mark.Elless@ee.doe.gov*

(2) Overnight delivery service to Dr. Mark Elless, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, Mail Stop EE–3B, 1000 Independence Avenue SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Elless, Designated Federal Official for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585; (202) 586–6501; Email: *Mark.Elless@ee.doe.gov.* Committee website: *http://biomassboard.gov/committee/committee.html*

SUPPLEMENTARY INFORMATION: The Biomass Research and Development Act of 2000 (Biomass Act) [Pub. L. 106–224] requires cooperation and coordination in biomass research and development

(R&D) between the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE). The Biomass Act was repealed in June 2008 by section 9008 of the Food, Conservation and Energy Act of 2008 (FCEA) [Pub. L. 110–246, 122 Stat. 1651, enacted June 18, 2008, H.R. 6124]. The Biomass Act was re-authorized in the Agricultural Act of 2014.

FCEA section 9008(d) established the Biomass Research and Development Technical Advisory Committee and lays forth its meetings, coordination, duties, terms, and membership types. Committee members are paid travel and per diem for each meeting. The Committee must meet quarterly and should not duplicate the efforts of other Federal advisory committees. Meetings are typically two days in duration. At least three meetings are held in the Washington DC area, with the fourth meeting possibly held at a site to be determined each year. The Committee advises DOE and USDA points of contact with respect to the Biomass R&D Initiative (Initiative) and priority technical biomass R&D needs and makes written recommendations to the Biomass R&D Board (Board). Those recommendations regard whether: (A) Initiative funds are distributed and used consistent with Initiative objectives; (B) solicitations are open and competitive with awards made annually; (C) objectives and evaluation criteria of the solicitations are clear; and (D) the points of contact are funding proposals selected on the basis of merit, and determined by an independent panel of qualified peers.

The committee members may serve two, three-year terms and committee membership must include: (A) An individual affiliated with the biofuels industry; (B) an individual affiliated with the biobased industrial and commercial products industry; (C) an individual affiliated with an institution of higher education that has expertise in biofuels and biobased products; (D) 2 prominent engineers or scientists from government (non-federal) or academia that have expertise in biofuels and biobased products; (E) an individual affiliated with a commodity trade association; (F) 2 individuals affiliated with environmental or conservation organizations; (G) an individual associated with state government who has expertise in biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; (I) an individual with expertise in the economics of biofuels and biobased products; (J) an individual with expertise in agricultural economics; (K) an individual with expertise in plant biology and biomass feedstock development; (L) an individual with expertise in agronomy, crop science, or soil science; and (M) at the option of the points of contact, other members (REF: FCEA 2008 section 9008(d)(2)(A)). All nominees will be carefully reviewed for their expertise, leadership, and relevance to an expertise. Appointments will be made for three-year terms, as dictated by the legislation.

Nominations this year are needed for the following categories in order to address the Committee's needs: (I) An individual with expertise in the economics of biofuels and biobased products; (H) an individual with expertise in energy and environmental analysis; and (J) an individual with expertise in agricultural economics. Nominations for other categories will also be accepted. Nomination categories C, D, H, I, J, K, L, and M are considered special Government employees (SGE) and require submittal of an annual financial disclosure form. In addition to the required categories, other areas of expertise of interest to the Committee are individuals with expertise in process engineering related to biorefineries, or biobased coproducts that enable fuel production.

Nominations are solicited from organizations, associations, societies, councils, federations, groups, universities, and companies that represent a wide variety of biomass research and development interests throughout the country. In your nomination letter, please indicate the specific membership category of interest. Each nominee must submit their resume and biography along with any letters of support by the deadline above. If you were nominated in previous years but were not appointed to the committee and would still like to be considered, please submit your nomination package again in response to this notice with all required materials. All nominees will be vetted before selection.

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure that recommendations of the Technical Advisory Committee take into account the needs of the diverse groups served by DOE, membership shall include (to the extent practicable), all racial and ethnic groups, women and men, and persons with disabilities. Please note that registered lobbyists serving in an ''individual capacity,'' individuals already serving another Federal Advisory Committee, and Federal employees are ineligible for nomination.

Appointments to the Biomass Research and Development Technical Advisory Committee will be made by the Secretary of Energy and the Secretary of Agriculture.

Issued at Washington, DC, on May 23, 2018.

Latanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–11420 Filed 5–25–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–144–000]

St. Joseph Energy Center, LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On May 21, 2018, the Commission issued an order in Docket No. EL18–144–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether St. Joseph Energy Center, LLC's rates for Reactive Service may be unjust and unreasonable. *St. Joseph Energy Center, LLC,* 163 FERC ¶ 61, 130 (2018).

The refund effective date in Docket No. EL18–144–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18–144–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: May 22, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11383 Filed 5–25–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–88–000.

Applicants: Calpine Corporation, CPPIB Calpine Canada Inc.

Description: Supplement to April 23, 2018 Application for Authorization Under Section 203 of the Federal Power Act of Calpine Corporation, et al.

Filed Date: 5/18/18.

Accession Number: 20180518–5202.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: EC18–94–000.

Applicants: Hunlock Energy, LLC, UGI Development Company.

Description: Application for Approval under Section 203 of the Federal Power Act and Request for Expedited Treatment of Hunlock Energy, LLC, et al.

Filed Date: 5/22/18.

Accession Number: 20180522–5195.

Comments Due: 5 p.m. ET 6/12/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3658–001; ER12–1920–001; ER13–1595–001; ER14–2085–001.

Applicants: Entergy Services, Inc.

Description: Entergy Services, Inc. submits tariff filing per 35.19a(b): Refund Report to be effective N/A.

Filed Date: 5/18/18.

Accession Number: 20180518–5220.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER12–2065–004; ER14–2472–004; ER15–1721–003.

Applicants: Aequitas Energy, Inc., Agera Energy LLC, energy.me midwest llc.

Description: Notice of Non-Material Change in Status of Agera Energy LLC, et al.

Filed Date: 5/22/18.

Accession Number: 20180522–5190.

Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER17–219–005.

Applicants: PacifiCorp.

Description: Compliance filing: OATT Ancillary—Compliance to 041918 Settlement Order to be effective 1/1/2018.

Filed Date: 5/18/18.

Accession Number: 20180518–5200.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER17–219–006.

Applicants: PacifiCorp.

Description: Compliance filing: OATT Ancillary Compliance—Attachments U & V to be effective 7/1/2018.

Filed Date: 5/18/18.

Accession Number: 20180518–5201.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–649–001.

Applicants: Hunlock Energy, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Change in Control (Docket No. EL18–121) to be effective N/A.

Filed Date: 5/22/18.

Accession Number: 20180522–5207.

Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1655–000.

Applicants: 4C Acquisition, LLC.

Description: Tariff Cancellation: 4CA Cancellation of Cost Based Rate Tariff to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5155.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1656–000.

Applicants: 4C Acquisition, LLC.

Description: Tariff Cancellation: 4CA Cancellation of Market Based Rate Tariff to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5156.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1657–000.

Applicants: 4C Acquisition, LLC.

Description: Tariff Cancellation: 4CA Cancellation of Rate Schedule Nos. 1–6 to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5164.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1658–000.

Applicants: Arizona Public Service Company.

Description: Tariff Cancellation: APS Cancellation of Rate Schedule Nos. 286 and 287 to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5171.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1659–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule Nos. 44, 98, and 211 to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5192.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1660–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Rate Schedule No. 291—BA Services Agreement with NTEC to be effective 12/31/9998.

Filed Date: 5/18/18.

Accession Number: 20180518–5199.

Comments Due: 5 p.m. ET 6/8/18.

Docket Numbers: ER18–1661–000.

Applicants: Midcontinent Independent System Operator, Inc. Great River Energy.

Description: § 205(d) Rate Filing: 2018–05–22_Filing to revise Attachment GG–GRE Annual True-Up Procedure to be effective 7/22/2018.

Filed Date: 5/22/18.

Accession Number: 20180522–5206.

Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1662–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Clarify Contingency Reserve Clearing During Contingency Reserve Events to be effective 7/22/2018.

Filed Date: 5/22/18.

Accession Number: 20180522–5208.

Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1663–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: First Revised ISA SA No. 4723; Queue No. AA2–173/AB1–112/AC2–142 to be effective 4/20/2018.

Filed Date: 5/22/18.

Accession Number: 20180522–5211.

Comments Due: 5 p.m. ET 6/12/18.

Docket Numbers: ER18–1664–000.

Applicants: AES Ohio Generation, LLC.

Description: § 205(d) Rate Filing: AES Ohio Generation Reactive Power Filing to be effective 6/1/2018.

Filed Date: 5/22/18.

Accession Number: 20180522–5212.

Comments Due: 5 p.m. ET 6/12/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 22, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11381 Filed 5–25–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–152–000]

Louisiana Public Service Commission v. System Energy Resources, Inc.; Entergy Services, Inc.; Notice of Complaint

Take notice that on May 18, 2018, pursuant to sections 206, 306, and 309 of the Federal Power Act, 16 U.S.C. 824e, 825e, and 825h and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206, Louisiana Public Service Commission (Complainant) filed a formal complaint against System Energy Resources, Inc. and Entergy Services, Inc. (Respondents) alleging that the costs of Sale-Leaseback renewal agreements for the Grand Gulf nuclear unit are imprudent, constitute a double collection in violation of the Commission ratemaking requirements and the filed rate, and are unjust and unreasonable, as more fully explained in the complaint.

The Complainant certifies that copies of the complaint were served on contacts for Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondents' answer and all interventions, or protests must be filed on or before the comment date. The Respondents' answer, motions to intervene, and protests must be served on the Complainant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on June 7, 2018.

Dated: May 22, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11384 Filed 5–25–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–826–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: New Service Agreements-2 to be effective 6/1/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5011.
Comments Due: 5 p.m. ET 5/30/18.

Docket Numbers: RP18–827–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: § 4(d) Rate Filing: Update Non-Conforming List—2 to be effective 6/1/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5012.
Comments Due: 5 p.m. ET 5/30/18.

Docket Numbers: RP18–828–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Outages of Electronic Communication Equipment to be effective 6/18/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5071.
Comments Due: 5 p.m. ET 5/30/18.

Docket Numbers: RP18–829–000.
Applicants: Kern River Gas Transmission Company.
Description: § 4(d) Rate Filing: 2018 LADWP Amendments to be effective 6/17/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5074.
Comments Due: 5 p.m. ET 5/30/18.

Docket Numbers: RP18–830–000.
Applicants: Dominion Energy Carolina Gas Transmission.
Description: § 4(d) Rate Filing: DECG—Calculation of Interest on Cash Deposits to be effective 6/17/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5118.
Comments Due: 5 p.m. ET 5/30/18.

Docket Numbers: RP18–831–000.
Applicants: Columbia Gas Transmission, LLC.
Description: § 4(d) Rate Filing: TCO Spotlight Negotiated Rate Agreement to be effective 5/18/2018.
Filed Date: 5/18/18.
Accession Number: 20180518–5135.
Comments Due: 5 p.m. ET 5/30/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 22, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11382 Filed 5–25–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

2021 Resource Pool, Pick-Sloan Missouri Basin Program—Eastern Division

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of procedures and call for 2021 Resource Pool applications.

SUMMARY: The Department of Energy (DOE), Western Area Power Administration (WAPA), a Federal power marketing administration of DOE, is publishing procedures and calling for applications from new preference entities interested in an allocation of Federal power. WAPA published its 2021 Power Marketing Initiative (2021 PMI) for the Upper Great Plains Customer Service Region (UGPR) in the **Federal Register** on November 16, 2011. The 2021 PMI specifies the terms and conditions under which WAPA will market power from the Pick-Sloan

Missouri Basin Program—Eastern Division (P–SMBP—ED) beginning January 1, 2021, continuing through December 31, 2050. The 2021 PMI established resource pools for 2021, 2031, and 2041. Each resource pool is comprised of up to 1 percent (approximately 20 megawatts) of the long-term marketable resource of the P–SMBP—ED. Therefore, as required by the 2021 PMI, WAPA is issuing a call for applications for UGPR's 2021 Resource Pool. New preference entities interested in applying for an allocation of power from WAPA's UGPR must submit a formal application using the Applicant Profile Data (APD) form and must meet the General Eligibility Criteria, General Allocation Criteria, and General Contract Principles.

DATES: Applications must be received by 4 p.m., MDT, on July 30, 2018. WAPA will accept applications through its online APD form, by email, or by U.S. mail (or its equivalent). Applications sent by U.S. mail will be accepted if postmarked at least 3 days before July 30, 2018, and received no later than July 31, 2018.

ADDRESSES: Submit an application online at *https://www.wapa.gov/regions/UGP/PowerMarketing/Pages/2021-resource-pool.aspx* or access and print the APD form located at *https://www.wapa.gov/regions/UGP/PowerMarketing/Pages/2021-resource-pool.aspx* and email it as an attachment to *UGP2021resourcepool@wapa.gov.* If submitting a paper application, please mail it to Mr. Jody Sundsted, Senior Vice President and Upper Great Plains Regional Manager, Upper Great Plains Customer Service Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Senitte, Public Utilities Specialist, Upper Great Plains Customer Service Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101, telephone (406) 255–2933, email *senitte@wapa.gov.*

SUPPLEMENTARY INFORMATION: The 2021 PMI (76 FR 71015, November 16, 2011) extended the then current Marketing Plan Principles with amendments to establish how UGPR will market its power resources beginning January 1, 2021, through December 31, 2050.[1] As part of the 2021 PMI, WAPA will provide for resource pools of up to 1 percent of the marketable resource under contract at the time, beginning in the contract term (January 1, 2021) and again every 10 years (January 1, 2031, and January 1, 2041). These resources are made available for eligible new preference entities. The procedures used to determine new preference customer eligibility in all three resource pools under the 2021 PMI are carried forward from the Post-2010 Resource Pool as published in the **Federal Register** (74 FR 20697, May 5, 2009). Specifically these procedures are the General Eligibility Criteria,[2] General Allocation Criteria, and General Contract Principles.

After evaluating applications, if WAPA determines there is an eligible new preference entity, WAPA will publish a notice of Proposed Allocations in the **Federal Register**. The public will have an opportunity to comment on the Proposed Allocations. After reviewing the comments, WAPA will publish a notice of Final Allocations in the **Federal Register**. If there are no qualified applicants under the 2021 Resource Pool, WAPA will publish a notice in the **Federal Register** to conclude the 2021 Resource Pool.

2021 Resource Pool Allocation Procedures and Call for Applications

I. Amount of Pool Resources

WAPA will allocate up to 1 percent (approximately 20 megawatts) of the P–SMBP—ED long-term firm hydroelectric resource available as of January 1, 2021, as firm power to eligible new preference customers. Firm power means capacity and associated energy allocated by WAPA and subject to the terms and conditions specified in the WAPA electric service contract.

II. General Eligibility Criteria

WAPA will apply the following General Eligibility Criteria to applicants seeking an allocation of firm power under the 2021 Resource Pool Allocation Procedures.

A. All qualified applicants must be preference entities as defined by section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), as amended and supplemented.

B. All qualified applicants must be located within the currently established P–SMBP—ED marketing area.

C. All qualified applicants must not be currently receiving benefits, directly or indirectly, from a current P–SMBP—ED firm power allocation or other firm Federal power commitment. Qualified Native American applicants, who did not receive an allocation from the Post-2000, Post-2005, or Post-2010 Resource Pools, are not subject to this requirement.

D. Qualified utility and non-utility applicants must be able to use the firm power directly or be able to sell it directly to retail customers.

E. Qualified utility applicants that desire to purchase power from WAPA for resale to consumers, including cooperatives, municipalities, public utility districts, and public power districts must have met utility status by January 1, 2018. Utility status means the entity has responsibility to meet load growth, has a distribution system, and is ready, willing, and able to purchase Federal power from WAPA on a wholesale basis.

F. Qualified Native American applicants must be an Indian tribe as defined in the Indian Self Determination Act of 1975, 25 U.S.C. 5304, as amended.

III. General Allocation Criteria

WAPA will apply the following General Allocation Criteria to applicants seeking an allocation of firm power under the 2021 Resource Pool Allocation Procedures.

A. Allocations of firm power will be made in amounts as determined solely by WAPA in exercise of its discretion under Federal Reclamation Law.

B. An allottee will have the right to purchase such firm power only upon executing an electric service contract between WAPA and the allottee, and satisfying all conditions in that contract.

C. Firm power allocated under these procedures will be available only to new preference customers in the existing P–SMBP—ED marketing area. The marketing area of the P–SMBP—ED is Montana (east of the Continental Divide), all of North Dakota and South Dakota, Nebraska east of the 101° meridian, Iowa west of the 94½° meridian, and Minnesota west of a line on the 94½° meridian from the southern boundary of the state to the 46° parallel and then northwesterly to the northern boundary of the state at the 96½° meridian.

D. Allocations made to Native American tribes will be based on the

[1] The 2021 Marketing Plan Principles are based on the 1985 Marketing Plan (45 FR 71860, October 30, 1980), as extended and amended by Subpart C of the Energy Planning and Management Program final rule (60 FR 54151, October 20, 1995) (EPAMP or Program) and the final procedures of the Post-2000 Resource Pool (61 FR 41142, August 7, 1996), the Post-2005 Resource Pool (68 FR 67414, December 2, 2003), and the Post-2010 Resource Pool (74 FR 20697, May 5, 2009). The 2021 Marketing Plan Principles amended the 1985 Marketing Plan to (1) include a 30-year contract term for firm electric service contracts, beginning January 1, 2021, and (2) establish three resource pools for eligible new preference entities beginning in January 2021, and again every 10 years (January 1, 2031, and January 1, 2041).

[2] Under General Eligibility Criteria II (E) below for each resource pool, qualified utility applicants must meet utility status no later than 3 years prior to the beginning of that resource pool contracting term. For the 2021 Resource Pool, that date is January 1, 2018.

actual load experienced in calendar year 2017. WAPA has the right to use estimated load values for calendar year 2017 should actual load data not be available. WAPA will adjust inconsistent estimates during the allocation process.

E. Allocations made to qualified utility and non-utility applicants will be based on the actual loads experienced in calendar year 2017. WAPA will apply the 2021 PMI criteria to these loads.

F. Energy provided with firm power will be based upon the customer's monthly system load pattern.

G. Any electric service contract offered to a new customer shall be executed by the customer within 6 months of a contract offer by WAPA, unless otherwise agreed to in writing by WAPA.

H. The resource pool will be dissolved subsequent to the closing date of the last qualified applicant to execute their respective firm electric service contract. Firm power not under contract will be used in accordance with the 2021 PMI.

I. The minimum allocation shall be 100 kilowatts (kW).

J. The maximum allocation for qualified utility and non-utility applicants shall be 5,000 kW.

K. Contract rates of delivery shall be subject to adjustment in the future as provided for in the Program.

L. If unanticipated obstacles to the delivery of hydropower benefits to Native American tribes arise, WAPA retains the right to provide the economic benefits of its resources directly to these tribes.

IV. General Contract Principles

WAPA will apply the following General Contract Principles to all applicants receiving an allocation of firm power under the 2021 Resource Pool Allocation Procedures.

A. WAPA shall reserve the right to reduce a customer's summer season contract rate of delivery by up to 5 percent for new project pumping requirements, by giving a minimum of 5 years' written notice in advance of such action.

B. WAPA, at its discretion and sole determination, reserves the right to adjust the contract rate of delivery on 5 years' written notice in response to changes in hydrology and river operations. Any such adjustments shall only take place after a public process by WAPA.

C. Each allottee is ultimately responsible for obtaining its own third-party delivery arrangements, if necessary. WAPA may assist the allottee in obtaining third-party transmission arrangements for the delivery of firm power allocated under these procedures to new customers.

D. Contracts entered into under the 2021 Resource Pool Allocation Procedures shall provide for WAPA to furnish firm electric service effective from January 1, 2021, through December 31, 2050.

E. Contracts entered into as a result of these procedures shall incorporate WAPA's standard provisions for power sales contracts, integrated resource planning, and the General Power Contract Provisions.

V. Applications for Firm Power

Through this **Federal Register** notice, WAPA formally requests applications from new qualified preference entities interested in purchasing power from UGPR from January 1, 2021, through December 31, 2050. All applicants must submit applications using the APD form. WAPA has a uniform basis upon which to evaluate the applications. To be considered, applicants must meet the General Eligibility Criteria, General Allocation Criteria, and General Contract Criteria, and must submit a completed APD application form by the deadline specified in the **DATES** section. To ensure full consideration is given to all applicants, WAPA will not consider applications submitted before publication of this **Federal Register** notice or after the deadline specified in the **DATES** section.

Applicant Profile Data Application

Applications may be completed online on WAPA's web page at *https://www.wapa.gov/regions/UGP/PowerMarketing/Pages/2021-resource-pool.aspx* or submitted by email or mail, as described in the **ADDRESSES** section. The APD form is available on WAPA's web page or by request to the person listed in the **FOR FURTHER INFORMATION CONTACT** section. It is the applicant's responsibility to ensure the application is submitted in a timely manner so WAPA receives the application before the dates and times stated in the **DATES** section.

Applicants must provide all information requested or the most reasonable available estimate on the APD form. Please indicate if the requested information is not applicable. WAPA is not responsible for errors in data or missing pages. The information in the APD form should be answered as if prepared by the entity/organization seeking the allocation of Federal power.

The information collected under this process will not be part of a system of records covered by the Privacy Act and may be available under the Freedom of Information Act. If you are submitting any confidential or business sensitive information, please mark such information before submitting your application.

WAPA's Consideration of Applications

When WAPA receives the APD, WAPA will verify the applicant meets the General Eligibility Criteria, and the application contains all items requested in the APD.

WAPA may request, in writing, additional information from any applicant whose APD is determined to be deficient. The applicant shall have 15 days from the postmark date on WAPA's request to provide the information. In the event an applicant fails to provide all information to WAPA, the application will not be considered.

If WAPA determines the applicant does not meet the General Eligibility Criteria, WAPA will send a letter explaining why the applicant did not qualify.

If the applicant has met the General Eligibility Criteria, WAPA will determine the amount of firm power, if any, to allocate pursuant to the General Allocation Criteria. After the publication of final allocations in the **Federal Register**, WAPA will send a draft contract to the applicant for review which identifies the terms and conditions of the offer and the amount of firm power allocated to the applicant.

All firm power shall be allocated according to the procedures in the General Allocation Criteria.

WAPA reserves the right to determine the amount of firm power to allocate to an applicant, as justified by the applicant in its APD.

Recordkeeping Requirement

If WAPA accepts an application and the applicant receives an allocation of Federal power, the applicant must keep all information related to the APD for a period of 3 years after signing a contract for Federal power. There is no recordkeeping requirement for unsuccessful applicants who do not receive an allocation of Federal power.

As noted in Section VII of this notice, WAPA has obtained Office of Management and Budget Clearance Number 1910–5136 for collection of the above information. The APD is collected to enable WAPA to properly perform its function of marketing limited amounts of Federal hydropower. The data supplied will be used by WAPA to evaluate who will receive an allocation of Federal power.

VI. Authorities

UGPR's 2021 PMI, published in the **Federal Register** (76 FR 71015, November 16, 2011), was established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101–7352); the Reclamation Act of June 17, 1902 (ch. 1093, 32 Stat. 388) as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and other acts specifically applicable to the projects involved. This action falls within the 2021 PMI and, thus, is covered by the same authority.

VII. Regulatory Procedure Requirements

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4347), Council on Environmental Quality NEPA implementing regulations (40 CFR parts 1500–1508), and DOE NEPA implementing regulations (10 CFR part 1021), WAPA completed a Categorical Exclusion (CX). This NEPA review identified and analyzed environmental effects related to the 2021 PMI. This action falls within the 2021 PMI and, thus, is covered by the CX.

Review Under the Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), WAPA has received approval from the Office of Management and Budget for the collection of customer information in this notice, under Control Number 1910–5136. Public reporting burden for the certification is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of law, no person is required to respond to a Federal collection of information unless it displays a valid Office of Management and Budget control number.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this **Federal Register** notice by the Office of Management and Budget is required.

Dated: May 15, 2018.

Mark A. Gabriel,

Administrator.

[FR Doc. 2018–11418 Filed 5–25–18; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9976–72—Region 6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for ExxonMobil Corporation, ExxonMobil Baytown Refinery, Harris County, Texas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final Order on Petition for objection to Clean Air Act title V operating permit.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated April 2, 2018, granting in part and denying in part a Petition dated September 26, 2016 from the Environmental Integrity Project, Sierra Club, and Air Alliance Houston. The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to ExxonMobil Corporation (ExxonMobil) for its Baytown Refinery located in Harris County, Texas.

ADDRESSES: The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. You may review copies of the final Order, the Petition, and other supporting information at the EPA Region 6 Office, 1445 Ross Avenue, Dallas, Texas 75202–2733. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order and Petition are available electronically at: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: Aimee Wilson, EPA Region 6, (214) 665–7596, *wilson.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

The EPA received the Petition from the Environmental Integrity Project, Sierra Club, and Air Alliance Houston dated September 26, 2016, requesting that the EPA object to the issuance of operating permit no. O1229, issued by TCEQ to ExxonMobil Baytown Refinery in Harris County, Texas. The Petition claims that: (1) The proposed permit incorporates confidential applicable requirements, (2) TCEQ did not have the authority to create a federally-enforceable PAL permit at the time PAL7 was issued, (3) the proposed permit fails to require ExxonMobil to obtain a SIP-compliant authorization for their flexible permit, (4) the proposed permits' incorporation by reference of minor NSR authorizations fails to assure compliance, (5) the proposed permit fails to require monitoring, recordkeeping, and reporting sufficient to assure compliance with applicable requirements, and (6) the proposed permit fails to require monitoring that assures compliance with emission limits and caps for tanks and wastewater treatment plants.

On April 2, 2018, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than July 30, 2018.

Dated: May 17, 2018.

David Gray,

Acting Deputy Regional Administrator, Region 6.

[FR Doc. 2018–11457 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0690; FRL–9978–69–OEI]

Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; EPA's Light-Duty In-Use Vehicle and Engine Testing Program (Renewal)

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR)—EPA's Light-Duty In-Use Vehicle and Engine Testing Program (Renewal), EPA ICR number 0222.11, OMB Control Number 2060–0086—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2018. Public comments were previously requested via the **Federal Register** on December 8, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before June 28, 2018.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2010–0690, to (1) EPA online using *www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mailcode 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street NW, Washington, DC 20503.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Lynn Sohacki, Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105; telephone number: 734–214–4851; fax number: 734–214–4869; email address: *sohacki.lynn@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The Clean Air Act directs EPA to ensure that motor vehicles comply with emissions requirements throughout their useful lives. EPA's ''in-use'' program evaluates the emissions performance of light-duty motor vehicles (*i.e.,* passenger cars and light trucks) after they have been introduced into commerce. This program operates in conjunction with other motor vehicle emissions testing programs conducted by the Agency and the light-duty motor vehicle manufacturers. These other test programs include confirmatory certification testing of prototype vehicles by manufacturers and EPA and the mandatory manufacturer in-use verification program (IUVP). The primary purpose of EPA's in-use program is information gathering. Nevertheless, EPA can require a recall if it receives information, from whatever source, including in-use testing, that a ''substantial number'' of any class or category of vehicles or engines, although properly maintained and used, do not conform to the emission standards, when in actual use throughout their useful life.

The EPA in-use program can be broken down into three closely-related components. The first component involves the selection of approximately 40 classes of passenger cars and light trucks, totaling approximately 125 vehicles, for surveillance testing at EPA's National Vehicle and Fuel Emissions Laboratory (NVFEL). In some cases, surveillance testing may be followed by confirmatory testing to develop additional information related to test failures observed in a class during surveillance testing. Confirmatory testing involves the selection of approximately one or two classes of 10 passenger cars and light trucks, averaging approximately 14 vehicles, for further testing, at EPA's NVFE. While the emissions tests that are conducted are the same for surveillance and confirmatory testing, confirmatory testing differs from surveillance testing in that the vehicles must meet stricter maintenance and use criteria. The second program component involves the testing of a subset of vehicles from the surveillance recruitment for operation of on-board diagnostics (OBD) systems. EPA does not currently recruit vehicles for OBD testing but includes the testing in this ICR in the event that OBD testing is resumed. The third component involves the special investigation of vehicles to address specific issues. This information request does not ask for approval of the information burden corresponding to such vehicles because the vehicles for this program have not been procured from the public recently and, therefore, there is no information collection burden associated with this testing.

Form numbers: 5900–304, 5900–305, 5900–306, 5900–307, 5900–308, 5900–309.

Frequency of response: On Occasion.

Respondents/affected entities: Vehicle Owners identified from state vehicle registration records that are willing to participate in the program.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 140.

Total estimated burden: 302 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $7,206 (per year). This includes an estimated burden cost of $7,206 and an estimated cost of $0 for capital investment or maintenance and operational costs.

Changes in estimates: There is a decrease of 2,291 responses and 204 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This change is due to a decrease in the number of responses returned to EPA by potential participants.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–11448 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0356; FRL–9978–68–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Group I Polymers and Resins (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR)—NESHAP for Group I Polymers and Resins (Renewal), EPA ICR Number 2410.04, OMB Control Number 2060–0665—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2018. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 28, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0356, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for the regulations published at 40 CFR part 63, subpart U were proposed on June 12, 1995, promulgated on September 5, 1996, and amended on June 19, 2000, July 16, 2001, December 16, 2008, and April 21, 2011. These regulations apply to existing and new elastomer product process units (EPPU) and associated equipment including waste management units, maintenance wastewater, heat exchange systems, and equipment required by or utilized to comply with this Subpart located at facilities that are major sources of hazardous air pollutants (HAPs) and are classified in the Group I Polymers and Resins source category. The Group I Polymers and Resins source category includes the following categories: Butyl Rubber Production, Epichlorohydrin Elastomers Production, Ethylene Propylene Rubber Production, Hypalon Production, Neoprene Production, Nitrile Butadiene Rubber (NBR) Production, Polybutadiene Rubber Production, Polysulfide Rubber Production, and Styrene Butadiene Rubber and Latex Production. New facilities include those that commenced construction, or reconstruction after the date of proposal. This ICR combines burden from the 2011 amendment with the burden associated with the existing provisions of the rule. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. Any owner/operator subject to the provisions of this part shall maintain a file containing these documents, and retain the file for at least five years following the generation date of such maintenance reports and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the United States Environmental Protection Agency (EPA) regional office.

Form Numbers: None.

Respondents/affected entities: Facilities with elastomer product process units and associated equipment.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart U).

Estimated number of respondents: 19 (total).

Frequency of response: Initially, occasionally, and semiannually.

Total estimated burden: 56,400 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $11,200,000 (per year), includes $5,230,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an adjustment increase in the total estimated burden, labor costs, and capital and O&M costs as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred because the previously approved ICR only covered the burden and costs associated with the 2011 amendment. This ICR combines the burden from both the 2011 amendment and the pre-2011 provisions of the rule.

Courtney Kerwin,

Director, Collection Strategies Division.

[FR Doc. 2018–11450 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0349; FRL–9978–60–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Pharmaceuticals Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

The Environmental Protection Agency has submitted an information collection request (ICR)—NESHAP for Pharmaceuticals Production (40 CFR

part 63, subpart GGG) (Renewal), EPA ICR Number 1781.08, OMB Control Number 2060–0358—to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through May 31, 2018. Public comments were previously requested via the **Federal Register** (82 FR 29552) on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before June 28, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0349, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov*. Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets*.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pharmaceuticals Production (40 CFR part 63, subpart GGG) were proposed on April 2, 1997; promulgated on September 21, 1998; and amended on both April 21, 2011 and February 27, 2014. The 2014 amendment promulgated technical correction was made to allow for EPA Method 320 as an alternative to EPA Method 18 for demonstrating that a 'vent' is not a process vent. These regulations apply to existing and new pharmaceuticals manufacturing operations that are major sources of hazardous air pollutants (HAP). The affected facilities encompass all pharmaceuticals manufacturing operations that include process vents, storage tanks, equipment components, and wastewater systems. New facilities include those that commenced construction or reconstruction after the date of proposal. This information is being collected to assure compliance with 40 CFR part 63, subpart GGG. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. Any owner/operator subject to the provisions of this part shall maintain a file containing these documents, and retain the file for at least five years following the generation date of such maintenance reports and records. All reports are sent to the delegated state or local authority. In the event that there is no such delegated authority, the reports are sent directly to the U.S. Environmental Protection Agency (EPA) regional office.

Form Numbers: None.

Respondents/affected entities: Pharmaceutical manufacturing operations.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart GGG).

Estimated number of respondents: 27 (total).

Frequency of response: Initially, occasionally, quarterly and semiannually.

Total estimated burden: 44,300 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $4,760,000 (per year), which includes $112,000 in either annualized capital and/or operation & maintenance costs.

Changes in the Estimates: There is a reduction in the estimated number of responses, by one. The previous ICR included one response for affirmative defense. However, that item has subsequently been removed from this ICR as those provisions are outdated. There is an adjustment increase in the respondent labor hours as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the burden and cost estimates occurred due to a change in assumption. In accordance with the Terms of Clearance, this ICR assumes all existing respondents will have to familiarize with the regulatory requirements each year. There is also a small adjustment decrease in the total capital and O&M costs as compared the previously-approved ICR. This decrease is not due to any program changes, but occurred because, in accordance with the terms of clearance, this ICR rounds totals to three significant figures.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–11449 Filed 5–25–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 83 FR 23682.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, May 24, 2018 at 10:00 a.m.

CHANGES IN THE MEETING: The Following Item Was Also Discussed: Adoption of Forty Year Report.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2018–11552 Filed 5–24–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

[Notice 2018–10]

Filing Dates for the Pennsylvania Special Election in the 7th Congressional District

AGENCY: Federal Election Commission.

ACTION: Notice of filing dates for special election.

SUMMARY: Pennsylvania has scheduled a special general election on November 6, 2018, to fill the U.S. House of Representatives seat in the 7th Congressional District vacated by Representative Patrick L. Meehan.

Committees required to file reports in connection with the Special General Election on November 6, 2018, shall file a 12-day Pre-General Report, and a 30-day Post-General Report.

FOR FURTHER INFORMATION CONTACT: Ms. Elizabeth S. Kurland, Information Division, 1050 First Street NE, Washington, DC 20463; Telephone: (202) 694–1100; Toll Free (800) 424–9530.

SUPPLEMENTARY INFORMATION:

Principal Campaign Committees

All principal campaign committees of candidates who participate in the Pennsylvania Special General Election shall file a 12-day Pre-General Report on October 25, 2018; and a Post-General Report on December 6, 2018. (See chart below for the closing date for each report.)

Note that these reports are in addition to the campaign committee's regular quarterly filings. (See chart below for the closing date for each report).

Unauthorized Committees (PACs and Party Committees)

Political committees filing on a quarterly basis in 2018 are subject to special election reporting if they make previously undisclosed contributions or expenditures in connection with the Pennsylvania Special General Election by the close of books for the applicable report(s). (See chart below for the closing date for each report.)

Committees filing monthly that make contributions or expenditures in connection with the Pennsylvania Special General Election will continue to file according to the monthly reporting schedule.

Additional disclosure information in connection with the Pennsylvania Special General Election may be found on the FEC website at *https://www.fec.gov/help-candidates-and-committees/dates-and-deadlines/.*

Disclosure of Lobbyist Bundling Activity

Principal campaign committees, party committees and Leadership PACs that are otherwise required to file reports in connection with the special elections must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of $18,200 during the special election reporting periods. (See chart below for closing date of each period.) 11 CFR 104.22(a)(5)(v), (b), 110.17(e)(2), (f).

CALENDAR OF REPORTING DATES FOR PENNSYLVANIA SPECIAL GENERAL ELECTION

Report	Close of books [1]	Reg./cert. and overnight mailing deadline	Filing deadline
Committees Involved in the Special General (11/06/18) Must File			
Pre-General	10/17/18	10/22/18	10/25/18
Post-General	11/26/18	12/06/18	12/06/18
Year-End	12/31/18	01/31/19	01/31/19

[1] The reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered as a political committee up through the close of books for the first report due.

On behalf of the Commission.

Dated: May 14, 2018.

Caroline C. Hunter,

Chair, Federal Election Commission.

[FR Doc. 2018–11355 Filed 5–25–18; 8:45 am]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-MA–2018–05; Docket No. 2018–0002; Sequence No. 9]

Federal Travel Regulation (FTR); Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of Federal Travel Regulation (FTR) Bulletin.

SUMMARY: The purpose of this notice is to inform agencies that FTR Bulletin 18–06 pertaining to Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables is now available online at *www.gsa.gov/ftrbulletin.*

DATES: *Applicable Date:* May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Miller, Office of Asset and Transportation Management (MA), OGP, GSA, at 202–501–3822 or via email at *rodney.miller@gsa.gov.* Please cite FTR Bulletin 18–06.

SUPPLEMENTARY INFORMATION: The GSA published FTR Amendment 2008–04 in the **Federal Register** at 73 FR 35952 on June 25, 2008, specifying that GSA would no longer publish the RIT Allowance tables in Title 41 of the Code of Federal Regulations Part 302–17, Appendices A through D (FTR prior to January 1, 2015—*www.gsa.gov/federaltravelregulation*—FTR and Related Files); instead, the tables would be available on a GSA website. FTR Bulletin 18–06: Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables is now available, and provides the annual changes to the RIT allowance tables necessary for calculating the amount of a transferee's increased tax burden due to his or her official permanent change of station. GSA published FTR Amendment 2014–01 in the **Federal Register** on August 21, 2014, (79 FR 49640), which eliminated the need for the Government-unique tax tables for relocations that began on January 1, 2015 and later. However, for relocations that began earlier than January 1, 2015, this bulletin is required to compute the employee's reimbursement for additional income taxes associated with the relocation. For relocations that began on or after January 1, 2015, transferees and agencies must use the tables published by the U.S. Internal Revenue Service (IRS), state, and local tax authorities, and follow the procedures in FTR Part 302–17.

FTR Bulletin 18–06 and all other FTR Bulletins can be found at *www.gsa.gov/ftrbulletin.*

Dated: May 23, 2018.

Alexander Kurien,

Deputy Associate Administrator, Office of Asset and Transportation Management, Office of Government-wide Policy.

[FR Doc. 2018–11441 Filed 5–25–18; 8:45 am]

BILLING CODE 6820–14–P

GENERAL SERVICES ADMINISTRATION

[Notice-MA–2018–04; Docket No. 2018–0002, Sequence No. 8]

Relocation Allowances: Taxes on Travel, Transportation, and Relocation Expenses

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of Federal Travel Regulation (FTR) Bulletin 18–05, Relocation Allowances—Taxes on Travel, Transportation, and Relocation Expenses.

SUMMARY: The purpose of this notice is to inform Federal agencies that FTR Bulletin 18–05, pertaining to travel, transportation, and relocation allowances impacted by recent changes to Federal tax law, has been published and is now available online at *www.gsa.gov/ftrbulletin.*

DATES:

Effective: May 29, 2018.

Applicability: This notice applies to travel, transportation, and relocation expenses paid on or after January 1, 2018.

FOR FURTHER INFORMATION CONTACT: For clarification of content, please contact Mr. Rick Miller, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202–501–3822, or by email at *travelpolicy@gsa.gov.* Please cite Notice of FTR Bulletin 18–05.

Dated: May 22, 2018.

Alexander Kurien,

Deputy Associate Administrator, Office of Asset and Transportation Management, Office of Government-wide Policy.

[FR Doc. 2018–11443 Filed 5–25–18; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request; Correction

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Notice, correction.

SUMMARY: The Agency for Healthcare Research and Quality published a document in the **Federal Register** of May 11, 2018 regarding AHRQ Seeking Input on Library of Patient-Centered Outcomes Research Resources. This document contained an error and the deadline date has been extended.

FOR FURTHER INFORMATION CONTACT: Carla Ladner @301–427–1205 or *AHRQ_Fed_Register@ahrq.hhs.gov.*

Corrections

In the **Federal Register** of May 11, 2018, in FR Doc 2018–10090, on page 1, line 27, correct the DATES caption to read:

DATES: Submission deadline on or before June 29, 2018.

In the **Federal Register** of May 11, 2018, in FR Doc 2018–10090, on page 2, line 62, include the phase to read: ''Specific website for Review—Library of PCOR Resources *https://www.ahrq.gov/pcor/library-of-resources/index.html.*''

Dated: May 23, 2018.

Carla M. Ladner,

Correspondence Analyst/Federal Register Liaison—AHRQ.

[FR Doc. 2018–11472 Filed 5–25–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–18–18AEJ; Docket No. CDC–2018–0048]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Applied Research to Address Emerging Public Health Priorities, a broad agency announcement for the competitive selection of research proposals.

DATES: CDC must receive written comments on or before July 30, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0048 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

Applied Research to Address Emerging Public Health Priorities—New ICR—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

On March 26, 2018, CDC issued a Broad Agency Announcement (FY2018–OADS–01) available at *https://www.fbo.gov/spg/HHS/CDCP/PGOA/FY2018-OADS-BAA/listing.html.* There is potential for standardized information collection attached to a limited number of awarded projects. For those projects, a 30-day notice will be published in the **Federal Register** and information collection requests will be submitted to OMB for approval. This **Federal Register** notice is intended to broadly inform the public of CDC's intent to contract with researchers to carry out a variety of different research projects awarded through this announcement.

For this announcement, CDC has identified the following research areas of interest. Interested parties are invited to consider innovative approaches to support advanced research and development strategies in the following research areas of interest:

1. New Diagnostic, Sequencing, and Metagenomic Tools for AR Detection and Improved Antibiotic Use
2. International Transmission, Colonization, and Prevention of AR Pathogens
3. Domestic Transmission, Colonization, and Prevention of AR Pathogens and CDI
4. Develop Human Microbiome Disruption Indices Relevant to Antibiotic Resistance
5. Antibiotic Resistant Pathogens and Genes in Water Systems and the Environment and their Contribution to Human Infections
6. Improving Antibiotic Stewardship
7. Approaches to Prevention and Control of Parasitic Infections in the United States
8. Approaches to Prevention and Control of Parasitic Infections and Neglected Tropical Diseases Globally
9. Surveillance and Control of Arthropod Vectors of Human Pathogens
10. Modernization of the Surveillance Data Platform

Contracts that are awarded based on responses to this BAA are as a result of full and open competition and therefore in full compliance with the provisions of Public Law 98–369, ''The Competition in Contracting Act of 1984.'' CDC contracts with educational institutions, nonprofit organizations, state and local government, and private industry for research and development (R&D) in those areas covered in this BAA.

The public is invited to look at the BAA online for greater detail and more specific research areas falling under the ten topics listed above.

Authorizing legislation comes from Section 301 of the Public Health Service Act. Responses will be voluntary and it is not expected that there will be any cost to respondents other than the time to participate in information collection. The total estimated burden for all of the information collections is not expected to exceed 1,500 hours (100 hours of burden for a maximum of 15 potentially PRA-applicable contracts).

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Public	Information collection	150	10	1	1,500
Total					1,500

Jeffery M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–11400 Filed 5–25–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–1102; Docket No. CDC–2018–0049]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Information Collection for Tuberculosis Data from Panel Physicians, which collects TB data gathered during overseas immigration medical exams.

DATES: CDC must receive written comments on or before July 30, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0049 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal *regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffery M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Information Collection for Tuberculosis Data from Panel Physicians—Revision—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention's (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ), Immigrant, Refugee, and Migrant Health Branch (IRMH), requests approval for a revision of an existing information collection. This project pertains to collecting annual reports on certain tuberculosis data from U.S. panel physicians.

The respondents are panel physicians. More than 760 panel physicians from 336 panel sites perform overseas pre-departure medical examinations in accordance with requirements, referred to as technical instructions, provided by DGMQs Quality Assessment Program (QAP). The role of QAP is to assist and guide panel physicians in the implementation of the Technical Instructions; evaluate the quality of the overseas medical examination for U.S.-bound immigrants and refugees; assess potential panel physician sites; and provide recommendations to the U.S. Department of State in matters of immigrant medical screening.

To achieve DGMQ's mission, the Immigrant, Refugee and Migrant Health branch (IRMH) works with domestic and international programs to improve the health of U.S.-bound immigrants and refugees to protect the U.S. public by preventing the importation of infectious disease. These goals are accomplished through IRMH's oversight of medical exams required for all U.S.-bound immigrants and refugees who seek permanent residence in the U.S. IRMH is responsible for assisting and training the international panel physicians with the implementation of medical exam Technical Instructions (TI). Technical Instructions are detailed requirements and national policies regarding the medical screening and treatment of all U.S.-bound immigrants and refugees.

Screening for tuberculosis (TB) is a particularly important component of the immigration medical exam and allows panel physicians to diagnose active TB disease prior to arrival in the United States. As part of the Technical Instructions requirements, panel physicians perform chest x-rays and laboratory tests that aid in the identification of tuberculosis infection (Class B1 applicants) and diagnosis of active tuberculosis disease (Class A, inadmissible applicants). CDC uses these classifications to report new immigrant and refugee arrivals with a higher risk of developing TB disease to U.S. state and local health departments for further follow-up. Some information that panel physicians collect as part of the medical exam is not reported on the standard Department of State forms (DS-forms), thereby preventing CDC from evaluating TB trends in globally mobile populations and monitoring program effectiveness.

Currently, CDC is requesting this data be sent by panel physicians once per year. The consequences of reducing this frequency would be the loss of monitoring program impact and TB burdens in mobile populations and immigrants and refugees coming to the United States on an annual basis. The total hours requested is 1,008. There is no cost to the respondents other than their time.

Estimated annual burden is being reduced by 1,640 hours per year. The number of respondents is being reduced by 17. Reductions are due to revised estimates on burden time per response, and the removal of four variables from the data collection form and improved IT capacity at most panel sites.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
International panel physicians	TB Indicators Excel Spreadsheet	336	1	3	1,008
Total	.....	.....	.....	.....	1,008

Jeffery M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–11401 Filed 5–25–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–18–18AAE; Docket No. CDC–2018–0039]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled National HIV Behavioral Surveillance among Transgender women (NHBS-Trans). CDC is requesting a new 2-year approval to pilot collecting standardized HIV-related behavioral data from transgender women at risk for HIV systematically selected from 9 Metropolitan Statistical Areas (MSAs) throughout the United States.

DATES: CDC must receive written comments on or before July 30, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2018–0039 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

National HIV Behavioral Surveillance System—among Transgender women (NHBS-Trans)—New—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The purpose of this data collection is to monitor behaviors related to Human Immunodeficiency Virus (HIV) transmission and prevention in the United States of transgender women, who are known to be at high risk for HIV infection, and to assess barriers to, and best strategies for, conducting bio-behavioral surveys among minority transgender women in nine cities. This includes recruiting, interviewing and providing HIV testing and referral to services (as needed) following CDC protocol based on an existing HIV Behavioral Surveillance system. The proposed respondents are 200 adult minority trangender women in each of nine cities (1,800 interviews total) who will each respond one time over the course of the two year pilot. The information will be collected over a two year period beginning no later than two months after OMB approval.

NHBS-Trans provides information to help prevent HIV among transgender women. Preventing HIV, especially among high-risk groups, is an effective strategy for reducing individual, local, and national healthcare costs. The utility of this information is to provide CDC and local health department staff with data for evaluating progress towards local and national public health

goals, such as reducing new HIV infections, increasing the use of condoms, and targeting high risk groups by describing and monitoring the HIV risk behaviors, HIV seroprevalence and incidence, and HIV prevention experiences of persons at highest risk for HIV infection.

The Centers for Disease Control and Prevention request two year approval for a new information collection. Data will be collected through anonymous, in-person interviews conducted with persons systematically selected from nine Metropolitan Statistical Areas (MSAs) throughout the United States; these nine MSAs were chosen based on having high HIV prevalence. A brief screening interview will be used to determine eligibility for participation in the behavioral assessment. Participants will be recruited through respondent-driven sampling, a scientifically proven recruitment strategy for reaching hidden, hard-to-reach, or stigmatized populations. Interview data will be recorded on secure portable computers, without internet connections. Data will be transferred to secure, encrypted data servers. Data will be stored at CDC and shared with local health departments in accordance with existing data use agreements and the Assurance of Confidentiality for HIV/AIDS Surveillance Data. Data will be disseminated in aggregate through academic and agency publications, presentations, and reports. All data collection and activities will be anonymous.

Personally identifiable information (PII) is not included in the data collection. The CDC Privacy Officer has assessed this package for applicability of 5 U.S.C. 552a. The Privacy Act is not applicable because PII is not being collected under this CDC funded activity. The NHBS-Trans formative interview and optional HIV testing are anonymous (neither names nor Social Security numbers are collected). Data that will be collected through NHBS-Trans, while sensitive, are not personally identifying.

The data from the behavioral assessment will provide estimates of (1) behavior related to the risk of HIV and other sexually transmitted diseases, (2) prior testing for HIV, (3) and use of HIV prevention services. All persons interviewed will also be offered an HIV test, and will participate in a pre-test counseling session. No other federal agency systematically collects this type of information from persons at risk for HIV infection. These data have substantial impact on prevention program development and monitoring at the local, state, and national levels.

The Burden Table below shows the estimated annualized burden hours for the participants' time. Annually, 990 participants will complete an eligibility screener (an average of 5 minutes to complete), 900 participants will complete the Behavioral Assessment (an average of 40 minutes to complete), and 900 will complete the Recruiter Debriefing Form (an average of two minutes to complete). The estimated total annualized burden would be 713 hours. Participation of respondents is voluntary. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Persons Screened	Eligibility Screener	990	1	5/60	83
Eligible Participant	Behavioral Assessment	900	1	40/60	600
Peer Recruiters	Recruiter Debriefing	900	1	2/60	30
Total					713

Jeffrey M. Zirger,

Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–11399 Filed 5–25–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1468]

Registration of Food Facilities: What You Need To Know About the Food and Drug Administration Regulation; Small Entity Compliance Guide; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a final guidance for industry entitled ''Registration of Food Facilities: What You Need To Know About the FDA Regulation—Small Entity Compliance Guide.'' The small entity compliance guide (SECG) is intended to help small entities comply with a final rule we issued in the **Federal Register** of July 14, 2016, entitled ''Amendments to Registration of Food Facilities.'' The final rule amends the registration of food facilities regulations.

DATES: The announcement of the guidance is published in the **Federal Register** on May 29, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

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

manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows

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

Instructions: All submissions received must include the Docket No. FDA–2018–D–1468 for ''Registration of Food Facilities: What You Need To Know About the FDA Regulation—Small Entity Compliance Guide.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

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

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

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

Submit written requests for single copies of the SECG to the Office of Compliance, Center for Food Safety and Applied Nutrition (HFS–800), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the SECG.

FOR FURTHER INFORMATION CONTACT: Courtney Buchanan, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2487.

SUPPLEMENTARY INFORMATION:

I. Background

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Bioterrorism Act) (Pub. L. 107–188) added section 415 to the Federal Food, Drug, and Cosmetic Act (FD&C Act). Section 415 of the FD&C Act (21 U.S.C. 350d) requires domestic and foreign facilities that manufacture, process, pack, or hold food for human or animal consumption in the United States to register with FDA.

On October 10, 2003, we issued an interim final rule (68 FR 58894) to implement section 415 of the FD&C Act. That rule established the food facility registration regulations in part 1, subpart H (21 CFR 1.225 through 1.243). Previously, this guidance restated FDA's food facility registration regulations. This guidance also served as FDA's SECG for part 1, subpart H.

The FDA Food Safety Modernization Act (FSMA), enacted on January 4, 2011, amended section 415 of the FD&C Act to require that facilities engaged in manufacturing, processing, packing, or holding food for consumption in the United States submit additional registration information to FDA, including an assurance that FDA will be permitted to inspect the facility at the times and in the manner permitted by the FD&C Act. Section 415 of the FD&C Act, as amended by FSMA, also requires food facilities required to register with FDA to renew such registrations every other year, and provides FDA with authority to suspend the registration of a food facility in certain circumstances.

On July 14, 2016, we published a final rule (81 FR 45912) that amended our food facility registration regulations to reflect, among other things, the FSMA amendments to section 415 of the FD&C Act. Accordingly, FDA is revising this SECG to provide guidance intended to help small entities comply with the revised registration of food facilities requirements in part 1, subpart H.

We examined the economic implications of the final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). Although we stated that we did not believe that the final rule that amended our registration of food facilities regulations would have a significant economic impact on a substantial number of small entities, we analyzed various regulatory options to examine the impact on small entities. Consistent with section 212 of the Small Business Regulatory Enforcement Fairness Act (Pub. L. 104–121, as amended by Pub. L. 110–28), we are making available the SECG to explain the actions that a small entity must take to comply with the rule.

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

II. Paperwork Reduction Act of 1995

The guidance refers to previously approved collections of information found in FDA regulations. The collections of information in part 1, subpart H have been approved under the Office of Management and Budget control number 0910–0502.

III. Electronic Access

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

Dated: May 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–11419 Filed 5–25–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Committee on Interdisciplinary, Community-Based Linkages

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of Advisory Committee meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Advisory Committee on Interdisciplinary, Community-Based Linkages (ACICBL) will hold a public meeting.

DATES AND TIMES: Wednesday, June 6, 2018, from 8:30 a.m. to 5:00 p.m. and Thursday, June 7, 2018, from 8:30 a.m. to 2:00 p.m. ET.

ADDRESSES: This is an in-person meeting and will offer virtual access through teleconference and webinar. The address for the meeting is 5600 Fishers Lane, Rockville, Maryland 20857. The conference call-in number is 1–800–619–2521; passcode: 9271697. The webinar link is *https://hrsa.connectsolutions.com/acicbl.*

FOR FURTHER INFORMATION CONTACT: Joan Weiss, Ph.D., RN, CRNP, FAAN, Senior Advisor and Designated Federal Official, Division of Medicine and Dentistry, HRSA, 5600 Fishers Lane, Room 15N39, Rockville, Maryland 20857; phone (301) 443–0430; email *jweiss@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Background: ACICBL provides advice and recommendations to the Secretary of HHS and to Congress on a broad range of issues relating to grant programs authorized by sections 750—760, Title VII, Part D of the Public Health Service Act. ACICBL submits reports to the Secretary of HHS; the Committee on Health, Education, Labor, and Pensions of the Senate; and the Committee on Energy and Commerce of the House of Representatives.

Agenda: ACICBL members will discuss preparing the current and future healthcare workforce to practice in age-friendly health systems within the context of the quadruple aim: Improving the patient experience, population health, provider well-being, and reducing health care costs. An agenda will be posted on the ACICBL website prior to the meeting. Please note that agenda items are subject to change as priorities dictate.

Public Participation: Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments should be sent to Dr. Weiss. The building at 5600 Fishers Lane, Rockville, MD 20857, requires a security screening for entry. To facilitate access to the building, individuals interested in attending the meeting should notify Dr. Weiss at the contact information listed above at least three business days prior to the meeting. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Dr. Weiss, using the address and phone number above at least 10 business days prior to the meeting.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–11464 Filed 5–25–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Solicitation of Nominations for Membership to Serve on the Advisory Committee on Infant Mortality

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for nominations.

SUMMARY: HRSA is seeking nominations of qualified candidates for consideration for appointment as members of the Advisory Committee on Infant Mortality (ACIM). ACIM provides advice to the Secretary of HHS on Department activities and programs directed at reducing infant mortality and improving the health status of pregnant women and infants.

DATES: Written nominations for membership on the Committee must be received on or before Tuesday, June 26, 2018.

ADDRESSES: Nomination packages must be submitted electronically as email attachments to Dr. David de la Cruz, the Committee's Designated Federal Official, at *dcruz@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: David de la Cruz, Ph.D., MPH. Address: Maternal and Child Health Bureau, HRSA, 5600 Fishers Lane, Room 18N25, Rockville, MD 20857; phone number: (301) 443–0543; email: *dcruz@hrsa.gov.* A copy of the current ACIM charter, membership, and reports are available on the ACIM website, *https://www.hrsa.gov/advisory-committees/Infant-Mortality/index.html.*

SUPPLEMENTARY INFORMATION: ACIM provides a public and private partnership at the highest level to provide guidance and helps focus attention on the policies and resources required to address the reduction of infant mortality and perinatal health disparities. ACIM also provides advice on how best to coordinate the myriad of federal, state, local, and private programs and efforts designed to deal with the health and social problems affecting infant mortality.

The Committee advises the Secretary of HHS and the Administrator of HRSA on HHS programs and activities related to infant mortality, including implementation of the Healthy Start program and infant mortality objectives from Healthy People 2020: National Health Promotion and Disease Prevention Objectives.

Nominations: HRSA is requesting nominations for voting members of ACIM to include representatives of all qualified individuals within the areas of subject matter expertise noted above. Interested applicants may self-nominate or be nominated by another individual or organization. Nominees must reside in the United States.

Individuals selected for appointment to the Committee will be invited to serve for up to 4 years. Members are appointed as special government employees and receive a stipend and reimbursement for per diem and travel expenses incurred for attending meetings and/or conducting other business on behalf of the Committee, as authorized by Section 5 U.S.C. 5703 for persons employed intermittently in government service.

To evaluate possible conflicts of interest, individuals selected for consideration for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. The selected candidates must fill out the U.S. Office of Government Ethics (OGE) Confidential Financial Disclosure Report, *OGE Form 450.* Disclosure of this information is necessary to determine if the selected candidate is involved in any activity that may pose a potential conflict with their official duties as a member of the Committee.

A nomination package should include the following information for each nominee: (1) The name and affiliation of

the nominee and a clear statement regarding the basis for the nomination, including the area(s) of expertise that may qualify a nominee for service on the Committee, as described above; (2) confirmation the nominee is willing to serve as a member of the Committee; (3) the nominee's contact information (please include home address, work address, daytime telephone number, and an email address); and (4) a current copy of the nominee's curriculum vitae. Nomination packages may be submitted directly by the individual being nominated or by the person/organization recommending the candidate.

HHS strives to ensure a balance of ACIM membership in terms of points of view presented and the committee's function. Therefore, we encourage nominations of qualified candidates from these groups and endeavor to make appointments to ACIM without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, disability, and cultural, religious, or socioeconomic status.

Authority

ACIM was established under provisions of section 222 of the Public Health Service Act (42 U.S.C. 217a), as amended. The Committee is governed by provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), as well as 41 CFR part 102–3, which set forth standards for the formation and use of Advisory Committees.

Amy P. McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–11465 Filed 5–25–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by Section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions and the Program in general, contact Lisa L. Reyes, Clerk of Court, United States Court of Federal Claims, 717 Madison Place NW, Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our website at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the table) set forth at 42 CFR 100.3. This table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the table and for conditions that are manifested outside the time periods specified in the table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on April 1, 2018, through April 30, 2018. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the table but which was caused by a vaccine'' referred to in the table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the United States Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of HHS) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: May 22, 2018.

George Sigounas,

Administrator.

List of Petitions Filed

1. David McKairnes, Blue Bell, Pennsylvania, Court of Federal Claims No: 18–0477V
2. Daniel J. Holding, Rochester, New York, Court of Federal Claims No: 18–0478V
3. Deborah Ann Burnaroos, Ellensburg, Washington, Court of Federal Claims No: 18–0479V
4. Henry Gauvin, Jewett City, Connecticut, Court of Federal Claims No: 18–0480V
5. Bette M. Meyer on behalf of Donald D. Meyer, Deceased, Elk River, Minnesota, Court of Federal Claims No: 18–0484V
6. Jayne Stockton, Gold Beach, Oregon, Court of Federal Claims No: 18–0485V
7. Vivien Lee, Frisco, Texas, Court of Federal Claims No: 18–0486V
8. Flo Rutherford, Sellersville, Pennsylvania, Court of Federal Claims No: 18–0487V
9. Jessica Woodbeck and Michael Bias on behalf of H. H. W., Deceased, Antioch, California, Court of Federal Claims No: 18–0488V
10. Amy Garza, Lubbock, Texas, Court of Federal Claims No: 18–0489V
11. Andru Garrett, Kansas City, Missouri, Court of Federal Claims No: 18–0490V
12. Robert Thrasher and Emily Thrasher on behalf of L. T., North Tonawanda, New York, Court of Federal Claims No: 18–0493V
13. Anjanette Welch, Albany, New York, Court of Federal Claims No: 18–0494V
14. Beth Raiter, Hinckley, Ohio, Court of Federal Claims No: 18–0495V
15. Gary Giannantonio on behalf of C. G., Ocean City, New Jersey, Court of Federal Claims No: 18–0497V
16. Lili Gitt, Shrewsbury, New Jersey, Court of Federal Claims No: 18–0499V
17. Sarah Bass, Clermont, Florida, Court of Federal Claims No: 18–0501V
18. Matthew Davies and Joan Davies on behalf of B. D., Livingston, New Jersey, Court of Federal Claims No: 18–0502V
19. Michael Montagnino, Clermont, Florida, Court of Federal Claims No: 18–0505V
20. To Bich Ngoc, Garden Grove, California, Court of Federal Claims No: 18–0506V
21. Ashley Ball on behalf of P. L., Elkhart, Indiana, Court of Federal Claims No: 18–0508V
22. Ann Galloway, Tupelo, Mississippi, Court of Federal Claims No: 18–0510V
23. Victoria Ditsche, Sewell, New Jersey, Court of Federal Claims No: 18–0511V
24. Amanda Jo Kilgus, Nashville, Tennessee, Court of Federal Claims No: 18–0513V
25. Glenda Russell, Bakersfield, California, Court of Federal Claims No: 18–0515V
26. Sheryl Giordano, Allenstown, New Hampshire, Court of Federal Claims No: 18–0517V
27. Janice Shelly, Elizabethtown, Pennsylvania, Court of Federal Claims No: 18–0519V
28. Joseph H. Robinson, Jackson, Mississippi, Court of Federal Claims No: 18–0521V
29. Veronica Defeo on behalf of L. D., Jupiter, Florida, Court of Federal Claims No: 18–0524V
30. Jessica Miskell, Ann Arbor, Michigan, Court of Federal Claims No: 18–0526V
31. Michael Joseph Deutsch, Cary, North Carolina, Court of Federal Claims No: 18–0527V
32. Allison Weathington, Douglasville, Georgia, Court of Federal Claims No: 18–0530V
33. Melinda Gibbons, Palm Desert, California, Court of Federal Claims No: 18–0531V
34. George L. Hodgdon, Beverly, Massachusetts, Court of Federal Claims No: 18–0533V
35. Alexandra Murray, Tallahassee, Florida, Court of Federal Claims No: 18–0534V
36. Kiara S. Massey, Fayetteville, North Carolina, Court of Federal Claims No: 18–0541V
37. Lori Celuch, Kingston, New York, Court of Federal Claims No: 18–0544V
38. Blanche Boyd, Tazewell, Virginia, Court of Federal Claims No: 18–0546V
39. Laura Steele, New York, New York, Court of Federal Claims No: 18–0547V
40. Dina Brifman, Palm Coast, Florida, Court of Federal Claims No: 18–0550V
41. Claire Rutz, Toms River, New Jersey, Court of Federal Claims No: 18–0551V
42. Michael Rutz, Toms River, New Jersey, Court of Federal Claims No: 18–0552V
43. Alejandra Idone, Aventura, Florida, Court of Federal Claims No: 18–0553V
44. Scott Robertson, Gainesville, Florida, Court of Federal Claims No: 18–0554V
45. Anthony Abels, Farmington Hills, Michigan, Court of Federal Claims No: 18–0558V
46. Wanda Rodgers, Grand Prairie, Texas, Court of Federal Claims No: 18–0559V
47. Randall Puckett, Beckley, West Virginia, Court of Federal Claims No: 18–0564V
48. Frank Schwentker, Chicago, Illinois, Court of Federal Claims No: 18–0565V
49. Debra Brackeen, Desoto, Texas, Court of Federal Claims No: 18–0566V
50. Becky Eedy, West Branch, Michigan, Court of Federal Claims No: 18–0572V
51. Janet Holland, Flemington, New Jersey, Court of Federal Claims No: 18–0574V
52. Donna A. Osso, Bronx, New York, Court of Federal Claims No: 18–0575V
53. Howard Dunn, Jenks, Oklahoma, Court of Federal Claims No: 18–0576V
54. Laura M. Forcella Spiering, Cody, Wyoming, Court of Federal Claims No: 18–0577V
55. Sharen Kraft, Clarksville, Tennessee, Court of Federal Claims No: 18–0579V
56. Heath Bender, Ridgefield, Connecticut, Court of Federal Claims No: 18–0580V
57. Glenda C. Vaughters, McLeansville, North Carolina, Court of Federal Claims No: 18–0581V
58. Scott Celuch, Kingston, New York, Court of Federal Claims No: 18–0582V
59. Michele Mikaelian, Milford, Connecticut, Court of Federal Claims No: 18–0583V
60. Robert O'Leary, M.D., Patchogue, New York, Court of Federal Claims No: 18–0584V
61. Oksana Motuzyuk on behalf of A. R. K., Chicago, Illinois, Court of Federal Claims No: 18–0586V
62. Breeann Miller on behalf of A. M., Farmington, New Mexico, Court of Federal Claims No: 18–0587V
63. Wilma Perry, Albertville, Alabama, Court of Federal Claims No: 18–0588V
64. Patricia Merson, Rosedale, Maryland, Court of Federal Claims No: 18–0589V
65. Lindsey Hanson on behalf of L. R. N., Mankato, Minnesota, Court of Federal Claims No: 18–0590V
66. Brenda Baughman, Englewood, New Jersey, Court of Federal Claims No: 18–0591V
67. Richard L. White, Wellesley Hills, Massachusetts, Court of Federal Claims No: 18–0592V
68. Caron Stapleton, San Francisco, California, Court of Federal Claims No: 18–0595V
69. Emily Moss and Ryan Moss on behalf of M. M., Bradenton, Florida, Court of Federal Claims No: 18–0600V
70. Sule Soysal, Kissimmee, Florida, Court of Federal Claims No: 18–0601V
71. James A. Parker, Fitchburg, Wisconsin, Court of Federal Claims No: 18–0602V
72. Pauline Anita Gunnarson, North Bend, Indiana, Court of Federal Claims No: 18–0603V
73. Jill Kroesen, La Quinta, California, Court of Federal Claims No: 18–0604V
74. Dee Ann Quantie, Phoenix, Arizona, Court of Federal Claims No: 18–0610V

75. Robert Fuerstenau, Monticello, Florida, Court of Federal Claims No: 18–0611V

[FR Doc. 2018–11360 Filed 5–25–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0491]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0060

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0060, Vapor Control Systems for Facilities and Tank Vessels; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before July 30, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0491] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0491], and must be received by July 30, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Vapor Control Systems for Facilities and Tank Vessels.

OMB Control Number: 1625–0060.

Summary: The information is needed to ensure compliance with U.S. regulations for the design of facility and tank vessel vapor control systems (VCS).

Need: Section 1225 of 33 U.S.C. and 46 U.S.C. 3703 authorizes the Coast Guard to establish regulations to promote the safety of life and property of facilities and vessels. Title 33 CFR part 154 subpart P and 46 CFR part 39 contains the Coast Guard regulations for VCS and certifying entities.

Forms: None.

Respondents: Owners and operators of facilities and tank vessels, and certifying entities.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 9,923 hours to 8,870 hours a year due to a decrease in the number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: May 22, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–11354 Filed 5–25–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0127]

Agency Information Collection Activities: Guarantee of Payment

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 28, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (83 FR 824) on January 8, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection:

Title: Guarantee of Payment.

OMB Number: 1651–0127.

Form Number: Form I–510.

Action: CBP proposes to extend the expiration date of this information collection with no change to the estimated burden hours or to CBP Form I–510.

Type of Review: Extension (without change)

Abstract: Section 253 of the Immigration and Nationality Act (INA) requires that an alien crewman found to be or suspected of being afflicted with any of the diseases named in section 255 of the INA shall be placed in a hospital for treatment and/or observation with the expense of such observation and/or treatment being borne by the carrier. The guarantee of payment for medical and other related expenses required by section 253 of the Act shall be executed by the owner, agent, consignee, commanding officer or master of the vessel or aircraft on CBP Form I–510, *Guarantee of Payment.* No vessel or aircraft can be granted clearance until such expenses are paid or their payment appropriately guaranteed. CBP Form I–510 collects information such as the name of the owner, agent, commander officer or master of the vessel or aircraft; the name of the crewman; the port of arrival; and signature of the guarantor. This form is provided for by 8 CFR 253.1 and is accessible at: *http://www.cbp.gov/newsroom/publications/forms?title=I-510*

Affected Public: Businesses.

Estimated Number of Respondents: 100.

Estimated Total Annual Responses: 100.

Estimated Time per Response: 5 minutes.

Estimated Total Annual Burden Hours: 8.

Dated: May 23, 2018.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11405 Filed 5–25–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0020]

Agency Information Collection Activities: Crew's Effects Declaration

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than June 28, 2018) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, Telephone number (202) 325–0056 or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in

the **Federal Register** (83 FR 825) on January 8, 2018, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection:

Title: Crew's Effects Declaration.

OMB Number: 1651–0020.

Form Number: Form 1304.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to CBP Form 1304.

Type of Review: Extension (without change).

Abstract: CBP Form 1304, *Crew's Effects Declaration,* was developed through an agreement by the United Nations' Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. The form is used as part of the entrance and clearance of vessels pursuant to the provisions of 19 CFR 4.7 and 4.7a, 19 U.S.C. 1431, and 19 U.S.C. 1434. CBP Form 1304 is completed by the master of the arriving carrier to record and list the crew's effects that are onboard the vessel. This form is accessible at *https://www.cbp.gov/newsroom/publications/forms?title=1304*

Affected Public: Businesses.

Estimated Number of Respondents: 9,000.

Estimated Number of Total Annual Responses: 206,100.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 206,100.

Dated: May 23, 2018.

Seth D Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2018–11406 Filed 5–25–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0053]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Request for Certification of Military or Naval Service

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.,* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until July 30, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0053 in the body of the letter, the agency name and Docket ID USCIS–2007–0016. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0016;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0016 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Request for Certification of Military or Naval Service.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* N–426; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form N–426 is used by naturalization applicants to document honorable service in the U.S. Armed Forces. The form is filed with U.S. Citizenship and Immigration Services (USCIS) when the respondent applies for naturalization with USCIS Form N–400, Application for Naturalization (OMB Control Number 1615–0052). The Department of Defense (DOD) record centers or personnel offices verify and certify the applicant's military or naval service information provided on Form N–426. USCIS reviews the form as part of the process to determine the applicant's eligibility for naturalization. USCIS also collects biometric information from respondents to verify their identity and check or update their background information.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection N–426 is 10,000 and the estimated hour burden per response is .75 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 7,500 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $245,000.

Dated: May 22, 2018.

Samantha L. Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–11380 Filed 5–25–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2017–N031; FF06E11000–178–FXES111606C0000]

Endangered and Threatened Wildlife and Plants; Enhancement of Survival Permit Application; Centennial Valley Arctic Grayling Candidate Conservation Agreement With Assurances, and Draft Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are announcing the availability of the following documents for review and comment by the public and Federal, Tribal, State, and local governments:

- Candidate Conservation Agreement with Assurances for Arctic Grayling in the Centennial Valley, Montana (Centennial Valley CCAA), and
- Draft Environment Assessment of the Centennial Valley CCAA (EA).

The Service, Montana Fish, Wildlife and Parks (MFWP), and local partners prepared the draft Centennial Valley CCAA to give non-Federal landowners the opportunity to voluntarily conserve Arctic grayling (a fish species) and its habitat in the Centennial Valley, Montana. The MFWP is applying for an enhancement of survival permit under the ESA to enroll landowners in the Centennial Valley CCAA. To comply with the National Environmental Policy Act, the Service prepared the draft EA.

DATES: Written comments must be submitted by June 28, 2018.

ADDRESSES: To request further information or send written comments, please use one of the following methods, and note that your information request or comments are in reference to the Centennial Valley CCAA.

- *Internet:* Documents may be viewed on the internet at *https://www.fws.gov/mountain-prairie/ea/newsAndReleases.php.*
- *U.S. Mail:* James Boyd, Fish and Wildlife Biologist, Montana Ecological Services Field Office, U.S. Fish and Wildlife Service, 585 Shepard Way, Suite 1, Helena, MT 59601.
- *Email: james_boyd@fws.gov.* Include ''Centennial Valley CCAA'' in the subject line of the message.
- *In-Person Viewing or Pickup:* Documents will be available for public inspection by appointment (406–547–5225, ext. 216) during normal business hours at the U.S. Fish and Wildlife Service, Montana Field Office, 585 Shepard Way, Suite 1, Helena, MT 59601.

FOR FURTHER INFORMATION CONTACT: James Boyd, Montana Ecological Services Field Office (see **ADDRESSES**), telephone: 406–547–6008; or email: *james_boyd@fws.gov.* If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service (Service), are announcing the availability of the following documents for review and comment by the public and Federal, Tribal, State, and local governments:

- Candidate Conservation Agreement with Assurances for Arctic Grayling in the Centennial Valley, Montana (Centennial Valley CCAA), and
- Draft Environment Assessment of the Centennial Valley CCAA (EA).

The Service, Montana Fish, Wildlife and Parks (MFWP), and local partners prepared the Centennial Valley CCAA to give non-Federal landowners the opportunity to voluntarily conserve Arctic grayling (a fish species) and its habitat in the Centennial Valley, Montana. Participating landowners would implement certain conservation measures to reduce or eliminate threats to the Arctic grayling on their property related to ranching activities and associated water uses. In return, the Service would give participating landowners regulatory assurances that it will not impose land or water use restrictions or conservation requirements beyond those in the CCAA, if the Arctic grayling becomes listed under the Endangered Species Act (ESA). MFWP is applying for an enhancement of survival permit under the ESA, to enroll landowners in the Centennial Valley CCAA with certificates of inclusion. To comply with the National Environmental Policy Act (NEPA), we prepared a draft EA that analyzes potential impacts to the human environment from the proposed Centennial Valley CCAA and a no-action alternative.

We determined that the Upper Missouri River Distinct Population Segment of the Arctic grayling was not warranted for listing under the ESA, and announced that finding in the **Federal Register** on August 20, 2014 (79 FR 49384). However, Federal and State resource agencies, nongovernmental conservation organizations, and private landowners are continuing conservation efforts for the Arctic grayling in Montana. Although the Arctic grayling is not currently a candidate species, our regulations at 50 CFR 17.22(d)(1) and

our CCAA policy (December 27, 2016; 81 FR 95169) encourage the conservation of at-risk species.

The population of Arctic grayling in the Centennial Valley in Beaverhead County, Montana, is increasing in distribution in and around Red Rock Lakes National Wildlife Refuge (Refuge). However, reduced stream flows, degraded and non-functioning instream and riparian habitats, barriers to Arctic grayling movement, and entrainment of Arctic grayling in irrigation ditches on non-Federal lands surrounding the Refuge are likely inhibiting further increases in distribution and abundance in the Centennial Valley. Thus, the Service and MFWP developed the programmatic Candidate Conservation Agreement with Assurances (CCAA) for Arctic Grayling in the Centennial Valley, to encourage landowners to voluntarily implement conservation measures to alleviate these limiting factors on their properties.

A CCAA is an agreement between the Service, partners, and landowners for voluntary management of non-Federal lands to remove or reduce threats to species that may become listed under the ESA. In return for implementing conservation measures in a CCAA, the Service gives participants assurances that, should the covered species become listed, the Service would not impose land, water, or resource use restrictions or conservation requirements beyond those agreed to in the CCAA.

Under the Centennial Valley CCAA, the Service would issue MFWP an Enhancement of Survival Permit (permit) under section 10(a)(1)(A) of the ESA effective for 20 years. MFWP would enroll interested non-Federal landowners under the permit with Certificates of Inclusion (CI) contingent on development of a site-specific conservation plan for the enrolled property. The CI would convey to the enrolled landowner a specified level of authorized take of Arctic grayling that may result from implementation of the conservation measures in the site-specific plan, if and when the species becomes listed.

National Environmental Policy Act Compliance

The proposed issuance of a permit with its associated CCAA is a Federal action that requires us to comply with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). Therefore, we prepared a draft environmental assessment that evaluates the potential impacts of issuing the permit and implementing the Centennial Valley CCAA on the human environment. We are requesting a 30-day public review and comment on drafts of the EA and CCAA (see **DATES** and **ADDRESSES**).

Public Comments

You may submit your comments and materials by one of the methods listed in the **ADDRESSES** section. We request data, comments, new information, or suggestions from the public, other concerned governmental agencies, the scientific community, Tribes, industry, or any other interested party on our proposed Federal action.

Public Availability of Comments

All comments and materials we receive become part of the public record associated with this action. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comments, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so. Comments and materials we receive, as well as supporting documentation we use in preparing the EA, will be available for public inspection by appointment, during normal business hours, at our Montana Field Office (see **ADDRESSES**).

Next Steps

After reviewing public comments, we will evaluate whether the proposed action in the draft EA is adequate to support a finding of no significant impact under NEPA or we should prepare an environmental impact statement. As part of the basis for that determination, we will conduct an intra-Service consultation under section 7(a)(2) of the ESA to determine whether the proposed permit action and CCAA would jeopardize the continued existence of the Arctic grayling or any other candidate, proposed, or listed species that may be affected. We will then determine whether implementation of the proposed CCAA would meet the requirements for issuance of a section 10(a)(1)(A) permit (50 CFR 17.22(d)(2)). We will not make our final decision until after the end of the 30-day public comment period, and we will fully consider all comments we receive during the public comment period.

Authority

We provide this notice in accordance with the requirements of section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*), and NEPA (42 U.S.C. 4321 *et seq.*) and their implementing regulations (50 CFR 17.22 and 17.32; 40 CFR 1506.6 and 43 CFR 46, respectively).

Marjorie Nelson,

Chief—Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, Lakewood, Colorado.

[FR Doc. 2018–11367 Filed 5–25–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[17X.LLAZA01000.L54400000.EQ0000. LVCLA17ZNAA0; AZA–024176]

Notice of Realty Action: Proposed Mesquite, Nevada Airport Lease Renewal/Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) has examined and found suitable for lease to the City of Mesquite, Nevada, for airport purposes under the Act of May 24, 1928, as amended, a parcel of public land located in Mohave County, Arizona, totaling approximately 6.005 acres. The City of Mesquite has applied for a renewal lease and to amend its lease to bring it into Federal Aviation Administration (FAA) safety compliance standards.

DATES: Interested parties may submit written comments regarding the proposed lease renewal and amendment to the existing lease on or before July 13, 2018.

ADDRESSES: Comments concerning this notice should be addressed to Lorraine M. Christian, Field Manager, BLM Arizona Strip Field Office, 345 East Riverside Dr., St. George, UT 84790.

FOR FURTHER INFORMATION CONTACT: Amanda Harrington, Assistant Field Office Manager, at the above address; phone 435–688–3271; or by email at *asharrin@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question for the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM has examined and found the following described public land in Mohave County, Arizona, suitable for lease under the Act of May 24, 1928, as amended (49 U.S.C. Appendix 211–213), and 43 CFR 2911:

BEING A PORTION OF THE NORTHWEST QUARTER (NW¼) OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 16 WEST, GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ARIZONA;

BEGINNING AT MILE POST 311 ON THE ARIZONA NEVADA STATE LINE, SAID MILE POST BEING NORTH 01°40′13″ WEST, 4424.95 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 29, TOWNSHIP 40 NORTH, RANGE 16 WEST, GILA AND SALT RIVER MERIDIAN;

THENCE CONTINUING ALONG SAID STATE LINE, NORTH 01°40′13″ WEST, A DISTANCE OF 100.43 FEET; THENCE LEAVING SAID LINE, SOUTH 42°12′37″ EAST, A DISTANCE OF 194.53 FEET; THENCE SOUTH 71°07′11″ EAST, A DISTANCE OF 43.96 FEET; THENCE SOUTH 17°38′46″ EAST, A DISTANCE OF 469.15 FEET; THENCE SOUTH 16°43′14″ WEST, A DISTANCE OF 126.23 FEET; THENCE SOUTH 12°28′57″ WEST, A DISTANCE OF 519.17 FEET; THENCE SOUTH 27°38′58″ WEST, A DISTANCE OF 265.39 FEET TO SAID STATE LINE; THENCE NORTH 01°40′13″ WEST, A DISTANCE OF 1,368.45 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 261,891 SQUARE FEET, 6.01 ACRES, MORE OR LESS.

BASIS OF BEARING

N 01°40′13″ W, BEING THE WEST LINE OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 16 WEST, GILA AND SALT RIVER MERIDIAN, MOHAVE COUNTY, ALSO BEING THE STATE LINE OF NEVADA AND ARIZONA FROM THE SOUTHWEST CORNER OF SAID SECTION 29 TO MILE MARKER 311, AS SHOWN ON THE UNRECORDED DRAWING TITLED *BLM/AIRPORT LEASED LAND FOR THE CITY OF MESQUITE NEVADA.*

This notice informs the public that the City of Mesquite, in coordination with the FAA, submitted an application to both renew and amend its existing airport lease (AZA–24176) to comply with FAA requirements. The proposal is includes relinquishing 0.74 acres of the lease in an area northeast of the airport, referred to as the NAV AID site, which is no longer needed, and leasing an additional 0.76 acres to the north and south of the current lease area in order to move the existing perimeter fence outside of the obstacle-free zone. This would bring the total acreage of the leased area to approximately 6.005 acres.

Issuance of the lease is in accordance with the Arizona Strip Resource Management Plan (RMP), Decision No. MA–LR–06. Individual land use authorizations (rights-of-way, permits, leases, easements) will be evaluated on a case-by-case basis in accordance with other RMP provisions and compliance with the requirements of the National Environmental Policy Act.

This notice segregates the above-described public lands from operation of the public land laws, including the mining laws. The segregative effect will end upon issuance of the lease or on May 29, 2019, whichever occurs first.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application or any other factor not directly related to the suitability of the lands for an airport lease. The BLM Arizona State Director will review any adverse comments. In the absence of any adverse comments, the decision will become final. The lands will not be offered for lease until a determination of significance and Decision Record have been signed for the completed Environmental Assessment.

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 available to the public at any time. While you can ask in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2911.

Lorraine M. Christian,

Field Manager.

[FR Doc. 2018–11452 Filed 5–25–18; 8:45 am]

BILLING CODE 4310–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15X.LLAZ920000.L71220000.EU0000. LVTFA1580000.241A; AZA–36768]

Notice of Realty Action: Non-Competitive (Direct Sale) and Conveyance of Public Land and Mineral Interests of Public Land in Maricopa and Pinal Counties, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) is proposing a noncompetitive (direct) sale of 3,180.35 acres of public land in Maricopa County, Arizona, and 200.64 acres of public land in Pinal County, Arizona, a total of 3,380.69 acres at no less than the appraised fair market value to the Gila River Indian Community (GRIC). The sale is subject to the provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA). Because disposal of these lands is restricted to Federal, State, local, and tribal governments and agencies, the publication of this notice represents a formal opportunity for any qualified purchasers to express interest in the subject lands. If interest in purchase, at fair market value, is indicated by another qualified party, the BLM will proceed with a modified competitive sale of the lands. If no qualified parties express interest, the BLM will proceed with a noncompetitive sale.

DATES: The BLM is seeking comments from the public and interested parties regarding the noncompetitive (direct) sale and comments must be received by the BLM within 45 days of the date this notice is published in the **Federal Register.** In addition to this opportunity to provide written comments, public meetings will be held in the vicinity of the sale within the 45-day comment period. These meetings will be announced by publication in local newspapers and other media outlets at least 2 weeks prior to being held.

ADDRESSES: Written comments concerning the noncompetitive (direct) sale should be sent to Edward J. Kender, Field Manager, BLM Lower Sonoran Field Office, Phoenix District Office, 21605 North 7th Avenue, Phoenix, AZ 85027.

FOR FURTHER INFORMATION CONTACT: Lane Cowger, Project Manager, Arizona State Office at 602–417–9612 or by email at *lcowger@blm.gov* or *blm_az_azso_maricopalandsale@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM has received a proposal from the GRIC to purchase the public lands described in this Notice at fair market value. The lands are located in Maricopa and Pinal Counties and are being considered for noncompetitive (direct) sale under the authority of Sections 203 and 209 of FLPMA (90 Stat. 2750, 43 U.S.C. 1713 and 1719), and the regulations at 43 CFR 2710 and 2720.

Gila and Salt River Meridian, Arizona

Maricopa County

T. 2 S., R. 1 W.,
Section 1, lots 1–4, S½NE¼, S½NW¼, SW¼, SE¼;
Section 2, lots 1–4, S½NE¼, S½NW¼, SW¼, SE¼;
Section 3, lots 1–4, S½NE¼, S½NW¼, SW¼, SE¼;

Section 11;
Section 12.

Pinal County

T. 5 S., R. 5 E.,
Section 16, lot 4;
Section 17, NE¼.

The areas described aggregate approximately 3,380.69 acres. The Sections noted above in T. 2 S., R. 1 W., are located in Maricopa County and are on the western border of the Gila River Indian Reservation. The Sections within the above T. 5 S., R. 5 E., are in Pinal County and lie along the Reservation's southern border. The lands surrounding the parcels are non-BLM lands, including lands owned by GRIC. Section 203 of FLPMA establishes the criteria under which a sale of public land is permitted. The sale is in conformance with the Lower Sonoran Record of Decision (ROD) and Resource Management Plan (RMP), approved on September 14, 2012. The parcels are identified for disposal in the RMP Record of Decision (LR–2.1.1). The RMP limits the disposal of these parcels to Federal, State, local, or tribal governmental entities. These governmental entities will be notified of the proposed sale to allow them the opportunity to express an interest in participating in a modified competitive sale.

Consistent with the RMP, the subsurface estate will be included in this sale, as no mineral values have been identified in the project environmental analysis. Regulations contained at 43 CFR 2711.3–3(a) provide for a noncompetitive (direct) sale when the public interest would best be served to protect existing equities. However, after the public comment period is over the BLM will determine whether or not to pursue a modified competitive sale, or proceed with the noncompetitive (direct) sale as described in this Notice.

The sale parcels will be analyzed in a site-specific Environmental Assessment (EA). In addition, other resource surveys and evaluations are currently being conducted and will be complete prior to BLM making a final decision on this proposed sale. The parcels are being offered in this Notice of Realty Action as a noncompetitive (direct sale) to protect cultural resources and archaeological sites within the parcels that are of cultural significance to the GRIC. These sites include plant, animal, raw material resources gathering areas, areas of cultural and religious significance, and trail systems and transportation routes with cultural and religious significance.

Pursuant to 43 CFR 2711.1–2(d) and upon publication of the notice in the **Federal Register**, the described lands will be segregated from all forms of appropriation under the public land laws, including the mining laws. Any subsequent applications for appropriation will not be accepted, will not be considered as filed, and will be returned to the applicant. The segregation will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or 2 years from the date of the publication in the **Federal Register**, whichever occurs first, unless extended by the BLM Arizona State Director prior to the termination date.

In addition to the appraised fair market value, the purchaser will be required to pay a $50 nonrefundable filing fee for conveyance of the available mineral interests and the associated administrative costs.

The following terms and conditions will be accepted and reserved to the United States:

A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

And will be subject to:

1. All valid existing rights.

2. Those rights for a water facility granted to Maricopa County Flood Control, its successors or assigns, by right-of-way No. AZA–26798, pursuant to the Act of October 21, 1976 (43 U.S. C. 1761).

3. Those rights for power line purposes granted to Tucson Electric Power Company, its successors or assigns, by right-of-way No. AZA–7274, pursuant to the Act of March 4, 1911 (43 U.S.C. 961).

4. Those rights for power line purposes granted to Tucson Electric Power Company, its successors or assigns, by right-of-way No. AZA–7872, pursuant to the Act of March 4, 1911 (43 U.S.C. 961).

Information concerning the sale, including a map delineating the noncompetitive direct sale parcels and, when available, the appraisal and mineral report will be available for public review during normal business hours at the BLM, Lower Sonoran Field Office, located at the above address. Once completed, the map and EA will be viewable at *https://eplanning.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do.*

Public comments concerning the noncompetitive direct sale may be submitted in writing to the BLM Lower Sonoran Field Manager as noted in the above **DATES** and **ADDRESSES** sections. Any substantive comments regarding the noncompetitive (direct) sale will be reviewed by the BLM Lower Sonoran Field Manager or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in whole or in part. Unless the BLM receives a substantive comment that causes the authorized official to vacate or modify this realty action, this notice will become the final determination of the Department of the Interior.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be advised 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 from public review your personal identifying information, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 2711.1–2 and 2720.1–1(b)

Edward J. Kender,

Field Manager, Lower Sonoran Field Office.

[FR Doc. 2018–11451 Filed 5–25–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR936000.L1400000. ET0000.17XL1109AF; HAG 17–0078 WAOR 022193 and WAOR 022197–I]

Public Land Order No. 7865; Partial Revocation of Turn Point Lighthouse Reservation; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This Order revokes the withdrawal created by two Executive Orders as they affect 70.97 acres located at Turn Point, Stuart Island, San Juan Islands, Washington, reserved for use by the United States Coast Guard (USCG) for lighthouse purposes. This Order also transfers administrative jurisdiction over the subject land to the Bureau of Land Management (BLM) to be managed as part of the San Juan Islands National Monument (Monument).

DATES: This Public Land Order takes effect: May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Jacob Childers, Oregon State Office, BLM, at 503–808–6225, or by email at *jcchilders@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to reach the above individual. The FRS is available 24 hours a day, 7 days a week,

to leave a message or question with the above individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The USCG has determined that the reservation for the Turn Point Light Station is no longer needed. The land was incorporated into the Monument by Presidential Proclamation No. 8947 of March 25, 2013, (78 FR 18790 (2013)). In accordance with Presidential Proclamation No. 8947, the lands shall remain closed to appropriation under the general land laws and location and entry under the United States mining laws, subject to valid existing rights and the requirements of applicable law.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. The withdrawal created by Executive Orders dated July 15, 1875, and June 6, 1891, which reserved public land at Turn Point for lighthouse purposes, is hereby revoked in-part insofar as it affects the following described land:

Willamette Meridian

T. 37 N, R. 4 W,
sec. 20, lots 5, 6, and 7.
The area described contains 70.97 acres.

2. Administrative jurisdiction over the land described in Paragraph 1 is hereby transferred to the BLM to be managed as part of the National Monument established by Presidential Proclamation No. 8946 of March 25, 2013 (79 FR 18790). Subject to valid existing rights, in accordance with Presidential Proclamation No. 8946, the land shall remain closed to all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing other than by exchange that furthers the protective purposes of the Proclamation.

Dated: February 12, 2018.

Joseph R. Balash,

Assistant Secretary, Land and Minerals Management.

Editorial note: This document was received for publication by the Office of the **Federal Register** on May 23, 2018.

[FR Doc. 2018–11453 Filed 5–25–18; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–607 and 731–TA–1417–1419 (Preliminary)]

Steel Propane Cylinders From China, Taiwan, and Thailand; Institution of Anti-Dumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–607 and 731–TA–1417–1419 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of steel propane cylinders from China, Taiwan, and Thailand, provided for in statistical reporting numbers 7311.00.0060 and 7311.00.0090 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce (''Commerce'') extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by July 6, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by July 13, 2018.

DATES: May 22, 2018.

FOR FURTHER INFORMATION CONTACT: Lawrence Jones, (202) 205–3358, *Lawrence.jones@usitc.gov,* Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on May 22, 2018, by Worthington Industries (Columbus, Ohio) and Manchester Tank & Equipment Company (Franklin, Tennessee).

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Tuesday, June 12, 2018, at the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. Requests to appear at the conference should be

emailed to *preliminaryconferences@usitc.gov* (DO NOT FILE ON EDIS) on or before June 8, 2018. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations *may request permission to present a short statement at the conference.*

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before June 15, 2018, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: May 23, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018–11392 Filed 5–25–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Jopindar P. Harika, M.D.; Order

On June 8, 2017, the Assistant Administrator, Diversion Control Division, Drug Enforcement Administration, issued an Order to Show Cause to Jopindar P. Harika, M.D. (hereinafter, Registrant), of Monroeville, Pennsylvania. The Show Cause Order proposed the revocation of Registrant's DEA Certificate of Registration on two grounds: (1) That he does ''not have authority to handle controlled substances in the State of Pennsylvania, the [S]tate in which [he is] registered with the'' Agency, and (2) that he has ''been convicted of a felony offense related to controlled substances.'' Show Cause Order, at 1 (citing 21 U.S.C. 824(a) (2) & (3)).

As to the jurisdictional basis for the proceeding, the Show Cause Order alleged that Registrant is the holder of Certificate of Registration No. FH4408248 pursuant to which he is authorized to dispense controlled substances in schedules II through V, at the registered address of 321 Red Oak Court, Monroeville, Pennsylvania. *Id.* The Order further alleged that this registration was due to expire on October 31, 2017.[1] *Id.*

As for the substantive grounds for the proceeding, the Show Cause Order alleged that on April 8, 2016, the State of Pennsylvania suspended Registrant's ''authority to prescribe and administer controlled substances'' and that he is ''without authority to handle controlled substances in Pennsylvania, the [S]tate in which [he is] registered with the'' Agency. *Id.* The Order further alleged that ''[o]n September 10, 2015, [Registrant] pled and [was] found guilty in the Court of Common Pleas of Berks County, Pennsylvania to the Unlawful Administration, Delivery, Gift, or Prescription of a Controlled Substance by a Practitioner in violation of 35 Pa. Cons. Stat. § 780–113(a)(14). *Id.* at 2. The Order further asserted that ''[t]his is a felony offense.'' *Id.*

On June 9, 2017, more than 14 months after the Board's Action, a Diversion Investigator (DI) attempted to serve the Show Cause Order on Registrant by Certified Mail addressed to him at his registered address in Monroeville, Pennsylvania. GX 6, at 1 (Declaration of DI). Also on June 9, the DI mailed a copy of the Show Cause Order address to Registrant at the ''Berks County Jail System, 1287 County Welfare Road, Leesport, PA 19533,'' which the DI states is his ''last known address.'' *Id.* However, on June 19, 2017, both mailings were returned to DEA, with the mailing to his registered address marked as ''moved/left no address unable to forward'' and the mailing to the Berks County Jail marked with the notation of ''person no longer confined here.'' GX 5, at 1 (Order, Oct. 17, 2017).

On June 21, 2017, the DI re-mailed the Show Cause Order to Registrant at both addresses by First Class Mail. GX 6, at 1. According to the DI, the mailing to the jail ''was returned . . . on June 29, 2017, with the response 'person no longer confined here.' No response was obtained from the USPS First Class letter sent to Respondent's registered address.'' *Id.* at 1–2.

Thereafter, on July 10, 2017, the Government submitted a Request for Final Agency Action. Therein, the Government asserted that it was forwarding the matter to my Office ''because more than thirty days have passed since the Order to Show Cause was served on [Registrant] and no request for hearing has been received by DEA.'' GX 4, at 1 (Req. for Final Agency Action).

On review, I concluded that the Government's Request for Final Agency Action was premature because it did not wait at least 30 days from the effective date of service before submitting its request. GX 5, at 2 (Order, Oct. 17, 2017). Therein, I first held that the Government's initial efforts to serve Registrant by certified mail which, in both instances, were returned to the Government, were clearly inadequate to effect service under *Jones* v. *Flowers,* 547 U.S. 220 (2006). *Id.*

As for the Government's subsequent mailing of the Show Cause Order by regular first class mail to Respondent's registered address, I explained that while this may have been effective, given that the previous mailing was returned with the notation ''moved/left no address unable to forward,'' the

[1] Evidence submitted by the Government establishes that this registration does not expire until October 31, 2018. GX 1.

Government must provide some additional evidence to establish a continuing nexus between Registrant and this address. *Id.* (citing *Jones,* 547 U.S. at 230 (requiring ''the government to consider unique information about an intended recipient regardless of whether a statutory scheme is reasonably calculated to provide notice in the ordinary case'')).

I further noted that even assuming that this mailing was adequate to effect service, ''Registrant would have had until July 24, 2017 to file a hearing request or a written statement.'' *Id.* at n.1. Thus, I held that the Government had submitted its Request for Final Agency Action well before the expiration of the 30-day period in which Registrant was entitled to either request a hearing or to submit a written statement while waiving his right to a hearing. *Id.* at 2 (citing 21 CFR 1301.43(a) & (c)).

I therefore denied the Government's Request for Final Agency Action without prejudice. *Id.* I further held that the Government could resubmit its Request provided that it properly established that the subsequent mailing to Registrant's registered address was effective and Registrant did not request a hearing within the 30-day period. *Id.*

Thereafter, on November 6, 2017, the DI went to Registrant's registered address in Monroeville, Pennsylvania. GX 6, at 2. According to the DI, upon her arrival, she ''knocked on the door, but there was no answer.'' *Id.* The DI ''observed that there was a stack of soaking wet mail sitting under a rock near the front door and . . . an envelope from the 'Municipality of Monroeville' taped to the front door.'' *Id.* The DI further stated the ''the property was in a general state of disrepair,'' with another of the home's entrances being ''boarded up, a shattered window, a downspout that had come apart and fallen to the ground, overgrown landscaping, and garbage cans that were knocked over.'' *Id.* The DI thus ''determined that the home was vacant.'' *Id.*

The DI also noted that ''[t]here is no email address listed for Registrant in DEA's registration database,'' and thus, ''electronic delivery of [the Show Cause Order] to Registrant is not possible.'' *Id.* The DI thus asserted that she has ''exhausted all reasonable efforts to locate Registrant in an attempt to serve him with'' the Order. *Id.*

On January 30, 2018, the Government submitted a Second Request for Final Agency Action (RFAA II). Therein, the Government asserts that its case agent ''has made numerous attempts to serve the [Show Cause Order] on Registrant over the course of several months.'' RFAA II, at 2. The Government further states that ''the case agent has been unable to determine the whereabouts of the Registrant, much less effect service of the Order upon him,'' *id.,* as ''the home at the registered address is vacant.'' *Id.* n.2.

The Government thus argues that it ''has now exhausted all reasonable attempts to serve Registrant with the Order,'' and notes that it ''is not required to undertake 'heroic efforts' to find a registrant.'' RFAA II, at 2, & n.3 (quoting *Dusenbery* v. *United States,* 534 U.S. 161, 170 (2002)). It further argues that ''[b]ecause many months have passed since DEA's mail and in-person attempts to serve Registrant . . . and because Registrant has not requested a hearing within 30 days of any receipt of the Order and has not . . . corresponded . . . with DEA regarding the Order, including the filing of any written statement in lieu of a hearing, he has waived his right to a hearing.'' *Id.* (21 CFR 1301.43).

Because I again find that the Government has failed to provide notice reasonably calculated to apprise Registrant of the proceeding, I deny its Request for Final Agency Action. It is true that Due Process does not require that Registrant receive actual notice of the Show Cause Order. Rather, the Government's obligation is limited to providing '''notice reasonably calculated, under all the circumstances, to apprise [him] of the pendency of the action.''' *Jones* v. *Flowers,* 547 U.S. 220, 226 (2006) (quoting *Mullane* v. *Central Hanover Bank & Trust Co.,* 339 U.S. 306, 314 (1950)). It is also true that the Government is not required to engage in ''heroic efforts'' to effectuate service. *Dusenbery* v. *United States,* 534 U.S. 161, 170 (2002).

On the other hand, the Government is required ''to consider unique information about an intended recipient regardless of whether a statutory scheme is reasonably calculated to provide notice in the ordinary case.'' *Jones,* 547 U.S. at 230. *Jones* further makes clear that while the adequacy of a particular effort at service ''is assessed *ex ante,*'' *id.* at 231, when the Government receives information that its attempt at service was ineffective, it must consider that information and determine whether there were any ''additional reasonable steps'' that the Government could have taken to notify registrant of the proceeding.[2] *Id.* at 234.

Here, I conclude that none of the Government's attempts at service were adequate under *Jones.* As for its mailings to the Berks County Jail, which the DI maintained was his ''last known address,'' the Government produced no evidence that he was still likely to be confined there when it attempted to serve the Show Cause Order on him. As for the mailing to his registered address, which apparently was his residence, once the Government received back the certified mailing which bore the notation ''moved/left no address unable to forward,'' the Government was obligated to take any ''additional reasonable steps'' to notify Registrant. *Id.* However, the sole step it took was to visit the property and confirm what the certified mailing already suggested—that Registrant no longer resided there, and indeed, that the property was vacant.

As for the Government's assertion that it has ''exhausted all reasonable efforts to locate Registrant,'' this may be, but the Government has identified no such efforts it made other than the visit to an address that the Government already knew the Registrant had vacated. And while the Government is correct that it is not required to undertake ''heroic efforts'' to find a registrant, visiting Registrant's residence after knowing that the Post Office previously had indicated that he had moved cannot be fairly characterized as a ''heroic effort[].''

Accordingly, I again hold that the Government has not established that it has provided notice reasonably calculated to apprise Registrant of the proceeding. I therefore deny the Government's Second Request for Final Agency Action.

It is so ordered.

Dated: May 17, 2018.

Robert W. Patterson,

Acting Administrator.

[FR Doc. 2018–11433 Filed 5–25–18; 8:45 am]

BILLING CODE 4410–09–P

[2] While the CSA requires that a registrant notify the Agency if he changes his business or professional address, *see* 21 U.S.C. 827(g), '''a party's ability to take steps to safeguard its own interests does not relieve the [Government] of its constitutional obligation''' to provide adequate notice. *Jones,* 547 U.S. at 232 (quoting *Mennonite Bd. of Missions* v. *Adams,* 462 U.S. 791, 799 (1983)) (int. quot. and citation omitted).

DEPARTMENT OF JUSTICE

[OMB Number 1103–0102]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection; COPS Office Progress Report

AGENCY: Community Oriented Policing Services (COPS) Office, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Community Oriented Policing Services (COPS) Office, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the **Federal Register** allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional days until June 28, 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 Kimberly J. Brummett, Program Specialist, Community Oriented Policing Services (COPS) Office, 145 N Street NE, Washington, DC 20530 (phone: 202–353–9769). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* COPS Office Progress Report.

3. *The agency form number:* N/A.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Under the Violent Crime and Control Act of 1994, the U.S. Department of Justice COPS Office would require the completion of the COPS Progress Report by recipients of COPS hiring and non-hiring grants. Grant recipients must complete this report in order to inform COPS of their activities with their awarded grant funding.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 1,200 grantees will be required to submit an active progress report each quarter. The estimated range of burden for respondents is expected to be between 20 minutes to 25 minutes for each quarterly completion.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2,000 hours. It is estimated that respondents will take up to 25 minutes each quarter to complete the quarterly progress report. The burden hours for collecting respondent data sum to 2,000 hours (1,200 respondents × .4167 hours × 4 times annually = 2,000 hours).

If additional information is required please 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, Suite 3E.405B, Washington, DC 20530.

Dated: May 23, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–11379 Filed 5–25–18; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On May 21, 2018, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Georgia in the lawsuit entitled *United States* v. *MFG Chemical, LLC,* Civil Action Number 4:18–cv–00121–HLM. The proposed consent decree would resolve claims set forth in the complaint filed in this lawsuit, asserted by the United States against Defendant MFG Chemical, LLC (''MFG'') pursuant to Section 112(r)(1) of the Clean Air Act (''CAA''), 42 U.S.C. 7412(r)(1), with respect to MFG's chemical manufacturing and processing facility located at 117 Callahan Road SE, Dalton, Georgia (''Facility''). The claims alleged in the complaint pertain to a chemical explosion at the Facility on May 21, 2012, and are based on MFG's failure to identify and address the hazards associated with the batch manufacture of a chemical compound known as coagulant 129, in violation of the General Duty Clause (''GDC'') of the CAA. The proposed consent decree would require MFG to pay a civil penalty of $400,000 as well as perform injunctive relief designed to bring MFG into compliance with the GDC and to minimize the risk of future problems at the Facility.

The publication of this notice opens a period for public comment on the proposed consent decree and proposed settlement agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *MFG Chemical, LLC,* Civil Action Number 4:18–cv–00121–HLM, D.J. Ref. No. 90–5–2–1–08683/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611

During the public comment period, the proposed consent decree and proposed settlement agreement may be examined and downloaded at this Justice Department website: *https://*

www.justice.gov/enrd/consent-decrees. We will provide a paper copy of these documents upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.75 (25 cents per page reproduction cost) payable to the United States Treasury.

Henry Friedman,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–11359 Filed 5–25–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

191st Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 191st meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on June 19–21, 2018.

The three-day meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 in C5521 Room 4. The meeting will run from 9:00 a.m. to approximately 5:30 p.m. on June 19–20 with a one hour break for lunch each day, and from 9:00 a.m. to 11:00 a.m. on June 21. The purpose of the open meeting is for Advisory Council members to hear testimony from invited witnesses and to receive an update from the Employee Benefits Security Administration (EBSA). The EBSA update is scheduled for the morning of June 21, subject to change.

The Advisory Council will study the following topics: (1) Lifetime Income Products as a Qualified Default Investment Option (QDIA)—Focus on Decumulation and Rollovers and (2) Evaluating the Department's Regulations and Guidance on ERISA Bonding Requirements and Exploring Reform Considerations. The Council will hear testimony on June 19 on the first topic and on June 20 on the second topic. It will continue with discussions of its topics on June 21. Descriptions of these topics are available on the Advisory Council page of the EBSA website, at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.*

Organizations or members of the public wishing to submit a written statement may do so by submitting 35 copies on or before June 12, 2018, to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5623, 200 Constitution Avenue NW, Washington, DC 20210. Statements also may be submitted as email attachments in word processing or pdf format transmitted to *good.larry@dol.gov.* It is requested that statements not be included in the body of the email. Statements deemed relevant by the Advisory Council and received on or before June 12 will be included in the record of the meeting and made available through the EBSA Public Disclosure Room, along with witness statements. Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Written statements submitted by invited witnesses will be posted on the Advisory Council page of the EBSA website, without change, and can be retrieved by most internet search engines.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693–8668. Oral presentations will be limited to 10 minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by June 12.

Signed at Washington, DC this 22nd day of May, 2018.

Preston Rutledge,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2018–11432 Filed 5–25–18; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Innovation and Opportunity Act (WIOA) 2018 Lower Living Standard Income Level (LLSIL)

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: Title I of WIOA (Pub. L. 113–128) requires the U.S. Secretary of Labor (Secretary) to update and publish the LLSIL tables annually, for uses described in the law (including determining eligibility for youth). WIOA defines the term ''low income individual'' as one whose total family income does not exceed the higher level of the poverty line or 70 percent of the LLSIL. This issuance provides the Secretary's annual LLSIL for 2018 and references the current 2018 Health and Human Services ''Poverty Guidelines.''

DATES: This notice is applicable May 29, 2018.

FOR FURTHER INFORMATION CONTACT OR QUESTIONS ON LLSIL: Please contact Samuel Wright, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room C–4526, Washington, DC 20210; Telephone: 202–693–2870; Fax: 202–693–3015 (these are not toll-free numbers); Email address: *wright.samuel.e@dol.gov.* Individuals with hearing or speech impairments may access the telephone number above via Text Telephone (TTY/TDD) by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

FOR FURTHER INFORMATION CONTACT OR QUESTIONS ON FEDERAL YOUTH EMPLOYMENT PROGRAMS: Please contact Jennifer Kemp, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW., Room N–4464, Washington, DC 20210; Telephone: 202–693–3377; Fax: 202–693–3113 (these are not toll-free numbers); Email: *kemp.jennifer.n@dol.gov.* Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The purpose of WIOA is to provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention, and earnings of participants. WIOA programs are intended to increase the occupational skill attainment by participants and the quality of the workforce, thereby reducing welfare dependency and enhancing the productivity and competitiveness of the Nation.

LLSIL is used for several purposes under the WIOA. Specifically, WIOA section 3(36) defines the term ''low income individual'' for eligibility purposes, and sections 127(b)(2)(C) and 132(b)(1)(B)(v)(IV) define the terms ''disadvantaged youth'' and ''disadvantaged adult'' in terms of the poverty line or LLSIL for State formula allotments. The governor and state/local

workforce development boards (WDs) use the LLSIL for determining eligibility for youth and adults for certain services. ETA encourages governors and State/local boards to consult the WIOA operating guidance, and after its publication, the WIOA Final Rule, for more specific guidance in applying LLSIL to program requirements. The U.S. Department of Health and Human Services (HHS) published the most current poverty-level guidelines in the **Federal Register** on January 18, 2018 (Volume 83, Number 12), pp. 2642–2644. The HHS 2018 Poverty guidelines may also be found on the internet at *https://aspe.hhs.gov/poverty-guidelines.* ETA plans to have the 2018 LLSIL available on its website at *http://www.doleta.gov/llsil.*

WIOA Section 3(36)(B) defines LLSIL as ''that income level (adjusted for regional, metropolitan, urban and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent lower living family budget issued by the Secretary.'' The most recent lower living family budget was issued by the Secretary in fall 1981. The four-person urban family budget estimates, previously published by the U.S. Bureau of Labor Statistics (BLS), provided the basis for the Secretary to determine the LLSIL. BLS terminated the four-person family budget series in 1982, after publication of the fall 1981 estimates. Currently, BLS provides data to ETA, which ETA then uses to develop the LLSIL tables, as provided in the Appendices to this **Federal Register** notice.

ETA published the 2017 updates to the LLSIL in the **Federal Register** of May 23, 2017, at Vol. 82, No.98 pp. 23595–23601. This notice again updates the LLSIL to reflect cost of living increases for 2017, by calculating the percentage change in the most recent 2017 Consumer Price Index for All Urban Consumers (CPI–U) for an area to the 2017 CPI–U, and then applying this calculation to each of the May 23, 2017 LLSIL figures for the 2018 LLSIL.

The updated figures for a four-person family are listed in Appendix A, Table 1, by region for both metropolitan and non-metropolitan areas. Numbers in all of the Appendix tables are rounded up to the nearest dollar. Since program eligibility for ''low-income individuals'', ''disadvantaged adults'' and ''disadvantaged youth'' may be determined by family income at 70 percent of the LLSIL, pursuant to WIOA Section 3 (36)(A)(ii) and Section 3(36)(B), respectively, those figures are listed as well.

I. Jurisdictions

Jurisdictions included in the various regions, based generally on the Census Regions of the U.S. Department of Commerce, are as follows:

A. Northeast

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virgin Islands

B. Midwest

Illinois
Indiana
Iowa
Kansas
Michigan
Minnesota
Missouri
Nebraska
North Dakota
Ohio
South Dakota
Wisconsin

C. South

Alabama
American Samoa
Arkansas
Delaware
District of Columbia
Florida
Georgia
Northern Marianas
Oklahoma
Palau
Puerto Rico
South Carolina
Kentucky
Louisiana
Marshall Islands
Maryland
Micronesia
Mississippi
North Carolina
Tennessee
Texas
Virginia
West Virginia

D. West

Arizona
California
Colorado
Idaho
Montana
Nevada
New Mexico
Oregon
Utah
Washington
Wyoming

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Appendix B, Table 2.

Data on 23 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on annual CPI–U changes for a 12-month period ending in December 2017. The updated LLSIL figures for these MSAs and 70 percent of LLSIL are reported in Appendix C, Table 3.

Appendix D, Table 4 lists each of the various figures at 70 percent of the updated 2017 LLSIL for family sizes of one to six persons. Because Tables 1–3 only list the LLSIL for a family of four, Table 4 can be used to separately determine the LLSIL for families of between one and six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding 70 percent of the LLSIL figure, the figure is shaded. A modified Microsoft Excel version of Appendix D, Table 4, with the area names, will be available on the ETA LLSIL website at *http://www.doleta.gov/llsil.* Appendix E, Table 5, indicates 100 percent of LLSIL for family sizes of one to six, and is used to determine self-sufficiency as noted at Section 3 (36)(a)(ii) and Section 3 (36)(B),(C)(ii) in WIOA.

II. Use of These Data

Governors should designate the appropriate LLSILs for use within the State from Appendices A, B, and C, containing Tables 1 through 3. Appendices D and E, which contain Tables 4 and 5, which adjust a family of four figure for larger and smaller families, may be used with any LLSIL designated area. The governor's designation may be provided by disseminating information on MSAs and metropolitan and non-metropolitan areas within the state or it may involve further calculations. For example, the State of New Jersey may have four or more LLSIL figures for Northeast metropolitan, Northeast non-metropolitan, portions of the state in the New York City MSA, and those in the Philadelphia MSA. If a workforce investment area includes areas that would be covered by more than one LLSIL figure, the governor may determine which is to be used.

A state's policies and measures for the workforce investment system shall be accepted by the Secretary to the extent

that they are consistent with WIOA and WIOA regulations.

III. Disclaimer on Statistical Uses

It should be noted that publication of these figures is only for the purpose of meeting the requirements specified by WIOA as defined in the law and regulations. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI–U adjustments used to update LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL, but are not in the CPI–U. Thus, these figures should not be used for any statistical purposes, and are valid only for those purposes under WIOA as defined in the law and regulations.

Appendix A

TABLE 1—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS) BY REGION [1]

Region [1]	2018 adjusted LLSIL	70 percent LLSIL
Northeast [2]:		
Metro	$43,738	$30,617
Non-Metro [3]	43,133	30,193
Midwest:		
Metro	38,320	26,824
Non-Metro	36,784	25,764
South:		
Metro	37,323	26,126
Non-Metro	36,499	25,549
West:		
Metro	43,252	30,277
Non-Metro [4]	42,968	30,078

[1] For ease of use, these figures are rounded to the next dollar.
[2] Metropolitan area measures were calculated from the weighted average CPI–U's for city size classes A and B/C. Non-metropolitan area measures were calculated from the CPI–U's for city size class D.
[3] Non-metropolitan area percent changes for the Northeast region are no longer available. The Non-metropolitan percent change was calculated using the U.S. average CPI–U for city size class D.
[4] Non-metropolitan area percent changes for the West region are based on unpublished BLS data.

Appendix B

TABLE 2—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR ALASKA, HAWAII AND GUAM [1]

Region [1]	2018 adjusted LLSIL	70 percent LLSIL
Alaska:		
Metro	$49,485	$34,639
Non-Metro [2]	55,570	38,899
Hawaii, Guam:		
Metro	55,194	38,636
Non-Metro [2]	59,325	41,527

[1] For ease of use, these figures are rounded.
[2] Non-Metropolitan percent changes for Alaska, Hawaii and Guam were calculated from the CPI–U's for all urban consumers for city size class D in the Western Region. Generally the non-metro areas LLSIL is lower than the LLSIL in metro areas. This year the non-metro area LLSIL incomes were larger because the change in CPI–U was smaller in the metro areas compared to the change in CPI–U in the non-metro areas of Alaska, Hawaii and Guam.

Appendix C

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAS [1]

Metropolitan Statistical Areas (MSAs) [1]	2018 adjusted LLSIL	70 percent LLSIL
Anchorage, AK [2]	$49,539	$34,677
Atlanta, GA	36,107	25,275
Boston-Brockton-Nashua, MA/NH/ME/CT	47,176	33,023
Chicago-Gary-Kenosha, IL/IN/WI	38,768	27,138
Cincinnati-Hamilton, OH/KY/IN	37,500	26,250
Cleveland-Akron, OH	38,293	26,805
Dallas-Ft. Worth, TX	35,520	24,864
Denver-Boulder-Greeley, CO	41,362	28,954
Detroit-Ann Arbor-Flint, MI [2]	36,516	25,561
Honolulu, HI	55,968	39,178
Houston-Galveston-Brazoria, TX	36,107	25,275
Kansas City, MO/KS	36,114	25,280

TABLE 3—LOWER LIVING STANDARD INCOME LEVEL (FOR A FAMILY OF FOUR PERSONS), FOR 23 SELECTED MSAS [1]—Continued

Metropolitan Statistical Areas (MSAs) [1]	2018 adjusted LLSIL	70 percent LLSIL
Los Angeles-Riverside-Orange County, CA [2]	44,149	30,904
Milwaukee-Racine, WI	37,664	26,365
Minneapolis-St. Paul, MN/WI	38,359	26,851
New York-Northern NJ-Long Island, NY/NJ/CT/PA [2]	46,413	32,489
Philadelphia-Wilmington-Atlantic City, PA/NJ/DE/MD	41,635	29,144
Pittsburgh, PA	46,664	32,665
St. Louis, MO/IL	35,426	24,798
San Diego, CA	49,297	34,508
San Francisco-Oakland-San Jose, CA	48,246	33,772
Seattle-Tacoma-Bremerton, WA	47,434	33,204
Washington-Baltimore, DC/MD/VA/WV [2]	46,697	32,688

[1] For ease of use, these figures are rounded to the next dollar.
[2] Calculated as a single metropolitan statistical area.

Appendix D

Table 4: 70 Percent of Updated 2018 Lower Living Standard Income Level (LLSIL), by Family Size

To use the 70 percent LLSIL value, where it is stipulated for the WIOA programs, begin by locating the region or metropolitan area where the program applicant resides. These are listed in Tables 1, 2 and 3. After locating the appropriate region or metropolitan statistical area, find the 70 percent LLSIL amount for that location. The 70 percent LLSIL figures are listed in the last column to the right on each of the three tables. These figures apply to a family of four. Larger and smaller family eligibility is based on a percentage of the family of four. To determine eligibility for other size families consult Table 4 and the instructions below.

To use Table 4, locate the 70 percent LLSIL value that applies to the individual's region or metropolitan area from Tables 1, 2 or 3. Find the same number in the ''family of four'' column of Table 4. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the maximum household income the individual is permitted in order to qualify as economically disadvantaged under the WIOA.

Where the HHS poverty level for a particular family size is greater than the corresponding LLSIL figure, the LLSIL figure appears in a shaded block. Individuals from these size families may consult the 2017 HHS poverty guidelines found on the Health and Human Services website at *https://aspe.hhs.gov/poverty-guidelines* to find the higher eligibility standard. Individuals from Alaska and Hawaii should consult the HHS guidelines for the generally higher poverty levels that apply in their States.

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Family Of One	Family of Two	Family of Three	Family of Four	Family of Five	Family of Six
8,934	14,637	20,091	24,798	29,266	34,223
8,956	14,677	20,145	24,864	29,346	34,317
9,107	14,919	20,476	25,275	29,829	34,884
9,100	14,915	20,481	25,275	29,828	34,882
9,101	14,918	20,483	25,280	29,834	34,891
9,205	15,080	20,697	25,549	30,151	35,260
9,205	15,081	20,708	25,561	30,164	35,273
9,278	15,192	20,859	25,749	30,392	35,542
9,410	15,418	21,162	26,126	30,835	36,063
9,452	15,493	21,269	26,250	30,979	36,228
9,491	15,558	21,358	26,365	31,114	36,387
9,652	15,822	21,715	26,805	31,634	36,992
9,658	15,831	21,728	26,824	31,653	37,025
9,670	15,846	21,755	26,851	31,691	37,061
9,770	16,018	21,981	27,138	32,027	37,458
10,428	17,088	23,459	28,954	34,167	39,960
10,498	17,200	23,610	29,144	34,398	40,222
10,830	17,748	24,368	30,078	35,498	41,516
10,872	17,820	24,464	30,193	35,634	41,666
10,900	17,864	24,526	30,277	35,727	41,787
11,026	18,071	24,802	30,617	36,134	42,254
11,127	18,234	25,034	30,904	36,468	42,654
11,698	19,173	26,317	32,489	38,338	44,843
11,765	19,280	26,465	32,665	38,551	45,083
11,773	19,293	26,482	32,688	38,579	45,118
11,891	19,487	26,757	33,023	38,973	45,574

Family Of One	Family of Two	Family of Three	Family of Four	Family of Five	Family of Six
11,961	19,592	26,899	33,204	39,185	45,824
12,165	19,933	27,357	33,772	39,856	46,613
12,429	20,361	27,956	34,508	40,723	47,627
12,476	20,439	28,063	34,639	40,878	47,810
12,490	20,467	28,092	34,677	40,926	47,856
13,917	22,798	31,301	38,636	45,594	53,325
14,010	22,951	31,512	38,899	45,903	53,680
14,109	23,117	31,734	39,178	46,232	54,073
14,955	24,507	33,640	41,527	49,005	57,310

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Appendix E

Table 5: Updated 2018 LLSIL (100 Percent), by Family Size

To use the LLSIL to determine the minimum level for establishing self-sufficiency criteria at the State or local level, begin by locating the metropolitan area or region from Table 1, 2 or 3. Then locate the appropriate region or metropolitan statistical area and then find the 2015 adjusted LLSIL amount for that location. These figures apply to a family of four. Locate the corresponding number in the family of four in the column below. Move left or right across that row to the size that corresponds to the individual's family unit. That figure is the minimum figure that States must set for determining whether employment leads to self-sufficiency under WIOA programs.

Family of one	Family of two	Family of three	Family of four	Family of five	Family of six
12,763	20,910	28,701	35,426	41,809	48,889
12,794	20,966	28,779	35,520	41,923	49,024
13,009	21,313	29,252	36,107	42,612	49,834
13,001	21,307	29,258	36,107	42,612	49,831
13,001	21,312	29,261	36,114	42,620	49,845
13,150	21,543	29,567	36,499	43,072	50,372
13,150	21,545	29,583	36,516	43,091	50,391
13,255	21,703	29,798	36,784	43,418	50,774
13,442	22,026	30,231	37,323	44,050	51,518
13,503	22,133	30,384	37,500	44,256	51,754
13,559	22,225	30,512	37,664	44,449	51,981
13,789	22,603	31,021	38,293	45,192	52,845
13,797	22,615	31,040	38,320	45,219	52,893
13,815	22,637	31,079	38,359	45,273	52,944
13,957	22,882	31,401	38,768	45,753	53,511
14,897	24,412	33,513	41,362	48,810	57,086
14,997	24,571	33,729	41,635	49,139	57,461
15,471	25,355	34,812	42,968	50,712	59,309
15,531	25,458	34,948	43,133	50,906	59,523
15,572	25,519	35,037	43,252	51,039	59,696
15,752	25,816	35,431	43,738	51,620	60,363
15,895	26,048	35,763	44,149	52,097	60,935
16,711	27,391	37,596	46,413	54,768	64,061
16,808	27,543	37,807	46,664	55,073	64,404
16,818	27,561	37,831	46,697	55,112	64,454
16,987	27,839	38,224	47,176	55,676	65,106
17,087	27,989	38,428	47,434	55,978	65,463
17,378	28,475	39,082	48,246	56,936	66,591
17,756	29,087	39,937	49,297	58,176	68,039
17,823	29,199	40,090	49,485	58,397	68,301
17,843	29,239	40,132	49,539	58,466	68,366
19,881	32,568	44,716	55,194	65,134	76,179
20,014	32,787	45,016	55,570	65,576	76,686
20,156	33,024	45,334	55,968	66,045	77,247
21,364	35,011	48,058	59,325	70,007	81,872

Rosemary Lahasky,

Deputy Assistant Secretary.

[FR Doc. 2018–11461 Filed 5–25–18; 8:45 am]

BILLING CODE 4510–FT–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Pre-Apprenticeship—Pathways to Success

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), Employment and Training Administration (ETA), is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Pre-Apprenticeship—Pathways to Success.'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by July 30, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free by contacting Amy Firestone by telephone at 202–693–3998, TTY at 1–877–889–5627, (these are not toll-free numbers) or by email at *firestone.amy@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship, 200 Constitution Avenue NW, Room C–5321, Washington, DC 20210; by email: *firestone.amy@dol.gov;* or by Fax 202–693–3799.

FOR FURTHER INFORMATION CONTACT: Contact Amy Firestone by telephone at 202–693–3998 (this is not a toll-free number) or by email at *firestone.amy@dol.gov.*

Authority: 44 U.S.C. 3506(c)(2)(A).

SUPPLEMENTARY INFORMATION: The DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This program helps to ensure 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 can be properly assessed.

I. Background

Through a variety of approaches, pre-apprenticeship programs can be adapted to meet the needs to train different populations, the various employers and other sponsors they serve, and the specific opportunities available in the local labor market. The online database of quality pre-apprenticeship programs provides a valuable tool for job seekers, apprenticeship programs, and American Job Centers' front line staff. A dedicated database provides a way for job seekers and apprenticeship programs to access pre-apprenticeship programs that meet the requirements outlined in Training and Employment Notice (TEN) 13–12: ''Defining a Quality Pre-Apprenticeship Program and Related Tools and Resources.'' The ''Pre-apprenticeship—Pathways to Success'' database enables ETA to identify pre-apprenticeship programs that meet the ''quality pre-apprenticeship'' definition and the quality framework criteria. Even more importantly, a national database of pre-apprenticeship programs facilitates connections between pre-apprenticeship program participants and apprenticeship programs, resulting in expanded opportunities. This voluntary data is collected using an online form.

The public seeking information about pre-apprenticeship programs goes to a map on a website, chooses a state, and views information about the location of pre-apprenticeship programs, including general descriptions of the services and training they provide. ETA is proposing an extension for the authority to conduct the information collection ''Pre-Apprenticeship—Pathways to Success,'' to continue to utilize the database and make updates to the online form. During the past several years, ETA has worked to expand pre-apprenticeships and apprenticeships with new companies in high demand industries. The collection instrument is adding several questions to reflect the expansion of the apprenticeship system as outlined in the 2017 Presidential Executive Order ''Expanding Apprenticeships in America'' *https://www.whitehouse.gov/presidential-actions/3245/,* particularly incorporating secondary and post-secondary institutions as potential providers of pre-apprenticeship programs.

The current online form does not contain questions on new types of programs and their employer and educational institution partners. This data is instrumental in helping expand the functionality and usage of the database.

The National Apprenticeship Act of 1937, (subsequently referred to as ''the Act'') Section 50 (29 U.S.C. 50), authorizes and directs the Secretary of Labor ''to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging the inclusion thereof in contracts of apprenticeship, to bring together employers and labor for formulating programs of apprenticeship, to cooperate with State Apprenticeship Agencies (SAAs) engaged in formulating and promoting standards of apprenticeship, and to cooperate with the Secretary of Education in accordance with Section 17 of Title 20. Section 50a of the Act authorizes the Secretary of Labor to ''publish information relating to existing and proposed labor standards of apprenticeship,'' and to ''appoint national advisory committees . . .'' (29 U.S.C. 50a). The administration of the system is guided by Title 29 Code of Federal Regulations (CFR), part 29, regulations that were updated in 2008 to address the 21st century workforce needs as well as enhance accountability of the recognized SAAs.

The DOL authorizes this information collection. This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB control number 1205–0520.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages

commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Type of Review: Revision.

Title of Collection: Pre-Apprenticeship—Pathways to Success.

Form: Pre-Apprenticeship—Contact and Program Information.

OMB Control Number: 1205–0520.

Affected Public: Private sector (businesses or other for-profits and not-for-profit institutions), secondary and post-secondary institutions.

Estimated Number of Respondents: 100.

Frequency: Annually.

Total Estimated Annual Responses: 100.

Estimated Average Time per Response: 21 minutes per entry.

Estimated Total Annual Burden Hours: 43 hours.

Total Estimated Annual Other Cost Burden: $763.

Rosemary Lahasky,

Deputy Assistant Secretary for the Employment and Training Administration.

[FR Doc. 2018–11462 Filed 5–25–18; 8:45 am]

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DEPARTMENT OF LABOR

Secretary's Order 02–2018—Authority and Responsibilities for Implementation of the Chief Financial Officers Act of 1990 and Related Legislation

1. *Purpose.* To delegate authority and assign responsibilities for implementation of the Chief Financial Officers Act of 1990 and related legislation.

2. *Authorities and Directives Affected.*

A. *Authorities*

1. Chief Financial Officers Act of 1990, as amended (Pub. L. 101–576)
2. Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97–255)
3. Government Performance and Results Act of 1993 (Pub. L. 103–62)
4. Government Management Reform Act of 1994 (Pub. L. 103–356)
5. Clinger-Cohen Act of 1996 (Pub. L. 104–106, Division E)
6. Federal Financial Management Improvement Act of 1996 (Pub. L. 104–208, Title VIII)
7. Reports Consolidation Act of 2000 (Pub. L. 106–531)
8. Improper Payments Information Act of 2002 (Pub. L. 107–300)
9. Accountability of Tax Dollars Act of 2002 (Pub. L. 107–289)
10. 29 U.S.C. 563, 563a, and 564, authorizing the Working Capital Fund at the Department of Labor
11. *Office of Management and Budget (OMB) Circular No. A–11,* Preparation, Submission and Execution of the Budget (July 1, 2016)
12. OMB Circular No. A–123, Management's Responsibility for Internal Control (July 15, 2016)
13. OMB Circular No. A–134, Financial Accounting Principles and Standards (May 20, 1993)
14. *OMB Circular No. A–136,* Financial Reporting Requirements (October 7, 2016)
15. Budget Enforcement Act of 1990 (Pub. L. 101–508, Title VIII), as amended
16. Congressional Budget Act of 1974
17. Balanced Budget and Emergency Deficit Control Act of 1985;
18. 31 U.S.C. Chapter 11

B. *Directives Affected*

1. Secretary's Order 02–2017 is superseded and canceled.

2. This Order does not affect Secretary's Order 14–2006, Internal Control Program (June 20, 2006).

3. Directives inconsistent with this Order are rescinded to the extent of the inconsistency.

3. *Background and Organization.* The Chief Financial Officers Act of 1990, as part of overall Federal financial management reforms, mandated the establishment of a Chief Financial Officer (CFO) and Deputy Chief Financial Officer in all Cabinet-level Federal agencies, including the Department of Labor (DOL). The CFO is appointed by the President and confirmed by the Senate, and by statute reports directly to the Secretary. The Deputy CFO is a career-reserved position in the Senior Executive Service who reports directly to the CFO. The CFO heads the Office of the Chief Financial Officer (OCFO), which has such component organization units, staffing, and funding as are authorized.

4. *Delegation of Authority.* As specified in the CFO Act, at 31 U.S.C. 902, and as detailed in Paragraph 5 of this Order, the Chief Financial Officer is delegated authority to oversee the financial management functions of the Department.

5. *Assignment of Responsibilities to the Chief Financial Officer*

A. As required by the CFO Act, the CFO shall—

1. Report directly to the Secretary and Deputy Secretary regarding financial management matters;

2. Oversee all financial management activities relating to the programs and operations of the Department;

3. Develop and maintain an integrated Departmental accounting and financial management system, including financial reporting and internal controls, which—

a. Complies with applicable accounting principles, standards, and requirements, and internal control standards;

b. Complies with such policies and requirements as may be prescribed by the Director of the Office of Management and Budget;

c. Complies with any other requirements applicable to such systems; and

d. Provides for—

1. Complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of Departmental management;

2. The development and reporting of cost information;

3. The integration of accounting and budgeting information; and

4. The systematic measurement of financial performance.

4. Make recommendations to the Secretary regarding the selection of the Deputy Chief Financial Officer of the Department, who will have the qualifications outlined in the CFO Act at 31 U.S.C. 903;

5. Direct, manage, and provide policy guidance and oversight of Departmental financial management personnel, activities, and operations, including—

a. The preparation and annual revision of a Departmental plan to—

1. Implement the 5-year financial management plan prepared by the Director of the Office of Management and Budget under 31 U.S.C. 3512(a)(3); and

2. Comply with the requirements for financial statements and audits established under 31 U.S.C. 3515, 3521(e), and 3521(f);

b. The development of Departmental financial management budgets;

c. The recruitment, selection, and training of personnel to carry out Departmental financial management functions;

d. The approval and management of Departmental financial management systems design or enhancement projects;

e. The implementation of Departmental asset management systems, including systems for cash management, credit management, debt collection, and property and inventory management and control;

f. Prepare and transmit an annual report to the Secretary and the Director of the Office of Management and Budget, consistent with the requirements of OMB Circular No. A–136, which shall include—

1. A description and analysis of the status of financial management of the Department;

2. The annual financial statements prepared under 31 U.S.C. 3515;

3. The audit report transmitted to the Secretary under 31 U.S.C. 3521(f);

4. A summary of the reports on internal accounting and administrative control systems submitted to the President and the Congress under the amendments made by the Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97–255); and

5. Other information the Secretary considers appropriate to fully inform the President and the Congress concerning the financial management of the Department;

6. Monitor the financial execution of the budget of the Department in relation to actual expenditures and prepare and submit to the Secretary timely financial performance reports; and

7. Review, on a biennial basis, the fees, royalties, rents, and other charges imposed by the Department for services and things of value it provides, and make recommendations on revising those charges to reflect costs incurred by it in providing those services and things of value.

B. The CFO will have the following additional responsibilities:

1. *Budget Execution*

a. Monitor the financial execution of the budget of the Department in relation to actual expenditures, and prepare and submit to the Secretary timely financial performance reports.

b. Provide leadership, direction, coordination, and related services concerning budget execution for the Department and its component agencies.

c. Participate with Departmental Agency heads and other staff at a policy and decision-making level in the Departmental budget execution review process.

d. Review the budget requests for all Departmental and component agency financial management functions; recommend to the Secretary their modification as necessary to ensure that appropriate resources are requested to effectively and efficiently perform necessary financial and related functions.

e. Manage and oversee the Department's administrative control of funds from the time funds are allotted to the DOL agencies.

2. *Policy Duties*

a. Develop and promulgate accounting and financial management policies for DOL and its component agencies, and review and approve component agency financial policies, procedures, and structures for adherence to the policies of DOL and other Federal agencies.

b. Ensure compliance throughout DOL, and its component agencies, with applicable accounting standards and principles, and financial information and system functional standards, including the standards promulgated by the Federal Accounting Systems Advisory Board, the Federal Government's Standard General Ledger, the core requirements for financial systems, and the financial statement form and content guidance issued by OMB.

c. Exercise overall responsibility for the Department's compliance with FMFIA and for the Department's fiscal integrity; serve on the Department's Internal Control Board; report directly to the Secretary on internal control matters; carry out the responsibilities specified in Secretary's Order 14–2006, Internal Control Program, for the CFO and the Internal Control Principal for financial systems and mixed systems that are significantly financial.

d. Ensure adequate controls are in place over asset management, including cash management operations, credit management and debt collection operations, and real property, equipment, and inventories.

e. Participate with Departmental Agency heads and other staff in the policy review of proposed legislative and program initiatives from a financial management perspective.

f. Ensure that component agencies gather timely and accurate financial information to manage and oversee major procurements.

g. Develop policies and procedures for investigating potential violations of the Anti-Deficiency Act; working under policies established by the CFO, and in cooperation with the ASAM and the Solicitor of Labor, notify the Secretary of Anti-Deficiency Act violations, and transmit agency reports of Anti-Deficiency Act violations to the Secretary for transmittal to the President, Congress, OMB, and the Government Accountability Office, as applicable.

3. *Financial Systems Duties*

a. Review and approve the design and operation of component agency financial, accounting, and asset systems, specifically including the financial aspects of grant management systems, debt collection systems, and other systems defined by FFMIA.

b. Provide oversight of, and issue core requirements and standards related to, component agency financial systems, activities, and operations, including preparation and revision of agency financial management plans and financial performance reports.

c. In coordination with the ASAM, establish policies, procedures, and other guidelines to prescribe the form, content, and frequency of accounting information to be reported from component agency systems to meet DOL and central Federal agency information requirements.

d. Participate in the review and approval process of information systems that provide, at least in part, financial and/or program performance data.

e. In consultation with the Chief Information Officer (CIO), ensure that the accounting, financial, asset management, and other information systems of the Department are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the Department.

f. Ensure, in consultation with the CIO, that program information systems provide financial, budget, and programmatic data on a reliable, consistent, and timely basis to agency financial management systems.

g. Recommend to the Secretary any information resource management and budget decisions affecting financial management processes, systems, and operations.

h. Consult with the CIO to ensure sufficient oversight and security exist to maintain the integrity of information systems that affect the preparation and presentation of the Department's financial statements.

4. *External Reporting Duties*

a. Prepare the financial management components of the annual Performance and Accountability Report (PAR) for transmittal to the Secretary and the Director of OMB. The PAR will meet the

requirements of OMB Circular No. A–136, and shall include, in part—

1. A description and analysis of the status of financial management of the Department;

2. The Department's annual financial statements and accounting reports, including, where appropriate, pertinent performance measures;

3. The audit report transmitted to the Secretary;

4. The annual report required to be submitted to the President and the Congress under the FMFIA;

5. The report required by the Improper Payments Information Act;

6. The Management Assurance Statement required by OMB Circular No. A–123;

7. The annual financial management report required by the Chief Financial Officers Act; and

8. Other information the Secretary considers appropriate to fully inform the President and the Congress concerning the financial management of the Department.

b. Prepare the semi-annual audit resolution reports required by the Amendments to the Inspector General Act.

c. Coordinate and manage financial management reporting requirements as may be imposed by OMB, the Department of the Treasury, other central Federal agencies, and Congress.

d. In coordination with the ASAM and Agency heads, develop reporting mechanisms that integrate program performance and financial data, and facilitate the display of such data in budget documents, financial statements, and other pertinent communications.

e. In consultation with the CIO, ensure financial statements support:

1. Assessments and revisions of mission-related and administrative processes of the Department; and

2. Measurement of the performance of investments made by the Department in information systems.

5. *Financial Management Personnel Duties*

a. Provide oversight of, and issue core requirements and standards related to, component agency financial management personnel.

b. Provide policy advice and assistance to DOL executives, including component agency heads, on all personnel matters affecting financial management personnel throughout the DOL and its component agencies, and on budget and staffing levels for component agency financial functions.

c. Review all proposed personnel selections, skill requirements, performance standards, and position descriptions for financial management personnel at the GS–15 level and above throughout the DOL and its component agencies; discuss any problems with the component agency head and appeal any unresolved issue to the Secretary through the Deputy Secretary.

d. Manage a comprehensive training and development program for budget analysts, accountants, financial managers, and financial technicians; ensure that staff skills are commensurate with requirements; and implement a Continuing Professional Education (or similar) program.

6. *Financial Programmatic Duties*

a. Manage Departmental programs on audit resolution, travel management, cash management, debt collection, asset management, and financial management activities.

b. Manage centralized Departmental accounting functions for fund and cost accounting, capitalized assets accounting, grant accounting, DOL employee compensation and benefits, and voucher, commercial bill, and other payments.

c. Exercise Departmental approval authority over interagency transactions involving component agency program funds, such as for investment or transfer.

d. Establish and chair a CFO Advisory Council within DOL to provide a forum for component organizations to advise and support the CFO in matters affecting the financial community. The Advisory Council will facilitate the dissemination of financial policies established by the CFO to component agencies.

e. Execute a Working Capital Fund (WCF), formulated by the ASAM, and related accounts offering, as appropriate and advantageous to the Department, a comprehensive program of centralized services funded by customer agency reimbursements in advance.

f. Provide technical reviews of finance offices in the DOL and its component agencies, and oversee component agency financial systems as defined in the FFMIA.

g. Appraise centralized and decentralized operations and organizations to determine more effective and cost-efficient methods of performing required financial functions.

h. Serve as the Department's Improper Payment Reduction Coordinator, with responsibilities including, but not limited to:

1. Coordinating the establishment of policies and procedures for assessing Departmental, component agency, and program risks of improper payments;

2. Coordinating Departmental, component agency, and program management actions to reduce improper payments. These duties include:

i. Assigning responsibility for specific areas of improper payment-related activities to appropriate component agency, program, or activity officials;

ii. Coordinating the development of detailed action plans to determine the nature and extent of possible improper payments for all DOL programs and activities spending Federal funds;

iii. Assisting component agency and program management in identifying cost-effective control activities to address identified risk areas;

iv. Assisting component agency and program management in establishing improper payment reduction goals or targets and measuring performance against those goals to determine progress made and areas needing additional action;

v. Developing procedures for working with OMB and the Congress to address barriers encountered that inhibit actions to reduce improper payments; and

vi. Coordinating periodic reporting, through publicly available documents, to the Secretary, OMB, and the Congress on the progress made in achieving improper payment reduction targets and future action plans for controlling improper payments.

3. Providing a quarterly status report to the Deputy Secretary on Departmental activities to identify and reduce improper payments.

C. In addition to the authority otherwise provided in this Order, the CFO—

1. Shall have access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials which are the property of the Department or which are available to the Department, and which relate to programs and operations with respect to which the CFO has responsibilities;

2. May request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Order from any Federal, State, or local governmental entity; and

3. To the extent and in such amounts as may be provided in advance by appropriations Acts, may—

a. Enter into contracts and other arrangements with public agencies and with private persons for the preparation of financial statements, studies, analyses, and other services; and

b. Make such payments as may be necessary to carry out the provisions of this Order.

6. *Assignment of Responsibilities to Other Individuals*

A. Unless modified by this Order, the heads of component Agencies retain

previously delegated responsibilities and authority. In the context of the Department's financial management program, they are specifically charged with the responsibility to—

1. In consultation with the CFO and the CIO, define program information needs and develop strategies, systems, and capabilities to meet those needs.

2. Perform transaction and operational level financial functions in accordance with policies, requirements, and procedures established by the CFO.

3. Direct financial staffs and functions in their respective component agencies consistent with those policies and procedures established by the CFO.

4. Facilitate the CFO's oversight responsibilities with respect to financial operations and component agency program financial systems by providing and maintaining system documentation, audit trails, summary or detailed transaction data, and such other information as the CFO may require.

5. Fully solicit, consider, and cooperate with the CFO in the review of proposed appointment, promotion, and other personnel actions affecting financial management staff at the GS–15 level and above.

6. Manage grants, procurement, property, debt management/accounts receivable, and other management systems for their respective component agencies, in a manner consistent with the CFO's responsibilities prescribed in this Order.

B. The Inspector General—

1. Retains full responsibility for previously-delegated budget and financial management activities pertaining to his or her own office, but will participate with the CFO in integrating such delegated assignments with the overall financial management program of the Department.

2. Will participate, where appropriate, in joint reviews with the CFO of selected financial management functions, operations, and systems.

3. Will participate with the CFO in the resolution of audit issues, findings, and recommendations, including those involved in the annual financial statements, consistent with its statutory responsibilities for managing an audit program.

C. The Solicitor of Labor is responsible for providing legal advice and assistance to the Secretary, Deputy Secretary, CFO, and all other Department of Labor officials who are assigned responsibilities for implementation of this Order, except as provided in Secretary's Order 4–2006 with respect to the Office of Inspector General.

7. *Communications.* In consonance with the assignments of responsibility above, the Office of the Chief Financial Officer shall ensure that the Agency Administrative Officers are apprised of communications to component agency financial staff. Similarly, component agencies shall keep the Chief Financial Officer apprised of directives and other communications affecting their financial staff.

8. *Reservations of Authority*

A. Unless otherwise stated in this Order, the submission of reports and recommendations to the President and the Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary.

B. Except as provided in Paragraph (5)(D)(1), this Order does not provide to the CFO any access greater than permitted under any other law to records, reports, audits, reviews, documents, papers, recommendations, or other material of the Office of Inspector General.

9. *Redelegations and Transfers of Authority.* Unless provided otherwise in this or another Secretary's Order, the authority delegated in this Order may be redelegated or transferred, as permitted by law or regulation.

10. *Effective Date.* This Order is effective May 27, 2018.

Dated: May 14, 2018.

R. Alexander Acosta,

Secretary of Labor.

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DEPARTMENT OF LABOR

Secretary's Order 03–2018—Delegation of Authorities and Assignment of Responsibilities to the Assistant Secretary for Administration and Management

1. *Purpose.* To consolidate the delegations of authority and assignments of responsibility to the Assistant Secretary for Administration and Management (ASAM) and to codify other existing delegations not otherwise the subject of a Secretary's Order.

2. *Directives Affected.*

A. This Order repeals and supersedes Secretary's Order 03–2017 (Delegation and Assignment of Responsibilities to the Assistant Secretary for Administration and Management).

B. The following Secretary's Order is referenced herein and remains in effect: 2–2009 (Delegation of Authority and Assignment of Responsibility to the Chief Acquisition Officer and Assistant Secretary for Administration and Management, and Related Matters).

C. This Order does not affect the authorities and responsibilities assigned by any other Secretary's Order, including without limitation 9–1989 (Data Integrity Board), 5–2001 (MRB), 1–2006 (Emergency Management) and 6–2006 (Regional Executive Committees), unless otherwise expressly so provided in this or another Order.

3. *Authority.* This Order is issued pursuant to various authorities detailed by subject area below:

A. *Budget.* The Budget Enforcement Act of 1990, as amended; the Congressional Budget Act of 1994; the Balanced Budget and Emergency Deficit Control Act of 1985; 31 U.S.C. Chapter 11; Office of Management and Budget Circular No. A–11, ''Preparation, Submission, and Execution of the Budget.''

B. *Performance Management.* The Government Performance and Results Act of 1993, as amended, Public Law 103–62; The Reports Consolidation Act of 2000 (Pub. L. 106–531); The Federal Information Security Modernization Act (FISMA) of 2014, 44 U.S.C. 3551 *et seq.;* OMB Circular No. A–11, Part 6, ''Preparation and Submission of Strategic Plans, Annual Performance Plans, and Annual Program Performance Reports.''

C. *Employee Safety and Occupational Health and Workers' Compensation Program.* Section 19 of the Occupational Safety and Health Act of 1970; Federal Employees' Compensation Act; Executive Order 12196, as amended by Executive Order 12223; 20 CFR 10; 29 CFR, Part 1960; 5 U.S.C. 7901, *et. seq.*

D. *Operation and Maintenance of Departmental Buildings.* Section 2 of Reorganization Plan No. 18 of 1950, 5 U.S.C. 901; the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 581; ''the Brooks Act'', 40 U.S.C. 1101 *et seq.;* Public Building Act of 1959, as amended, 40 U.S.C. 601–611; 40 U.S.C. 3305; The Uniform Relocation and Real Property Acquisition Policies Act of 1970 as amended, 46 U.S.C. 4601 *et seq.;* Public Buildings Cooperative Use Act of 1976, Public Law 94–541; Rural Development Act of 1972, Public Law 92–419, as amended by Section 636 of Division F of Public Law 108–199; Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 132); Energy Independence and Security Act of 2007, Public Law 110–140; Executive Orders 12072, 12411, 13006, and 13327; Federal Property Management Regulations, 41 CFR Chapter 101; Federal Management Regulations, 41 CFR 102.

E. *Accessibility within Department of Labor Buildings and Facilities.* Architectural Barriers Act of 1968, as amended, 42 U.S.C. 4151 *et. seq.;* and Section 502 of the Rehabilitation Act of 1973, 29 U.S.C. 792, as amended.

F. *Telecommunications.* Section 201 of the Federal Property and Administrative Services Act of 1949, codified at 40 U.S.C. 501.

G. *Records Management.* Presidential and Federal Records Act Amendments of 2014, Public Law 113–187; Reorganization Plan Number 6 (1950); the National Archives and Records Administration (NARA), Records Management Regulations, 36 CFR parts 1220 to 1238; 41 CFR part 102–193, General Services Administration (Creation, Maintenance and Use of Records); and the Guidance Memorandum, dated March 19, 2002, issued jointly by the Information on Security Oversight Office, National Archives and Records Administration and the Office of Information and Policy, U.S. Department of Justice, on ''Safeguarding Information Regarding Weapons of Mass Destruction and Other Sensitive Records Related to Homeland Security.''

H. *Printing.* Title 44 of the United States Code, Public Printing and Documents; Joint Committee on Printing, S. Pub. 101–9, ''Government Printing and Binding Regulations'' (February 1990); and Federal Acquisition Regulation (FAR), Subpart 8.8, ''Acquisition of Printing and Related Supplies''; OMB Memorandum M–02–07, ''Procurement of Printing and Duplicating through the Government Printing Office,'' dated May 3, 2002; Compact between the Office of Management and Budget and the U.S. Government Printing Office (September 16, 2008); *Government Printing Office Style Manual,* United States Government Printing Office, Washington, DC, Revised Edition, 2000; 41 CFR 101–5.1 Centralized Services in Federal Buildings or Complexes; United States Government Printing Office, Publication 310.1, *GPO Contract Terms Quality Assurance Through Attributes Program (QATAP)* dated May 1979 (Revised August 2002); *GPO Agency Procedural Handbook, United States Government Printing Office, Publication 305.1, Revised August 1998; The Guidelines: Best Practices for Submitting Electronic Design and Prepress Files,* United States Government Printing Office, Publication 300.6, dated August 1997, Rev. 07/04; *Guide to Federal Publishing,* Interagency Council on Printing and Publication Services and Federal Publishers Committee, 2d edition.

I. *Environmental Stewardship.* Resource Conservation and Recovery Act; Energy Policy Act of 1992; Energy Policy Act of 2005, sec. 701, as amended; Executive Order 12843; Executive Order 13101, Executive Order 13693; and Office of Federal Procurement Policy, Policy Letter No. 92–4, dated November 2, 1992.

J. *Voluntary Health and Wellness Programs and Drug Free Workplace Program.*

1. Voluntary Health and Wellness Programs:

a. *Employee Assistance Program (EAP).* Public Law 79–658, 5 U.S.C. 7901, Health Services Programs; Public Law 99–570, Title VI, The Federal Employee Substance Abuse Education and Treatment Act of 1986, 5 U.S.C. 7361 and 7362; Drug Abuse Office and Treatment Act of 1972 as amended by Public Law 93–282 and Public Law 96–181; the Federal Employee Substance Abuse Education and Treatment Act of 1986, 5 U.S.C. 7361 *et. seq.,* codified at 5 U.S.C. 7904; 42 CFR part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; Health Insurance Portability and Accountability Act of 1996 (''HIPAA''); Executive Order 12564 ''Drug-free Federal Workplace Program''; Civil Service Reform Act of 1978, Public Law 95–454; Section 503 of the Supplemental Appropriations Act of 1987, Public Law 100–71, 101 Stat. 391, 468–471, codified at 5 U.S.C. 7301 note (1987); Mandatory Guidelines for Federal Workplace Drug Testing Programs, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, as amended (October 1, 2010); 29 CFR 1910.1020, Access to Employee Exposure and Medical Records; 5 CFR part 792.

b. *Physical Fitness Programs.* Public Law 79–658, 5 U.S.C. 7901, Health Services Programs.

c. *Voluntary Employee Health Service Program (VEHSP).* Public Law 79–658, 5 U.S.C. 7901, Health Services Programs; Health Insurance Portability and Accountability Act of 1996 (''HIPAA''), Public Law 104–191, 42 U.S.C. 1320d *et. seq.* (''HIPAA''); 5 U.S.C. 552a *et. seq.;* 5 CFR 293.501 *et. seq.,* Employee Medical File System Records; 5 CFR part 297, Privacy Procedures for Personnel Records.

2. *Drug-Free Workplace Program.* Privacy Act of 1974, as amended, 5 U.S.C. 552a *et. seq.;* Section 503 of the Supplemental Appropriations Act of 1987, Public Law 100–71, codified at 5 U.S.C. 7301 note (1987); Executive Order 10450, ''Security Requirements for Government Employment''; Executive Order 12564, ''Drug-Free Federal Workplace Program''; Mandatory Guidelines for Federal Workplace Drug Testing Programs, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services, as amended (November 1, 2004); The Department of Labor Drug-Free Workplace Plan, revised July 2004.

K. *Commercial Services Management (formerly Competitive Sourcing).* Federal Activities Inventory Reform Act of 1988 (the ''FAIR Act''), 31 U.S.C. 501 Note; the Federal Acquisition Regulation (FAR); and OMB Circular A–76, Performance of Commercial Activities, as amended, including by February 11, 2005 Memorandum to Heads of Executive Departments and Agencies from Deputy Director for Management, Office of Management and Budget, Clay Johnson, III.

L. *Metric System Conversion.* Public Law 94–168, ''The Metric Conversion Act of 1975'', 15 U.S.C. 205a *et. seq.;* Public Law 100–418, 5164, ''The Omnibus Trade and Competitiveness Act of 1988''; Public Law 104–258, ''The Savings in Construction Act of 1996,'' Public Law 104–289.; and 15 CFR 273.1 *et seq.,* ''Metric Conversion Policy for Federal Agencies.''

M. *Child Care Programs for Department Employees.* 40 U.S.C. 590; Public Law 107–67, 630, codified at 40 U.S.C. 590(g); 5 CFR 792.201–792.206; ''GSA Child Care Director's Desk Guide''; GSA ''Facility Management Child Care Resource Book''; Agreement Between Local 12, AFGE, AFL–CIO and the U.S. Department of Labor, effective August 29, 2013, Articles 8 and 9.

4. *Background.* This Order repeals and supersedes Secretary's Order 05–2009 and shall constitute the primary Secretary's Order for the Office of the Assistant Secretary for Administration and Management (''OASAM''). However, because of the central role that OASAM performs within the Department, other Secretary's Orders also have delegations to the ASAM.

5. *Statements of Policy*

A. *Budget.* It is the policy of the Department to comply fully with all laws and policy directives issued by the Office of Management and Budget in development of the annual President's budget proposal and the execution of appropriated and non-appropriated budgetary resources.

B. *Performance Management.* It is the policy of the Department to follow statutory performance management requirements and directives issued by the Office of Management and Budget and to utilize performance management

tools to efficiently and effectively manage the Department's programs.

C. *Employee Safety and Occupational Health and Workers' Compensation Program.* It is the policy of the Department to provide its employees with places and conditions of employment that are free from recognized hazards that are likely to cause death or serious physical harm; to comply with applicable Federal safety and health standards, requirements, and procedures; to assure prompt abatement of unsafe or unhealthful working conditions; to ensure that no employee is subject to restraint, interference, coercion, discrimination, or reprisal for filing a report of unsafe or unhealthful working conditions; to annually inspect all of its workplaces; to provide safety and occupational health-related education for all employees; to provide specialized training for those who are assigned safety and occupational health responsibilities; and to assist employees when workers' compensation services are sought.

D. *Operation and Maintenance of Departmental Buildings.* It is the Department's policy to properly and efficiently maintain all buildings owned by the Department or in which the Department is the primary tenant—or has received delegated authority from the General Services Administration (GSA) for operations and maintenance—and to take reasonable care to allocate fair use of all facilities and services including employee parking and general conference areas consistent with the Department's mission.

E. *Accessibility within Department of Labor Buildings and Facilities.* It is the policy of the Department to promote accessibility of buildings and facilities to individuals with disabilities, and to ensure that buildings and facilities controlled by the Department or constructed, leased, or acquired with Federal financial assistance fully comply with statutory and regulatory provisions relating to compliance with architectural and programmatic accessibility standards.

F. *Telecommunications.* It is the policy of the Department to ensure the efficient and economical procurement and utilization of telecommunications services and facilities.

G. *Records Management.* It is the Department's policy to make and preserve Federal records, regardless of physical form or media, containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Department and designed to furnish the information necessary to protect the legal and financial rights of the Department and of persons directly affected by Departmental activities. The Department will properly identify recordkeeping requirements to effectively and efficiently manage Federal records throughout their life cycle. All Federal records shall be covered by National Archives and Records Administration (NARA) approved records retention schedules, and destroyed, retired, or transferred, only as prescribed in the approved record retention schedules. The Department recognizes that: (1) Good recordkeeping contributes to the smooth operation of agency programs by making the information needed for decision making and operations readily available; (2) provides information useful to successor officials and staff for background and analysis, facilitating transitions between Administrations; and (3) ensures accountability and protects records from inappropriate and unauthorized access and destruction.

H. *Printing.* It is the policy of the Department to plan, organize, direct, and provide all printing, reproduction, and distribution services for its agencies in an efficient and economical manner, in compliance with all Federal statutes and regulations. Except for the Departmental Library, which may contact the Superintendent of Documents for purchase of publications that are produced by agencies other than the Department, and which cannot be procured through the Division of Printing and Supply Management (DPSM), only the Office of Administrative Services (OAS) in the Business Operations Center, will liaison with Joint Committee on Printing (JCP), Government Printing Office (GPO), Superintendent of Documents, or Federal Prison Industries, Inc., as it relates to matters of printing, unless otherwise specifically authorized in writing by OAS.

I. *Environmental Stewardship.* The Department of Labor shall take appropriate actions to incorporate waste prevention and recycling in its daily operations and work to increase and expand markets for recovered materials and environmentally preferable products through greater preference and demand for such products.

J. *Voluntary Health and Wellness Programs and Drug-Free Workplace Program.* It is the Department's policy to establish and support voluntary health and wellness and drug-free workplace programs that foster and enhance the health and productivity of its workforce; to comply with applicable Federal health standards, requirements, and procedures; and to support employees in staying fit, well, drug-free, and productive on the job.

K. *Commercial Services Management (formerly Competitive Sourcing).* It is the policy of the Department to support the spirit and intent of commercial services management as delineated in Office of Management and Budget Circular No. A–76 and to fully comply with all statutory and programmatic requirements pertaining to competitive sourcing and the Federal Activities Inventory Reform (FAIR) Act.

L. *Metric System Conversion.* It is the policy of the Department that the metric system of measurement is the preferred system of weights and measures for trade and commerce. Accordingly, to the extent economically feasible and with minimum disruption of operations, all agencies and organizations of the Department shall use the metric system of measurement in all grants, procurements, regulations, standards, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. Consistent with government-wide policy, the Department will also permit the continued use of traditional systems of weights and measures in non-business activities.

M. *Child Care Programs for Department Employees.* It is the policy of the Department to maintain a child care facility consistent with legal requirements and directives. It is the Department's policy to foster a quality workplace for all employees by providing child care subsidies to lower income families of Department employees to assist them in their efforts to obtain quality, licensed day care for dependent children through the age of 13 and disabled children through the age of 18.

6. *Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Administration and Management (the ''ASAM'').* The ASAM is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor, as set forth below:

A. *Budget*

1. Issuing policy guidance and instructions to prepare the Department's performance budgets for internal decision-making, for OMB, and for the Congress.

2. Reviewing and analyzing agency budget requests to the Department.

3. Reviewing, analyzing, consolidating and packaging all

Departmental budget submissions to the OMB and Congress to ensure technical accuracy and conformance with established policy.

4. Coordinating all information developed in support of budget requests to OMB and to Congress.

5. Providing staff support in preparing lead Departmental representations for press briefings and Congressional hearings on the Department's budget.

6. Assisting the Office of Congressional and Intergovernmental Affairs in coordinating the preparation of briefing materials for the Secretary and Agency heads.

7. Issuing policy guidance and instructions on the preparation of apportionments.

8. Formulates an annual operating plan and agency allocations for a Working Capital Fund that:

a. Ensures customer agencies access to meaningful information on the full costs of those centralized services, conditions for usage, and the cost allocation formulas employed in the lawful distribution of annual charges against the respective agency appropriation accounts; and

b. Ensures, through the creation and regular convening of a Working Capital Fund Committee, the opportunities for meaningful and informed customer agency participation or representation in reviewing WCF activities, costs, and charges, and in recommending changes or improvements to the ASAM.

c. Is operated on the basis of agency reimbursement agreements between customers and service providers and timely cost assessments and related adjustments for services provided or offered.

B. *Performance Management*

1. Overseeing the preparation of the Department's strategic plans, performance plans, and performance reports consistent with statutory and OMB requirements and directions.

2. Directing the preparation of responses to OIG reports regarding top management challenges.

3. Soliciting, procuring, and overseeing studies by independent entities evaluating the impact and effectiveness of Departmental programs.

C. *Employee Safety and Health and Workers' Compensation Program*

1. Serving as the Designated Agency Safety and Health Official (DASHO) pursuant to section 1–201(c) of Executive Order 12196, and, as such, directing the establishment, administration, and management of the Department's programs regarding safety and occupational health and workers' compensation consistent with applicable law.

2. Ensuring appropriate policy development, planning, implementation, coordination, and evaluation of the Department-wide safety, occupational health and workers' compensation program; securing the services of full-time professional staff qualified to provide technical assistance and training in the areas of safety (including ergonomics), industrial hygiene, and workers' compensation, and return-to-work services.

3. Ensuring that the Department's Office of Worker Safety and Health provides operational safety and occupational health services to agencies within the Department that do not perform these functions internally.

D. *Operation and Maintenance of Departmental Buildings*

1. Serving as the Department's Senior Real Property Officer (SRPO) and, as such, developing policy and implementing an asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council (FRPC).

2. As SRPO, monitoring the real property assets of the Department so that Departmental assets are managed consistent with the goals and objectives set forth in the Department's strategic plan prepared pursuant to 5 U.S.C. 306, the principles developed by the FRPC, and reflected in the Department's asset management plan, and such other duties and responsibilities incumbent upon the SRPO.

3. Consistent with legal authorities, including agreements and other arrangements with the General Services Administration and with other applicable lease documents relating to buildings in which the Department is the primary tenant, assuring the operation and maintenance of the Frances Perkins Building and other Departmental buildings in which the Department is the primary tenant—or has received delegated authority from the General Services Administration for operations and maintenance—including making arrangements for appropriate cleaning, utilities, fire and life safety arrangements, security arrangements, office space assignments, any parking areas (including space assignments), mail service, duplication services, building space alterations, and any abatement work as appropriate.

E. *Accessibility Within Department of Labor Buildings and Facilities*

1. Developing policy and directives for the Department of Labor regarding compliance with the accessibility requirements of the Architectural Barriers Act of 1968 and any regulations promulgated pursuant to that Act.

2. Monitoring, investigating, and enforcing the provisions of the statute and regulations mentioned in Paragraph 5.E., above, with respect to the accessibility of buildings and facilities constructed, altered, or renovated by, on behalf of, or for the use of a recipient of Federal financial assistance, except for those facilities referred to in Paragraph 7.A., below relating to the Employment and Training Administration.

3. Serving as the Department's Accessibility Compliance Officer.

F. *Telecommunications.* Consistent with legal authorities, directing the acquisition and management of the Department's telecommunications assets and services for both local and long-distance.

G. *Records Management*

1. In consultation with the Chief Information Officer (CIO) and the National Archives and Records Administration (NARA), establishing, administering, and managing the Department's Records Management Program.

2. Periodically evaluating the Department's Records Management Program to ensure that the Department's component agencies are in compliance with relevant Federal records management laws, regulations, and procedures related to the creation, maintenance and use, and disposition of Federal records, and agency recordkeeping requirements. Evaluations shall be scheduled to cover all agencies on a five-year cycle on an on-going basis. Records management program evaluations shall assess the effective implementation of the basic components of a records management program, as prescribed by NARA regulations and policies.

3. Assigning a Departmental Records Officer who will manage the day-to-day administration and management of all matters related to the Department's Records Management Program. The Departmental Records Officer shall be responsible for all matters related to the Department's Records Management Program and will coordinate with the National Archives and Records Administration.

H. *Printing*

1. Overseeing the operation of a headquarters printing service and determining the duplicating and printing for the Department and its agencies, including making arrangements for scheduling and delivery to meet Departmental needs and notifying agencies of changes in printing operations.

2. Formulating policy and supervising operations relating to Departmental printing, duplicating, copying,

centralized mailing, and distribution and related equipment programs in the National Office and the regions.

3. Implementing and guiding enforcement within the Department of all Government printing, binding, duplication, and related laws and regulations.

4. Exclusively representing, directly or through a delegee, the Department with the Joint Committee on Printing on all matters pertaining to printing.

5. Exercising technical control over all copying, printing, binding, publishing, and related or auxiliary equipment and serving as the technical or final approving authority for all requests.

I. *Environmental Stewardship*

1. Serving as the Department's Environmental Executive and, as such, providing management oversight of all Department environmental programs, including ensuring compliance with relevant Executive Orders, and coordinating such efforts with the Chief Acquisition Officer.

2. Establishing model facility demonstration programs that include comprehensive waste reduction and recycling programs and emphasizing the procurement of recycled materials and environmentally preferable products and services.

3. Designating a Department of Labor Recycling Coordinator who shall be responsible for: (a) Coordinating the development of an effective agency waste reduction and recycling program, and the affirmative procurement plan developed in accordance with OFPP guidelines, (b) coordinating Departmental action to develop benefits, costs, and savings data to measure the effectiveness of the DOL program, and (c) coordinating the development of reports required by Executive Order and OFPP policy.

J. *Voluntary Health and Wellness Programs and Drug-Free Workplace (DFW) Program.* Establishing, administering, and managing the Department's voluntary employee health and wellness, fitness, employee-assistance, and DFW programs in accordance with all statutory, regulatory, and administrative requirements.

K. *Commercial Services Management (formerly Competitive Sourcing).* Fulfilling the Department's responsibilities under the Federal Activities Inventory Reform Act of 1998 (the ''FAIR Act''), Federal Acquisition Regulation (FAR), and Office of Management and Budget Circular No. A–76, and such other responsibilities as are assigned to the ASAM under Secretary's Order 2–2009 (Delegation of Authority and Assignment of Responsibility to the Chief Acquisition Officer and Assistant Secretary for Administration and Management, and Related Matters). Such commercial services management activities shall be coordinated with the Chief Acquisition Officer and Chief Human Capital Officer, as appropriate.

L. *Metric System Conversion.* Serving as the Department's ''Metric Executive'' and (a) provide management oversight of the Department's continued use of the metric system of measurement consistent with Departmental policy; (b) appointing a Departmental official whose primary function shall be to coordinate and monitor agency metric system efforts, and to advise the Metric Executive on status, as appropriate; (c) representing the Department on the any interagency bodies addressing issues related to metric policy; and (d) coordinating compliance with all applicable laws and regulations.

M. *Childcare Programs for Department Employees*

1. Providing appropriate services to the child care providers located in the FPB, the BLS building, and at any regional buildings where child care services are provided within Departmental offices.

2. Establishing, administering, and managing the Department's child care subsidy program in accordance with all statutory, regulatory, and administrative requirements.

N. *Miscellaneous Responsibilities*

1. The ASAM will work in consultation and coordination with, as appropriate, the other Departmental officials who have authority and responsibility in the areas addressed by this order, including without limitation, the Chief Acquisition Officer, the Chief Human Capital Officer, the Chief Information Officer, and the Chief Financial Officer.

2. The ASAM will perform any additional duties that are assigned to the ASAM by applicable law or regulation.

7. *Delegation of Authority and Assignment of Responsibility to Other Agency Heads.*

A. The Assistant Secretary for Employment and Training is delegated authority and assigned responsibility, in accordance with the policies and standards established by the ASAM, for monitoring, investigating, and enforcing the laws referred to in paragraph 3.D., above, with respect to buildings and facilities that are financed in whole or in part by Employment and Training Administration (''ETA'') grants or loans and that are subject to standards for design, construction or alteration issued by ETA under the laws authorizing such grant or loan.

B. Agency Heads are delegated authority and assigned responsibility for:

1. *Budget*

a. In accordance with established policies and guidelines, developing agency budget proposals for the budget years for consideration during the internal decision process and for the Department's submission to OMB based on the Secretary's decisions.

b. Providing information in support of budget proposals, through the ASAM or identified designee, for the OMB submission and Budget Justifications for Congress.

c. Ensuring information provided in the agency budget is consistent with the Department's strategic plan and performance requirements.

d. Meeting with OMB staff and testifying before Congress to expand upon and answer questions pertaining to the Department's budget request in support of their respective agency programs.

2. *Performance Management.* Assist the ASAM, and his or her designees, as appropriate, in the preparation of the Department's strategic plans, performance plans, and performance reports and cooperate in all program evaluations;

3. *Employee Safety and Occupational Health and Workers' Compensation Program*

a. Giving full management support to the Department's safety, occupational health, and workers' compensation program as provided in this Order and assuring that identified hazards are abated.

b. Operating occupational safety and occupational health programs in their national and field offices in accordance with applicable statutory, regulatory, administrative, and contractual requirements.

c. Appointing and arranging training for sufficient numbers of staff members throughout their organizations to perform collateral or full-time safety/occupational health duties and to serve on safety/occupational health committees to assist managers, employees, and full-time safety/health staff in the implementation of the responsibilities outlined in this Order.

d. Providing documentation of attainment of the Department's annual safety/health and workers' compensation program goals developed to reduce employee accidents, injuries, and illnesses, and contain workers' compensation costs.

e. Holding managers, supervisors, and employees accountable for their adherence to established safety/health policies, rules, regulations, and

procedures, especially their participation in agency Accident Review Boards (ARBs) and safety and health training.

f. Providing employees appropriate personal protective and safety/occupational health equipment.

g. Conducting analyses of Agency jobs and ensuring that all workplaces are surveyed to identify and eliminate or minimize possible ergonomic risk factors.

h. Acquiring, to the extent practicable, tools, equipment, and computer accessory furniture that is adjustable and adaptable to those using them.

i. Assuring that agency employees participate in educational and training experiences necessary to carry out their assigned duties in a safe and healthful manner.

j. Assuring, through partnership with appropriate unions, that employee representatives have the opportunity to participate in educational training experiences necessary to carry out their responsibilities.

4. *Accessibility within Department of Labor Buildings.* Adhering to the policies, standards, and directives established by the ASAM in accordance with paragraph 6.D.(1), above relating to accessibility within Department of Labor buildings and spaces occupied by agency offices.

5. *Records Management*

a. Developing and implementing effective Records Management Programs within their respective organizations that are consistent with Departmental policy and directives.

b. Assigning an Agency Records Officer for the management and execution of the Agency's Records Management Program.

c. Ensuring that the appropriate Agency staff receives adequate records management training and participates in Departmental as well as Agency training and awareness activities.

6. *Printing.* Assuring compliance with all Government Printing Office regulations and directives and adhering to the policies, standards, and directives established by the ASAM relating to printing operations.

7. *Environmental Stewardship*

a. Promoting waste reduction and recycling of reusable materials within their agencies;

b. Requiring consideration of the following factors in acquisition planning for all agency procurement actions, and in the evaluation and award of contracts: Elimination of virgin material requirements; use of recovered materials; reuse of products; life cycle costs; recyclability; environmental preferability; waste prevention; and ultimate disposal, if appropriate;

c. Developing and implementing an agency plan for energy conservation through changes in procurement practices, investment in energy efficient technology, and reduction of demand;

d. Designating an Agency Recycling Coordinator to coordinate the development of an effective agency waste reduction and recycling program, and emphasize agency purchase and use of recycled and environmentally preferable products and services;

e. Providing data and information on agency activity for incorporation into Departmental reports;

f. Designating facility energy supervisors in Department-operated facilities and ensuring a sufficient number of trained energy managers throughout the Department to implement the provisions of law and regulation relating to energy and water conservation;

g. Where programs include a project or activity involving construction or leasing of property, ensuring that the responsible program manager conducts an environmental assessment; and, analyzes findings of environmental assessments and makes final decisions regarding the significance of environmental consequences;

8. *Voluntary Health and Wellness Programs.* Supporting the Department's voluntary health and occupational wellness programs and drug-free workplace program.

9. *Commercial Services Management (formerly Competitive Sourcing).*

a. Establishing agency procedures necessary to carry out the provisions of the law, regulation, and Departmental directives relating to commercial services management.

b. Designating an agency official as the central point of contact for commercial services management and ensuring the timely and appropriate completion of required activities and notices.

8. *The Solicitor of Labor.* The Solicitor of Labor is delegated authority and assigned responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of all of the elements of this Order and the statutory provisions, regulations, and Executive Orders listed above. The Solicitor of Labor shall have responsibility for legal advice and assistance through rulings and interpretations of applicable laws and regulations and for drafting services. The bringing of legal proceedings under those authorities, the representation of the Secretary and other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor.

9. *Reservation of Secretary's Authority and Responsibility.*

A. The submission of reports and recommendations to the President and the Congress is reserved to the Secretary.

B. This Secretary's Order does not affect the authorities and responsibilities of the Office of Inspector General under the Inspector General Act of 1978, as amended, or under Secretary's Order 4–2006.

10. *Re-delegation of Authority.* Unless identified as non-delegable under this Order, authorities delegated within this Order may be re-delegated, provided, however, that re-delegation shall in no way diminish the delegating official's responsibility.

11. *Effective Date.* This order is effective on May 27, 2018.

Dated: May 14, 2018.

R. Alexander Acosta,

Secretary of Labor.

[FR Doc. 2018–11126 Filed 5–25–18; 8:45 am]

BILLING CODE 4510–04–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0092]

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

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; extension of comment period.

SUMMARY: On May 14, 2018, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on Draft Regulatory Guide (DG), DG–5048, ''Standard Format and Content of Physical Security Plans, Training and Qualifications Plans, and Safeguards Contingency Plans for Nuclear Power Plants.'' The public comment period was originally scheduled to close on July 13, 2018. The NRC has decided to extend the public comment period by 30 days to allow more time for members of the public to develop and submit their comments.

DATES: The due date for comments requested in the document published on May 14, 2018 (83 FR 22297), is extended. Comments should be filed no later than August 13, 2018. Comments received after this date will be considered, if it is practical to do so, but

the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0092. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN 7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Dennis Gordon, Office of Nuclear Security and Incident Response, telephone: 301–287–3633, email: *Dennis.Gordon@nrc.gov* and Mekonen Bayssie, Office of Nuclear Regulatory Research; telephone: 301–415–1699, email: *Mekonen.Bayssie@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0092 when contacting the NRC about the availability of information regarding this action. You may obtain publically-available information related to this action, by any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0092.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* DG–5048 is available in ADAMS under Accession No. ML17124A490.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0092 in your comment submission. The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enters the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

On May 14, 2018 (83 FR 22297), the NRC solicited comments on DG–5048, ''Standard Format and Content of Physical Security Plans, Training and Qualifications Plans, and Safeguards Contingency Plans for Nuclear Power Plants'' (ADAMS Accession No. ML17124A490). The public comment period was originally scheduled to end on July 13, 2018. On May 14, 2018, the Nuclear Energy Institute (NEI) requested that the comment period be extended, stating that ''the change would allow NEI and its members' sufficient time to perform a thorough review of the document consistent with other work priorities'' (ADAMS Accesion No. ML18136A546). The NRC agreed to the request because of the length and comprehensiveness of this DG. Accordingly, the NRC is extending the public comment period on this document until August 13, 2018, to allow more time for members of the public to submit their comments.

Dated at Rockville, Maryland, this 23rd day of May, 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–11460 Filed 5–25–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4 Main Control Room Emergency Habitability System Changes

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption to allow a departure from the certification information of Tier 1 of the generic design control document and issued License Amendment Nos. 108 and 107 to Combined License (COL) Nos. NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company; Oglethorpe Power Corporation; MEAG Power SPVM, LLC; MEAG Power SPVJ, LLC; MEAG Power SPVP, LLC; and the City of Dalton, Georgia (the licensee), for construction and operation of the Vogtle Electric Generating Plant (VEGP), Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on February 1, 2018.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated May 9, 2017 (ADAMS Accession No. ML17129A608), as supplemented by letter dated September 15, 2017 (ADAMS Accession No. ML17258B211).

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 108 and 107 to COL Nos. NPF–91 and NPF–92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52, to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes to Updated Final Safety Analysis Report Tier 2 information and plant-specific Tier 1 information, with corresponding changes to COL Appendix C. Specifically, the changes revise the licensing basis information to reflect design changes to the main control room emergency habitability system to address the main control room envelope temperature response.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption was necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in sections 50.12 and 52.7 of 10 CFR, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML18011A894.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP, Units 3 and 4 (COL Nos. NPF–91 and NPF–92). The exemption documents for VEGP, Units 3 and 4, can be found in ADAMS under Accession Nos. ML18011A888 and ML18011A889, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COL Nos. NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML18011A890 and ML18011A891, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP, Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated May 9, 2017, as supplemented by letter dated September 15, 2017, Southern Nuclear Operating Company requested from the Commission an exemption to allow departures from Tier 1 information in the certified design control document incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 17–001, ''Main Control Room Emergency Habitability System Changes to Satisfy Post-Actuation Performance Requirements.''

For the reasons set forth in Section 3.1 of the NRC staff's safety evaluation, the Commission finds that:

A. The exemption is authorized by law;

B. The exemption presents no undue risk to public health and safety;

C. The exemption is consistent with the common defense and security;

D. Special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. The special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. The exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified design control document Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License, as described in the request dated May 9, 2017, as supplemented by letter dated September 15, 2017. This exemption is related to, and necessary for the granting of License Amendment No. 108 [for Unit 3 and No. 107 for Unit 4], which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's safety evaluation, this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated May 9, 2017, as supplemented by letter dated September 15, 2017, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COL Nos. NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on July 18, 2017 (82 FR 32884). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that the licensee requested on May 9, 2017, as supplemented by letter dated September 15, 2017.

The exemptions and amendments were issued on February 1, 2018, as part of a combined package to the licensee (ADAMS Accession No. ML18011A885).

Dated at Rockville, Maryland, this 23rd day of May, 2018.

For the Nuclear Regulatory Commission.

Paul B. Kallan,

Acting Branch Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–11459 Filed 5–25–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0205]

Instructions for Recording and Reporting Occupational Radiation Dose Data

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 4 to Regulatory Guide (RG) 8.7, ''Instructions for Recording and Reporting Occupational Radiation Dose Data.'' Revision 4 addresses issues that were identified after Revision 3 was issued in December 2016. Revision 4 reinstates the long-standing staff position concerning a licensee's consideration of prior occupational dose when making prospective occupational dose monitoring determinations. Revision 4 retains the guidance from Revision 3 on completing NRC Form 4, ''Cumulative Occupational Dose History,'' and NRC Form 5, ''Occupational Dose Record for a Monitoring Period.''

DATES: Revision 4 to RG 8.7 is available on May 29, 2018.

ADDRESSES: Please refer to Docket ID NRC–2017–0205 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0205. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Document collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this notice (if it is available in ADAMS) is provided the first time that it is mentioned in this document. Revision 4 to RG 8.7 and the regulatory analysis may be found in ADAMS under Accession Nos. ML17221A245 and ML17152A299, respectively.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

RGs are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Harriet Karagiannis, telephone: 301–415–2493, email: *Harriet.Karagiannis@nrc.gov or* Minh-Thuy Nguyen, telephone: 301–415–5163; email: *Minh-Thuy.Nguyen@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 4 of RG 8.7 was issued with a temporary identification of Draft Regulatory Guide, DG–8056, to address issues identified by the NRC staff and other stakeholders subsequent to the issuance of RG 8.7, Revision 3, on December 8, 2016 (81 FR 88710). Revision 3 modified a staff position regarding the consideration of prior occupational dose and whether that should be a factor in licensee occupational monitoring determinations in accordance with section 20.1502 of title 10 of the *Code of Federal Regulations* (10 CFR).

After issuing Revision 3, the Nuclear Energy Institute submitted a letter to the NRC under ADAMS Package Accession No. ML18138A166 stating that Revision 3 requires licensees to consider exposures received by employees during prior employment at a different facility when determining whether monitoring is required pursuant to 10 CFR 20.1502, which was a change in agency position from: (1) The staff position that was in both Revisions 1 and 2 of RG 8.7, (2) the staff position that is in RG 8.34, ''Monitoring Criteria and Methods to Calculate Occupational Radiation Doses,'' and (3) over two decades of industry practice developed in accordance with these staff positions.

The NRC staff decided to issue Revision 4 to RG 8.7 to address the monitoring issues that were identified after Revision 3 was issued. The staff, however, is not rescinding Revision 3 because it allows a more conservative option for those licensees who want to consider prior occupational dose when making 10 CFR 20.1502 determinations. Revision 4 also retains the guidance from Revision 3 on completing NRC Form 4 and NRC Form 5.

II. Additional Information

DG–8056 was published in the **Federal Register** on October 16, 2017 (82 FR 48125) for a 60-day public comment period. The public comment period closed on December 15, 2017. Responses to comments received on DG–8056 are available under ADAMS Accession No. ML17221A246.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting

This RG addresses compliance with the NRC's requirements in 10 CFR part 20 to record and report an individual's cumulative occupational dose history and the occupational dose received by an individual for a specific monitoring period. The NRC regards these requirements as constituting information collection and reporting requirements. The NRC has long taken the position that information collection

and reporting requirements are not subject to the NRC's backfitting and issue finality regulations in 10 CFR 50.109, 10 CFR 70.76, 10 CFR 72.62, 10 CFR 76.76, and 10 CFR part 52 (*e.g.,* ''Material Control and Accounting Methods,'' December 23, 2002 (67 FR 78130), and ''Regulatory Improvements to the Nuclear Materials Management and Safeguards System,'' June 9, 2008 (73 FR 32453)). Therefore, the NRC has determined that its backfitting and issue finality regulations would not apply to this RG because they do not include any provisions within the scope of matters covered by the backfitting provisions in 10 CFR parts 50, 70, 72, or 76, or the issue finality provisions of 10 CFR part 52.

Dated at Rockville, Maryland, this 22nd day of May, 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–11374 Filed 5–25–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–440; NRC–2018–0021]

FirstEnergy Nuclear Operating Company, Perry Nuclear Power Plant, Unit No. 1

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of FirstEnergy Nuclear Operating Company to withdraw its application dated December 20, 2017, for a proposed amendment to the Perry Nuclear Power Plant, Unit. No. 1, Facility Operating License No. NPF–58. The proposed amendment would have modified the facility technical specifications (TSs) pertaining to direct current electrical systems, specifically limiting conditions for operation 3.8.4, 3.8.5, and 3.8.6. The proposed amendment would have also added a new Battery and Monitoring Maintenance Program to TS Section 5.5, ''Programs and Manuals.''

DATES: May 29, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0021 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0021. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Kimberly Green, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1627, email: *Kimberly.Green@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has granted the request of FirstEnergy Nuclear Operating Company (the licensee) to withdraw its December 20, 2017, application (ADAMS Accession No. ML17355A019) for proposed amendment to Facility Operating License No. NPF–58 for the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

The proposed amendment would have revised TS requirements related to direct current electrical systems, specifically limiting conditions for operation 3.8.4, 3.8.5, and 3.8.6. The amendment would have also added a new Battery and Monitoring Maintenance Program to TS Section 5.5, ''Programs and Manuals.''

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on February 13, 2018 (83 FR 6225). However, by letter dated May 14, 2018, the licensee withdrew the proposed change (ADAMS Accession No. ML18135A012).

For further details with respect to this action, see the application for amendment dated December 20, 2017, and the licensee's letter dated May 14, 2018, which withdrew the application for license amendment.

Dated at Rockville, Maryland, this 22nd day of May 2018.

For the Nuclear Regulatory Commission.

Kimberly J. Green,

Senior Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–11375 Filed 5–25–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold meetings on June 6–8, 2018, 11545 Rockville Pike, Rockville, Maryland 20852.

Wednesday, June 6, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

1:00 p.m.–1:05 p.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

1:05 p.m.–3:00 p.m.: Digital Instrumentation & Controls Interim Staff Guidance-06, ''Task Working Group #6: Licensing Process'' and Common Cause Failure (Open)—The Committee will have briefings by and discussion with representatives of the NRC staff regarding the subject topics.

3:15 p.m.–4:45 p.m.: APR1400: Long-Term Core Cooling (Open/Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and KNHP regarding this topic. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

4:45 p.m.–5:15 p.m.: APR1400: Large Break Loss-of-Coolant-Accident (LBLOCA) (Closed)—The Committee will have briefings by and discussion with representatives of the NRC staff and KNHP regarding the safety evaluation associated with the subject topical report. [Note: This session is closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

5:15 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

Thursday, June 7, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–10:00 a.m.: NuScale Topical Reports on Codes & Methods Qualification and Critical Heat Flux (Open/Closed)—The Committee will hear briefings by and discussion with representatives of the NRC staff and NuScale regarding the safety evaluation associated with TR–0616–48793, ''NuScale Analysis Codes and Methods Qualification,'' and TR–0116–21012, ''NuScale Power Critical Heat Flux Correlation NSP2.'' [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

10:15 a.m.–11:30 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will hear discussion of the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS meetings. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

Friday, June 8, 2018, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 p.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreat (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports and potential retreat items. [Note: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]. [Note: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience. The bridgeline number for the meeting is 866–822–3032, passcode 8272423#.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC website at *http://www.nrc.gov/reading-rm/adams.html or http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–6702), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Note: This notice is late due to the adjustment of accurate meeting topics for APR1400. Specifically, the related Subcommittees which occurred in late May affected the schedule.

Dated at Rockville, Maryland, this 23rd day of May 2018.

For the Nuclear Regulatory Commission.

Russell E. Chazell,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–11413 Filed 5–25–18; 8:45 am]

BILLING CODE 7590–01–P

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIMES AND DATE: 9:30 a.m. and 11:00 a.m. on Thursday, June 7, 2018.

PLACE: The Commission's National Office at One Lafayette Centre, 1120 20th Street NW, 9th Floor, Washington, DC 20036–3457.

STATUS: The oral arguments will be open to the public.

MATTERS TO BE CONSIDERED: At 9:30 a.m., the Commission will be hearing oral argument in the case of *Secretary of Labor* v. *A.H. Sturgill Roofing, Inc.,* Docket No. 13–0224. At 11:00 a.m., the Commission will be hearing oral argument in the case of *Secretary of Labor* v. *Integra Health Management, Inc.,* Docket No 13–1124.

CONTACT PERSON FOR MORE INFORMATION: John X. Cerveny, Executive Secretary, (202) 606–5400.

John X. Cerveny,

Executive Secretary.

[FR Doc. 2018–11564 Filed 5–24–18; 4:15 pm]

BILLING CODE 7600–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing form for information collection for OMB review and approval and requests public review and comment on the submission. OPIC received comments in response to the sixty (60) day notice and, pursuant to those comments, amended the instructions to OPIC–52 filers regarding the information to be provided in supporting documentation. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: OPIC received comments in response to the sixty (60) day notice published in **Federal Register**, volume 83, page 9879 on March 8, 2018 and, pursuant to those comments, amended the instructions to OPIC–52 filers regarding the information to be provided in supporting documentation. All mailed comments and requests for copies of the subject form should include form number OPIC–52 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line OPIC–52.

Summary Form Under Review

Type of Request: Revision of a currently approved information collection.

Title: Application for Political Risk Insurance.

Form Number: OPIC–52.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 135 (3 hours per form * 45 forms per year).

Number of Responses: 45 per year.

Federal Cost: $4,941.90 (2 hours per form * 45 forms per year * $54.91 (GS–14/1 DCB)).

Authority for Information Collection: Sections 231, 234(a), 239 (d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The application is the principal document used by OPIC to determine investor and project eligibility for political risk insurance and to collect information for underwriting analysis.

Dated: May 22, 2018.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2018–11351 Filed 5–25–18; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is renewing an existing form for information collection for OMB review and approval and requests public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within thirty (30) calendar days of publication of this notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202) 336–8558.

SUPPLEMENTARY INFORMATION: OPIC received no comments in response to the sixty (60) day notice published in **Federal Register**, volume 83, page 9880 on March 8, 2018. All mailed comments and requests for copies of the subject form should include form number OPIC–50 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line OPIC–50.

Summary Form Under Review

Type of Request: Extension without change of a currently approved information collection.

Title: Request for Registration for Political Risk Insurance.

Form Number: OPIC–50.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 87.5 (0.5 hours per form * 175 forms per year).

Number of Responses: 175 per year.

Federal Cost: $4,804.62 (0.5 hours per form * 175 forms per year * $54.91 (GS–14/1 DCB)).

Authority for Information Collection: Sections 231, 234(a), 239 (d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The Request for Registration for Political Risk Insurance is the screening document used by OPIC to review investor and project eligibility for political risk insurance.

Dated: May 22, 2018.

Nichole Skoyles,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2018–11350 Filed 5–25–18; 8:45 am]

BILLING CODE 3210–01–P

OFFICE OF PERSONNEL MANAGEMENT

President's Commission on White House Fellowships Advisory Committee: Closed Meeting

AGENCY: President's Commission on White House Fellowships, Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The President's Commission on White House Fellowships (PCWHF) was established by an Executive Order in 1964. The PCWHF is an advisory committee composed of Special Government Employees appointed by the President. The Advisory Committee meets in June to interview potential candidates for recommendation to become a White House Fellow.

The meeting is closed.

Name of Committee: President's Commission on White House Fellowships Selection Weekend.

Date: June 7–10, 2018.

Time: 8:00am–5:30pm.

Place: St. Regis Hotel, 16th and K Street, Washington, DC 20006.

Agenda: The Commission will interview 30 National Finalists for the selection of the new class of White House Fellows.

FOR FURTHER INFORMATION CONTACT: Elizabeth D. Pinkerton, 712 Jackson Place NW, Washington, DC 20503, Phone: 202–395–4522.

President's Commission on White House Fellowships.

Elizabeth D. Pinkerton,

Director.

[FR Doc. 2018–11394 Filed 5–25–18; 8:45 am]

BILLING CODE 6325–44–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83303; File No. SR–CHX–2018–004]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1 Thereto, in Connection With a Proposed Transaction Involving CHX Holdings, Inc. and the Intercontinental Exchange, Inc.

May 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 8, 2018, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') 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 self-regulatory organization. On May 17, 2018, the Exchange filed Amendment No. 1 to the proposal. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CHX proposes a rule change in connection with a transaction (''Transaction'') whereby a wholly-owned subsidiary of NYSE Group, Inc. (''NYSE Group'') would merge with and into the Exchange's parent, CHX Holdings, Inc. (''CHX Holdings''), with CHX Holdings continuing as the surviving corporation (''Merger''). Pursuant to the Transaction, the Exchange and CHX Holdings would become indirect subsidiaries of Intercontinental Exchange, Inc. (''ICE'').

In connection with the proposed Transaction, the Exchange proposes to (a) amend the governing documents of the Exchange and CHX Holdings; (b) adopt organizational documents of NYSE Group, NYSE Holdings LLC (''NYSE Holdings''), Intercontinental Exchange Holdings, Inc. (''ICE Holdings''), and ICE as rules of the Exchange; and (c) amend Article 2, Article 19 and Article 22 of the CHX Rules.

- The text of the proposed Amended and Restated Certificate of Incorporation of the Chicago Stock Exchange, Inc. (''CHX Certificate'') and proposed Amended and Restated Bylaws of the Chicago Stock Exchange, Inc. (''CHX Bylaws'') is attached as Exhibits 5A and 5B, respectively. The text of the proposed Second Amended and Restated Certificate of Incorporation of CHX Holdings, Inc. (''CHX Holdings Certificate'') and proposed Second Amended and Restated Bylaws of CHX Holdings, Inc. (''CHX Holdings Bylaws'') is attached as Exhibits 5C and 5D, respectively.
- The text of the Seventh Amended and Restated Certificate of Incorporation of NYSE Group, Inc. (''NYSE Group Certificate'') and Fourth Amended and Restated Bylaws of NYSE Group, Inc. (''NYSE Group Bylaws'') is attached as Exhibits 5E and 5F, respectively. The text of the Ninth Amended and Restated Limited Liability Company Agreement of NYSE Holdings LLC (''NYSE Holdings Operating Agreement'') is attached as Exhibit 5G. The text of the Ninth Amended and Restated Certificate of Incorporation of Intercontinental Exchange Holdings, Inc. (''ICE Holdings Certificate'') and Sixth Amended and Restated Bylaws of Intercontinental Exchange Holdings, Inc. (''ICE Holdings Bylaws'') are attached as Exhibits 5H and 5I, respectively. The text of the Fourth Amended and Restated Certificate of Incorporation of Intercontinental Exchange, Inc. (''ICE Certificate''), Eighth Amended and Restated Bylaws of Intercontinental Exchange, Inc. (''ICE Bylaws'') and Independence Policy of the Board of Directors of Intercontinental Exchange, Inc. (''ICE Independence Policy'') is attached as Exhibits 5J, 5K, and 5L, respectively.
- The proposed changes to CHX Article 2, Rules 2 (Executive Committee), 3 (Finance Committee), 4 (Regulatory Oversight Committee), and 11 (Nominating and Governance Committee) and CHX Article 19, Rule 2 (Routing Brokers), as well as proposed new CHX Article 22, Rule 28 (Additional Requirements for Listed Securities Issued by Intercontinental Exchange, Inc. or its Affiliates), are attached as Exhibit 5M, and the text of resolutions of the Board of Directors of CHX Holdings dated April 25, 2018 to waive certain ownership and voting limitations to permit the Transaction (''Resolutions'') is attached as Exhibit 5N.

As discussed below, the Exchange proposes that the above rule changes would become operative simultaneously with the Merger that effectuates the Transaction (''Closing''), with the exception that the proposed addition of new Section XII to the CHX Holdings Bylaws would become operative immediately before the Closing.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

The text of this proposed rule change is available on the Exchange's website at *http://www.chx.com/regulatory-operations/rule-filings/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes a rule change in connection with the Transaction whereby a wholly-owned subsidiary of NYSE Group would merge with and into the Exchange's parent, CHX Holdings, with CHX Holdings continuing as the surviving corporation. Pursuant to the Transaction, the Exchange and CHX Holdings would become indirect subsidiaries of ICE.

Following the Transaction, the Exchange would continue to be registered as a national securities exchange and as a separate self-regulatory organization (''SRO''). As such, the Exchange would continue to have separate rules, membership rosters, and listings that would be distinct from the rules, membership rosters, and listings of the four other registered national securities exchanges and SROs owned by NYSE Group, namely, the New York Stock Exchange LLC (''NYSE''), NYSE American LLC (''NYSE American''), NYSE Arca, Inc. (''NYSE Arca''), and NYSE National, Inc. (''NYSE National'' and together with the NYSE, NYSE American and NYSE Arca, the ''NYSE Exchanges'').

The Exchange notes that the proposed rule change presents no novel issues, as all of the proposed rule text is based on existing rules of the NYSE Exchanges or, in the case of the proposed amendments to the CHX Holdings Bylaws, the Exchange.

I. Current and Proposed Ownership of the Exchange

Since 2005, CHX has been a wholly-owned subsidiary of CHX Holdings.[3] CHX Holdings is the record and beneficial owner of 1,000 shares of CHX, par value $.01 per share, which represents all of the issued and outstanding shares of capital stock of CHX.

CHX Holdings is beneficially owned by 197 firms or individuals, including Participants [4] or affiliates of Participants, many of whom were former seat holders on the Exchange prior to its demutualization in 2005. Four firms hold Series A Preferred Stock and seven individuals hold Series B Preferred Stock. No firm, individual, or group of affiliated firms or individuals beneficially owns 10 percent or more of CHX Holdings on an as-converted basis.

CHX Holdings is the sole member of CHXBD, LLC (''CHXBD''), the Exchange's affiliated routing broker. CHXBD is a facility (as defined in Section 3(a)(2) of the Exchange Act) [5] of the Exchange.[6] Pursuant to Article 19, Rule 2 (Routing Broker) of the CHX Rules, CHXBD provides the outbound routing of orders from the Exchange to other trading centers.[7]

NYSE Group is a wholly-owned subsidiary of NYSE Holdings, which is in turn wholly owned by ICE Holdings. ICE Holdings is wholly-owned by ICE.[8]

CHX Holdings, ICE and Kondor Merger Sub, Inc. (''Merger Sub''), entered into a Merger Agreement dated April 4, 2018 (''Merger Agreement''). Merger Sub is a wholly-owned subsidiary of NYSE Group. Pursuant to the Merger Agreement, at the Closing, Merger Sub would merge with and into CHX Holdings, and CHX Holdings would be the entity surviving the Merger. Current holders of the common and preferred stock of CHX Holdings would receive cash in exchange for their shares.

Upon Closing, NYSE Group will hold all of the outstanding and issued shares of CHX Holdings, and CHX Holdings will continue to be the record and beneficial owner of all of the issued and outstanding shares of capital stock of CHX and the sole member of CHXBD. Closing is subject to satisfaction of customary conditions for a transaction of this nature, including approval of this proposed rule change by the Securities and Exchange Commission (''Commission'').

Moreover, upon the Closing, Archipelago Securities, LLC (''ArcaSec''), a Participant of the Exchange and wholly-owned subsidiary of NYSE Group, will become an affiliate of the Exchange. CHX Article 3, Rule 20 (Non Affiliation between Exchange and any Participant) provides, in pertinent part, that a Participant shall not be or become an affiliate of the Exchange, or an affiliate of any affiliate of the Exchange, in the absence of an effective filing under Section 19(b) of the Exchange Act.[9] The Exchange and Archipelago will each operate in essentially the same manner upon Closing as it operates today. That is, upon the Closing, ArcaSec will not operate as a ''facility'' of the Exchange, as defined under Section 3(a)(2) of the Exchange Act,[10] and will continue to act, and be regulated by the Exchange, as a Participant on the same terms as any other Participant, apart from CHXBD. Accordingly, the Exchange submits that the proposed affiliation between the Exchange and ArcaSec would not result in unfair discrimination between Participants and is therefore permissible and consistent with the requirements of CHX Article 3, Rule 20 and Section 6(b)(5) of the Exchange Act.[11]

As discussed in further detail below, to effectuate the change in the ownership structure in connection with the proposed Transaction, the Exchange proposes the following:

• The CHX Holdings Certificate includes certain restrictions on the ownership and voting of shares of CHX Holdings (the ''Ownership and Voting Limitations'').[12] At Closing, NYSE

[3] CHX became a wholly-owned subsidiary of CHX Holdings pursuant to the Exchange's demutualization as approved by the Commission in February 2005. *See* Securities Exchange Act Release No. 51149 (February 8, 2005), 70 FR 7531 (February 14, 2005) (SR–CHX–2004–26) (''Demutualization Release''). The Exchange and CHX Holdings are Delaware corporations.

[4] A ''Participant'' is considered a ''member'' of the Exchange for purposes of the Exchange Act. *See* CHX, Article 1, Rule 1(s) (Definitions).

[5] 15 U.S.C. 78c(a)(2).

[6] *See* CHX, Article 19, Rule 2(a)(1) (Routing Brokers). The Exchange does not propose to amend Article 19, Rule 2 or to alter the obligations Article 19, Rule 2(a) places on the Exchange and CHXBD.

[7] Participants' use of CHXBD to route orders to away trading centers is optional, and any Participant that does not wish to use CHXBD may use other broker-dealers to route orders to other trading centers. *See id.*

[8] ICE is a public company listed on the NYSE. ICE, ICE Holdings, and NYSE Group are Delaware corporations and NYSE Holdings is a Delaware limited liability corporation.

[9] 15 U.S.C. 78s(b).

[10] 15 U.S.C. 78c(a)(2).

[11] 15 U.S.C. 78f(b)(5). The Exchange notes that CHXBD is not a member, for purposes of the Exchange Act, of any of the NYSE Exchanges. As discussed below, the Exchange proposes to add a new subsection (b) to Article 19, Rule 2 to address the role of ArcaSec as an inbound router.

[12] *See* CHX Holdings Certificate, Article FIFTH, Paragraph (b).

Group would acquire all of the shares of CHX Holdings, which would violate the Ownership and Voting Limitations unless such limitations are waived. In order to effectuate the waiver, in accordance with the CHX Holdings Certificate,[13] the CHX Holdings Board (a) approved the Resolutions, and (b) proposes to add a new Article XII, Section 12.1 to the CHX Holdings Bylaws (the ''Bylaw Waiver Amendment''). So that the Bylaw Waiver Amendment and Resolutions may effectuate a waiver of the Ownership and Voting Limitations and thereby permit the Transaction, the Bylaw Waiver Amendment would be operative immediately before the Closing.

- The Exchange proposes amendments to the CHX Certificate and CHX Bylaws that would conform the Exchange's governance provisions regarding the composition, election and terms of the Exchange Board to those of other NYSE Exchanges. These proposed changes would be operative upon Closing.
- The Exchange proposes amendments to the CHX Holdings Certificate and CHX Holdings Bylaws that would make the governing documents of the Exchange's direct parent, CHX Holdings, consistent with those of NYSE Group, NYSE Holdings, ICE Holdings, and ICE (together, the ''ICE Holding Companies''). These proposed changes would be operative upon Closing.
- The Exchange proposes to amend CHX Article 2, Rules 2, 3, 4, and 11, to reflect proposed changes to the CHX Bylaws and CHX Certificate. These proposed changes would be operative upon Closing.

II. Proposed Rule Changes to Waive the Ownership and Voting Limitations

Article FIFTH of the CHX Holdings Certificate provides that that no Person,[14] either alone or together with its Related Persons,[15] may, directly or indirectly:

1. Own shares of stock of CHX Holdings representing more than 40 percent of the then outstanding votes entitled to be cast on any matter.

2. If it is a Participant, own shares of stock of CHX Holdings representing more than 20 percent of the then outstanding votes entitled to be cast on any matter.

3. Pursuant to any voting trust, agreement, plan or other arrangement, vote or cause the voting of shares of the stock of CHX Holdings or give any consent or proxy with respect to shares representing more than 20 percent of the voting power of the then issued and outstanding capital stock of CHX Holdings; or enter into any agreement, plan or other arrangement (''Arrangement'') with any other Person, either alone or together with its Related Persons, under circumstances that would result in the subject shares of CHX Holdings not being voted on any matter or matters or any proxy relating thereto being withheld, where the effect of such Arrangement would be to enable any Person, either alone or together with its Related Persons, to vote, possess the right to vote or cause the voting of shares of CHX Holdings which would represent more than 20 percent of said voting power.[16]

Because NYSE Group's acquisition of all the shares of CHX Holdings at Closing would violate these Ownership and Voting Limitations, the CHX Holdings Board (a) approved the Resolutions, and (b) proposes to add the Bylaw Waiver Amendment to the CHX Holdings Bylaws. So that the Bylaw Waiver Amendment and Resolutions may effectuate a waiver of the Ownership and Voting Limitations and thereby permit the Transaction, the Bylaw Waiver Amendment would be operative immediately before the Closing.

The Resolutions

The CHX Holdings Certificate provides that the first and third Ownership and Voting Limitations set forth above may be waived by the CHX Holdings Board by adopting an amendment to the bylaws, if, in connection with the adoption of such amendment, the Board of Directors also adopts certain resolutions.[17] In addition, the CHX Holdings Certificate provides that, notwithstanding the first and second Ownership and Voting Limitations, a proposed sale, assignment or transfer of CHX Holdings stock above the percentage limitations shall not become effective until the Board of Directors of CHX Holdings has determined, by resolution, that such purchaser and its Related Persons are not subject to any applicable statutory disqualification.[18]

Accordingly, on April 25, 2018, the CHX Holdings Board adopted the following Resolutions:[19]

1. That the Board has determined that the Bylaw Waiver Amendment, the (direct or indirect, as applicable) acquisition of the Proposed Share Ownership by each of the ICE Holding Companies and the (direct or indirect, as applicable) acquisition or (direct or indirect, as applicable) exercise of the Proposed Voting Rights by each of the ICE Holding Companies (i) will not impair the ability of the Exchange to carry out its functions and responsibilities as an ''exchange'' under the Exchange Act and the rules thereunder; (ii) are otherwise in the best interests of [CHX Holdings] and its stockholders and the Exchange; and (iii) will not impair the ability of the Commission to enforce the Exchange Act;

2. that the Board has considered the Merger Agreement and the Merger, the Proposed Share Ownership and Proposed Voting Rights of each of the

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[13] *See* CHX Holdings Certificate, Article FIFTH, Paragraphs (b)(iii)(B) and (b)(iv).

[14] CHX Holdings Certificate, Article FIFTH, Paragraph (a)(i) defines ''Person'' as ''an individual, partnership (general or limited), joint stock company, corporation, limited liability company, trust or unincorporated organization, or any governmental entity or agency or political subdivision thereof''.

[15] CHX Holdings Certificate, Article FIFTH, Paragraph (a)(ii) defines ''Related Persons'' as ''(A) with respect to any Person, all 'affiliates' and 'associates' of such Person (as such terms are defined in Rule 12b–2 under the . . . Act . . .); (B) with respect to any Person that holds a permit issued by the . . . Exchange . . . to trade securities on the . . . Exchange (a 'Participant'), any broker or dealer with which a Participant is associated; and (C) any two or more Persons that have any agreement, arrangement or understanding (whether or not in writing) to act together for the purpose of acquiring, voting, holding or disposing of shares of the capital stock of'' CHX Holdings.

[16] CHX Holdings Certificate, Article FIFTH, Paragraph (b)(ii). Article FIFTH includes provisions to address violations of the current Ownership and Voting Limitations. *See* CHX Holdings Certificate, Article FIFTH, Paragraphs (d) and (e).

[17] *See* Article FIFTH, Paragraph (b)(iii)(B) of the CHX Holdings Certificate, which provides that any such resolution must state that the Board's determination is that such amendment (a) will not impair the ability of the Exchange to carry out its functions and responsibilities as an ''exchange'' under the Exchange Act, and the rules under the Exchange Act; (b) is otherwise in the best interests of CHX Holdings and its stockholders and the Exchange; (c) will not impair the ability of the Commission to enforce the Exchange Act, and (d) such amendment shall not be effective until approved by the Commission.

[18] *See* Article FIFTH, Paragraph (b)(iv) of the CHX Holdings Certificate, which provides that, notwithstanding the first and second Ownership and Voting Limitations, ''in any case where a Person, either alone or together with its Related Persons, would own or vote more than the above percentage limitations upon consummation of any proposed sale, assignment or transfer of'' CHX Holdings' stock, ''such sale, assignment or transfer shall not become effective until the Board of Directors'' of CHX Holdings ''shall have determined, by resolution, that such Person and its Related Persons are not subject to any applicable 'statutory disqualification' (within the meaning of Section 3(a)(39)'' of the Exchange Act.

[19] The full text of the Resolutions is set forth in Exhibit 5N. The Exchange notes that the Resolutions use ''Corporation'' and ''Parent'' instead of ''CHX Holdings'' and ''ICE,'' respectively. To avoid possible confusion, the excerpt of the Resolutions uses the terms defined herein.

ICE Holding Companies that would result therefrom, and after having received, considered and discussed information provided by the Exchange, has determined that neither the ICE Holding Company, nor any of its Related Persons, is subject to ''statutory disqualification'' within the meaning of Section 3(a)(39) of the Exchange Act;

3. that the Board hereby approves and directs that the Amendments, including the Bylaw Waiver Amendment,[20] be submitted to the Commission for approval in connection with the [present] Rule 19b–4 Filing . . . , that when effective, would waive the Ownership and Voting Limitations solely to permit NYSE Group to possess ownership and voting rights in [CHX Holdings] in excess of the Ownership and Voting Limitations following consummation of the Merger;

4. that the Board hereby determines that the execution and delivery of the Merger Agreement by [ICE] constitutes notice of the ICE Holding Companies' intention in writing to acquire the Proposed Share Ownership and Proposed Voting Rights, and the Board hereby consents to a period of notice shorter than forty-five (45) days before the proposed ownership of such shares or the proposed exercise of such voting rights.[21]

The Proposed Amendment

In addition to the Resolutions, to waive the current Ownership and Voting Limitations, pursuant to Article FIFTH, Paragraph (b)(iii)(B) of the CHX Holdings Certificate, the Exchange proposes the Bylaw Waiver Amendment to the CHX Holdings Bylaws. The Bylaw Waiver Amendment would be added to the CHX Holdings Bylaws for the sole purpose of allowing the Transaction to Close. It would provide as follows: [22]

(a) For the sole purpose of permitting the merger contemplated by an Agreement and Plan of Merger, dated April 4, 2018, among [CHX Holdings], Kondor Merger Sub, Inc. and Intercontinental Exchange, Inc., under which [CHX Holdings] will become a wholly-owned subsidiary of the NYSE Group, Inc. and will become an indirect subsidiary of NYSE Holdings LLC, Intercontinental Exchange Holdings, Inc. and Intercontinental Exchange, Inc. (for the purposes of this Article XII, Section 12.1, NYSE Group, Inc., NYSE Holdings LLC, Intercontinental Exchange Holdings, Inc. and Intercontinental Exchange, Inc. are collectively referred to herein as the ''ICE Holding Companies'' and individually referred to herein as the ''ICE Holding Company''), the Board of Directors hereby waives pursuant to Article FIFTH, paragraph (b)(iii)(B) of the certificate of incorporation of [CHX Holdings] dated July 27, 2006, as amended (''2006 Certificate''), with respect to each of the ICE Holding Companies: (i) the restrictions on ownership of capital stock of [CHX Holdings] described in Article FIFTH, paragraph (b)(ii)(A) of the 2006 Certificate (''Ownership Limits'') to permit the ICE Holding Company to possess ownership in [CHX Holdings] in excess of the Ownership Limits (''Proposed Share Ownership''); and (ii) the restrictions on voting rights with respect to the capital stock of [CHX Holdings] as described in Article FIFTH, paragraph (b)(ii)(C) of the 2006 Certificate (''Voting Limits'') to permit the ICE Holding Company to possess voting rights in excess of the Voting Limits (''Proposed Voting Rights'').

(b) In so waiving the applicable Ownership Limits and Voting Limits, the Board of Directors has determined, with respect to each of the ICE Holding Companies, that: (i) The acquisition of the Proposed Share Ownership by the ICE Holding Company will not impair the ability of the CHX to carry out its functions and responsibilities as an ''exchange'' under the Exchange Act and the rules and regulations promulgated thereunder, is otherwise in the best interests of [CHX Holdings], its stockholders and the CHX, and will not impair the ability of the Commission to enforce the Exchange Act and the rules and regulations promulgated thereunder; (ii) the acquisition or exercise of the Proposed Voting Rights by the ICE Holding Company will not impair the ability of the CHX to carry out its functions and responsibilities as an ''exchange'' under the Exchange Act and the rules and regulations promulgated thereunder, that it is otherwise in the best interests of [CHX Holdings], its stockholders and the CHX, and that it will not impair the ability of the Commission to enforce the Exchange Act and the rules and regulations promulgated thereunder; and (iii) neither the ICE Holding Company, nor any of its Related Persons, is subject to ''statutory disqualification'' within the meaning of Section 3(a)(39) of the Exchange Act.[23]

III. Amendments to the CHX Bylaws and CHX Certificate

In connection with the Transaction, the Exchange proposes to retain most of the current provisions of the CHX Certificate and CHX Bylaws, except that the Exchange proposes to make certain revisions to the provisions regarding the composition, election and terms of the Exchange Board.

Following consummation of the Transaction, the Exchange would become part of a corporate family including five separate registered national securities exchanges. The Exchange believes that it is important for each of such exchanges to have a consistent approach to corporate governance in certain matters. Therefore, to simplify complexity and create greater consistency with the organizational documents and governance practices of the NYSE Exchanges, the Exchange proposes to revise the provisions of the CHX Certificate and CHX Bylaws as described below.

The Exchange believes that the proposed changes to the CHX Certificate and CHX Bylaws are consistent with the requirements of the Exchange Act.

CHX Bylaws

The Exchange proposes to restructure and amend Article II, Sections 2 and 3 of the Bylaws governing the powers, composition, nomination and election of its Board to more closely align the Bylaws with the relevant provisions of the other NYSE Exchanges.[24] In addition, the Exchange proposes to amend other sections of the Bylaws to make conforming changes and to correct a non-substantive typographical error.

To effect these changes, the Exchange proposes the following:

Title

The Exchange proposes to add ''Amended and Restated'' to the start of the title of the CHX Bylaws.

[20] ''Amendments'' includes any amendments related to the Merger and other transactions contemplated by the Merger Agreement.

[21] For the notice requirement, *see* CHX Holdings Certificate, Article FIFTH, Paragraph (b)(v).

[22] The Exchange notes that the CHX Holdings Bylaws use ''the Corporation'' instead of ''CHX Holdings.'' To avoid possible confusion, the above text uses ''CHX Holdings.''

[23] 15 U.S.C. 78c(a)(39).

[24] Because NYSE National and NYSE Arca are the most similar to the Exchange in corporate organization and in their use of ''permit holders,'' as opposed to ''members,'' the Exchange has primarily based proposed changes to the CHX Bylaws on the NYSE National and NYSE Arca Bylaws. A similar approach was taken with the National Stock Exchange (''NSX'') governing documents when it was acquired in 2017. *See* Securities Exchange Act Release Nos. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16) (order approving proposed rule change in connection with a proposed acquisition of NSX by NYSE Group) (''NYSE National Approval''), and 79684 (December 23, 2016), 81 FR 96552 (December 30, 2016) (SR–NSX–2016–16) (notice of filing of proposed rule change in connection with the proposed acquisition of NSX by NYSE Group, Inc.) (''NYSE National Notice'').

Article I, Section 2 (Other Offices)

The first sentence of Article I, Section 2 makes a reference to the ''Board of Governors.'' The Exchange believes that the reference should be to the Board of Directors, as it has not had a Board of Governors since its demutualization.[25] Accordingly, it proposes to replace ''Governors'' with ''Directors.''

Article II, Section 2 (Number, Term of Office and Qualifications)

The Exchange proposes to make the number, composition, term of office and qualifications of the Board consistent with the make-up of the boards of directors of the NYSE Exchanges.[26] Accordingly, the Exchange proposes to replace Article II, Section 2(a)–(c) with new subsections (a)–(f), and to move the text in subsection (d) to become the final sentence of new subsection (e). The proposed new Article II, Section 2 would be substantially similar to provisions in the NYSE Arca Bylaws and NYSE National Bylaws.[27]

Section 2(a)–(b): Article II, Section 2(a) of the current CHX Bylaws governs the number of directors, providing that the Board is composed of between 10 and 16 directors, the exact number of which is determined by the Board, and that the number may be changed by a majority of the Board.

Article II, Section 2(b) of the current CHX Bylaws sets forth the composition of the Board, providing that the Board shall consist of the Chief Executive Officer of the Exchange, ''Public Directors'' and ''Participant Directors.'' Section 2(b) specifies that the Public Directors make up one-half of the directors, and that a director who is neither the Chief Executive Officer nor a Public Director shall be a Participant Director. Section 2(b) defines ''Public Director'' as a director who (i) is not a Participant, or an officer, managing member, partner or employee of an entity that is a Participant, (ii) is not an employee of the Exchange or any of its affiliates, (iii) is not broker or dealer or an officer or employee of a broker or dealer, or (iv) does not have any other material business relationship with (x) CHX Holdings, the Exchange or any of their affiliates or (y) any broker or dealer. It defines ''Participant Director'' as a director who is a Participant or an officer, managing member or partner of an entity that is a Participant, and that the ''Participant'' shall mean any individual, corporation, partnership or other entity that holds a trading permit issued by Exchange. Finally, current Section 2(b) provides that a director shall qualify as a Public Director or Participant Director only so long as such director meets the requirements for that position.

The Exchange proposes to replace Section 2(a) and (b) with a new proposed Section 2(a). Such subsection would provide that the number of directors would be determined from time to time by the stockholders, provided that the Board must meet the composition requirements in the Bylaws. This change would be consistent with the NYSE National Bylaws and NYSE Arca Bylaws, which provide that the shareholders and holding member, respectively, set the number of directors, as well as the NYSE and NYSE American Operating Agreements, which both provide that the number of directors is determined by the member, in each case provided that the boards of directors meet the composition requirements.[28]

Specifically, new subsection (a) would require that the Board be made up as follows:

- At least 50 percent of the directors would be persons from the public and would not be, or be affiliated with, a broker-dealer in securities or employed by, or involved in any material business relationship with, the Exchange or its affiliates (''Public Directors''); and
- at least 20 percent of the directors would consist of individuals nominated by the trading permit holders who are permitted to trade on the Exchange's facilities for the trading of equities that are securities as covered by the Exchange Act (collectively, ''Permit Holders'') (such directors, the ''STP Participant Directors'').[29]

Although the NYSE National and NYSE Arca Bylaws use the term ''Non-Affiliated Directors'' rather than ''STP Participant Directors,'' the Exchange proposes to use ''STP Participant Directors'' consistent with its current terminology.

In addition, proposed subsection (a) would provide that, for purposes of calculation of the minimum number of STP Participant Directors, if 20 percent of the Directors is not a whole number, such number of Directors to be nominated and selected by the Permit Holders would be rounded up to the next whole number. Proposed subsection (a), like current subsection (a), would provide that the term of office of a director shall not be affected by any decrease in the authorized number of directors.

Proposed new subsection (b) would provide that nominees for a director position shall provide the Secretary of the Exchange such information as is reasonably necessary to serve as the basis for a determination of the nominee's qualifications as a director, and that the Secretary shall make such determination concerning the nominee's qualifications.[30]

Section 2(c): Current Article II, Section 2(c) sets forth the structure of the board. Specifically, it provides that the Board shall be divided into three classes serving three-year terms, with the term of office of one class expiring each year, and that directors shall continue in office after the expiration of their terms until their successors are elected or appointed and qualified, except in the event of early resignation, removal or disqualification.

The Exchange proposes to replace Section 2(c) with new subsections (c) through (e). New subsection (c) would provide that at the each annual meeting of the stockholders, except as otherwise provided by the Bylaws, the stockholders would elect directors to serve until the next annual meeting or until their successors are elected and qualified. Proposed new subsection (d) would provide that the Exchange Board shall appoint the Chairman of the Board by majority vote. Proposed new subsection (e) would provide that each director shall hold office for a term that expires at the annual meeting of the stockholders next following his or her election, provided that if he or she is not re-elected and his or her successor is not elected and qualified at the meeting and there remains a vacancy on the Board, he or she shall continue to serve until his or her successor is elected and qualified or until his or her earlier death, resignation or removal. Finally, current Section 2(d), which provides

[25] *See* Demutualization Release, *supra* note 3, at 7534.

[26] *See* Amended and Restated NYSE Arca, Inc. Bylaws (''NYSE Arca Bylaws''), Section 3.02(a), Fourth Amended and Restated By-laws of NYSE National (''NYSE National Bylaws''), Section 3.2(a), and NYSE National Notice, *supra* note 24, at 96554. *See also* Eleventh Amended and Restated Operating Agreement of New York Stock Exchange LLC (''NYSE Operating Agreement''), Article II, Section 2.03(a) and (l), and Eleventh Amended and Restated Operating Agreement of NYSE American LLC (''NYSE American Operating Agreement''), Article II, Section 2.03(a) and (l).

[27] *See* NYSE Arca Bylaws Section 3.02 and NYSE National Bylaws, Article III, Sections 3.2(a)–(c) and 3.3.

[28] *See* NYSE National Bylaws, Article III, Section 3.2(a); NYSE Arca Bylaws Section 3.02(a); NYSE Operating Agreement, Article II, Section 2.03(a); and NYSE American Operating Agreement, Article II, Section 2.03(a).

[29] Consistent with its use elsewhere in the CHX Bylaws, ''Exchange Act'' would be defined in proposed Article II, Section 2(a).

[30] This provision would be consistent with the NYSE National Bylaws and NYSE Arca Bylaws. *See* NYSE National Bylaws, Article III, Section 3.2(b) and NYSE Arca Bylaws, Section 3.02(b).

that a director may serve for any number of terms, consecutive or otherwise, would be the final sentence in proposed subsection (e).

The proposed change from a three-class board with staggered terms to a board with one class of directors elected annually would make the organization of the Board consistent with those of all of the NYSE Exchanges.[31]

Section 2(f): Finally, a new subsection (f) would provide that, except as otherwise provided in the CHX Bylaws or the rules, the shareholder shall nominate directors for election at the annual meeting of the shareholder, which nominations shall comply with the Exchange's rules and the CHX Bylaws.[32]

Article II, Section 3 (Nomination and Election)

Article II, Section 3 sets forth the process for the nomination and election of the Board. The Exchange proposes to revise Article II, Section 3(a), replace Section 3(b)–(e) with a new Section 3(b), replace Section 3(f)–(g) with a new Section 3(c), and add a new Section 3(d).

The proposed new Article II, Section 3 would be substantially similar to provisions in the NYSE Arca Bylaws and NYSE National Bylaws,[33] and so would be consistent with the nomination and election process of the board of directors of such NYSE Exchanges, subject to the use of terms specific to the Exchange.[34] The proposed provision would be consistent with the proposed change from a three-class board with staggered terms to a board with one class of directors elected annually.

Section 3(a): Article II, Section 3(a) provides that candidates for election as director shall be nominated by a Nominating and Governance Committee (''NGC''), which shall consist of two Public Directors and two Original STP Participant Directors, as defined below, one of whom must not be a representative of a firm that is a holder of Series A Preferred Stock of CHX Holdings. The NGC shall be appointed by the CHX Board.

The Exchange proposes to rename the NGC the ''Nominating Committee'' consistent with NYSE National and NYSE Arca, which both have nominating committees that fill substantially the same role that the Exchange proposes the CHX Nominating Committee play.[35] Accordingly, proposed Article II, Section 3(a) would provide that the candidates for the election as director shall be nominated by a Nominating Committee.

The Exchange proposes that, like the NYSE National nominating committee, the Nominating Committee be composed solely of STP Participant Directors and/or Permit Holder representatives. Consistent with the NYSE National definition of ''ETP Holder Representative,'' ''Permit Holder representative'' would mean an officer, director, employee or agent of a Permit Holder.[36]

Section 3(b)–(e): Current Section 3(b) requires that, each year, the NGC shall nominate directors for each open director position, and shall only nominate as Participant Directors those persons whose names have been presented to, and approved by, the Participants pursuant to the procedures set forth in Section 3. Current Article II, Section 3(c) provides that the Board shall identify one Participant Director position in each class which shall be subject to the petition process (an ''Original STP Participant Director''), and similarly provides that the NGC shall only nominate as Original STP Participant Directors those persons whose names have been presented to, and approved by, the Participants pursuant to the procedures set forth in current Section 3. Current Article II, Section 3(d) sets forth procedures for the NGC to receive candidate recommendations for the Original STP Participant Director positions. Finally, current Article II, Section 3(e) sets forth the procedure for nominating the Original STP Participant Directors, including the possibility for petition candidates nominated by Participant firms.

Proposed Article II, Section 3(b) would replace current Article II, Section 3(b)–(e).[37] Proposed Section 3(b) would provide that the Nominating Committee shall publish the name(s) of one or more Participants as its nominee(s) for STP Participant Directors of the Board of Directors of the Exchange. The definition of ''Participant'' in present Section 2(b) would be moved to proposed Section 3(b). Proposed Section 3(b) would further provide that the Nominating Committee would name sufficient nominees so that at least 20 percent of the directors consist of STP Participant Directors. The proposed provision would further provide that the names of the nominees shall be published on a date in each year sufficient to accommodate the process described. The date would be known as the ''Announcement Date.''

Further, proposed Section 3(b) would provide that, after the name of proposed nominee(s) is published, Permit Holders in good standing may submit a petition to the Exchange in writing to nominate additional eligible candidate(s) to fill STP Participant Director position(s) during the next term. If a written petition of at least 10 percent of Permit Holders in good standing were submitted to the Nominating Committee within two weeks after the Announcement Date, such person(s) would also be nominated by the Nominating Committee, provided, however, that no Permit Holder, either alone or together with other Permit Holders that are deemed its affiliates, may account for more than 50 percent of the signatories to the petition endorsing a particular petition nominee for the STP Participant Director position(s) on the Board. Proposed Section 3(b) would stipulate that each petition for a petition candidate must include a completed questionnaire used to gather information concerning director candidates, with the form of the questionnaire provided by the Exchange upon the request of any Permit Holder. Finally, proposed Section 3(b) would provide that, notwithstanding anything to the contrary, the Nominating Committee shall determine whether any petition candidate is eligible to serve on the Board (including whether such person is free of any Statutory Disqualification), and such determination shall be final and conclusive.

Section 3(f) and (g): Current Article II, Section 3(f) sets forth the process for elections of Original STP Participant Directors if one or more valid petitions

[31] *See* NYSE National Bylaws, Article III, Section 3.3; NYSE Arca Bylaws Section 3.02(e); NYSE Operating Agreement Article II, Section 2.03(a) and (l); and NYSE American Operating Agreement, Article II, Section 2.03(a) and (l).

[32] This provision would be consistent with the NYSE National Bylaws and NYSE Arca Bylaws. *See* NYSE National Bylaws, Article III, Section 3.2(d) and NYSE Arca Bylaws Section 3.02(f).

[33] *See* NYSE Arca Rule 3.2(b)(3)(B) and (C) and NYSE National Bylaws Article III, Section 3.4 and Article V, Section 5.2.

[34] For example, proposed Article III, Section 3 would use ''STP Participant Director'' instead of ''Non-Affiliated Director''; ''Permit Holder'' instead of ''ETP Holder'' or ''OTP Holder''; and ''Participant'' instead of ''ETP Holders or Persons Associated with an ETP Holder (in any combination)'' or ''ETP Holders or Allied Persons or Associated Persons of an OTP Firm or ETP Holder or Allied Person or Associated Persons of an ETP Holder.''

[35] *See* NYSE Arca Rule 3.2(b)(3)(B) and (C) and NYSE National Bylaws Article III, Section 3.4.

[36] *See* NYSE National Bylaws Article I, Section 1.1(E)(2) (''ETP Holder Representative''), and Article V, Section 5.7.

[37] This provision would be consistent with the NYSE National Bylaws and NYSE Arca Rules. *See* NYSE Arca Rule 3.2(b)(3)(C)(ii) and NYSE National Bylaws Article III, Section 3.4(b).

are received. Pursuant to current Section 3(g), if no valid petitions from the Participants are received by 35 days prior to the annual meeting of stockholders, the NGC's initial nominees shall be the persons approved by the Participants as the Original STP Participant Director nominees.

Proposed Article II, Section 3(c) would replace current Article II, Section 3(f)–(g).[38] Proposed Section 3(c) would set forth the petition election process, providing that, in the event that the number of nominees exceeds the number of available seats, the Nominating Committee shall submit the contested nomination to the Permit Holders for selection. Permit Holders would be afforded a confidential voting procedure and be given no less than 20 calendar days to submit their votes. Under the proposed Section, each Permit Holder in good standing may select one nominee for the contested seat on the Board; provided, however that no Permit Holder, either alone or together with other Permit Holders who are deemed its affiliates, may account for more than 20 percent of the votes cast for a particular nominee for the STP Participant Director position(s) on the Board. With respect to the contested position, the proposed Section would provide that the nominee for the Board receiving the most votes of Permit Holders shall be submitted by the Nominating Committee to the Board and that the Nominating Committee shall also submit uncontested nominees to the Board. Under the proposed provision, tie votes shall be decided by the Board at its first meeting following the election.

Finally, proposed Section 3(d) would provide that the Board of Directors shall appoint the Nominating Committee, consistent with the final sentence of current Section 3(a), which provides that the Board of Directors shall appoint the NGC.

Article II, Section 6 (Vacancies)

In accordance with its proposed change from a three-class board with staggered terms to a board with one class of directors elected annually as set forth in proposed Article II, Section 2, the Exchange proposes to amend the penultimate sentence in Article II, Section 6. Currently, such sentence provides as follows.

A director chosen to fill a vacancy or newly-created directorship by the directors then in office shall hold office until the end of the next annual meeting of stockholders, at which time a director shall be elected by vote of the stockholders to fill any remaining portion of the term of the class to which such director belongs.

As there would no longer be different classes of director, the Exchange proposes to delete '', at which time a director shall be elected by vote of the stockholders to fill any remaining portion of the term of the class to which such director belongs.''

Conforming Changes

In accordance with its proposed change to the NGC, the Exchange proposes to delete ''and Governance'' from ''Nominating and Governance Committee'' in the following provisions: Article II, Section 5(b) (Vice Chairman); Article IV, Section 1 (Number of Committees) and Section 2 (Appointment of Committees); and Article V, Section 5 (Officers Appointed by Chief Executive Officer).

In accordance with its proposed use of ''STP Participant Director'' and amendments to the composition of the Board set forth in proposed Article II, Section 2(a), the Exchange proposes to add ''STP'' before ''Participant Director'' in Article II, Section 6 and Section 7 (Participation in Meeting, Action or Proceeding).

In accordance with proposed Article II, Section 3(d), the Exchange proposes to update the cross reference in the first sentence of Article IV, Section 2 from Article II, Section 3(a) to Article II, Section 3(d).

CHX Certificate

The Exchange proposes to restructure and amend Article FIFTH of the CHX Certificate governing the composition, nomination and election of its Board to more closely align with the proposed amended CHX Bylaws and the relevant provisions of the other NYSE Exchanges.[39] In addition, the Exchange proposes to make certain administrative and conforming changes.

To effect these changes, the Exchange proposes the following amendments.

Title and Signature Line

The Exchange proposes to add ''Amended and Restated'' to the start of the title of the CHX Certificate and to add a signature line at the end of the CHX Certificate.

Introductory Paragraph

The Exchange proposes to adopt an introductory sentence providing that the proposed CHX Certificate has been duly adopted in accordance with Sections 242 and 245 of the General Corporation Law of Delaware.

Article First

The Exchange proposes to add a second sentence to current Article FIRST stating that the original Certificate of Incorporation of CHX was filed with the Secretary of State of the State of Delaware on March 15, 1972, and the name under which the Corporation filed the Original Certificate of Incorporation was Midwest Stock Exchange Incorporated.

Article Second

The Exchange proposes to amend the address and name of its registered office and registered agent in the State of Delaware set forth in Article SECOND, to update them to the information for the registered office and registered agent that it will use following the Transaction.[40]

Article Fifth

Current Article FIFTH sets forth provisions regarding the number, composition, term, election, and removal of Directors, as well as vacancies on the Board. The Exchange proposes to revise Article FIFTH, Paragraphs (b)–(g) to conform to proposed Article II, Section 2 of the CHX Bylaws.[41]

Article FIFTH, Paragraph (b)–(c): Consistent with Article II, Section 2(a) of the current CHX Bylaws, current Article FIFTH, Paragraph (b) provides that the Board will consist of between 10 and 16 directors, the exact number to be fixed by the Board from time to time. Current Article FIFTH, Paragraph (c) sets forth the requirements for the composition of the Board, consistent with current Article II, Section 2(b) of the CHX Bylaws.

The Exchange proposes to replace Article FIFTH, Paragraphs (b) and (c) with a provision substantially similar to proposed Article II, Section 2(a) of the CHX Bylaws.[42] Such subsection would provide that the number of directors

[38] This provision would be consistent with the NYSE National Bylaws and NYSE Arca Rules. *See* NYSE Arca Rule 3.2(b)(3)(C)(iii) and NYSE National Bylaws Article III, Section 3.4(c).

[39] *See* NYSE Arca Bylaws, Section 3.02(a), NYSE National Bylaws, Article III, Section 3.2(a), and NYSE National Notice, *supra* note 24, at 96554. *See also* NYSE Operating Agreement, Article II, Section 2.03(a) and (l), and NYSE American Operating Agreement, Article II, Section 2.03(a) and (l).

[40] *See* Securities Exchange Act Release Nos. 82925 (March 22, 2018), 83 FR 13165 (March 27, 2018) (SR–NYSENAT–2018–04), and 82635 (February 6, 2018), 83 FR 6057 (February 12, 2018) (SR–NYSENAT–2018–03).

[41] *See* text accompanying notes 26 through 31, *supra.* The Exchange does not propose to amend Article FIFTH, Paragraph (a).

[42] As it is not previously defined therein, ''Exchange Act'' would be defined in proposed Article FIFTH, Paragraph (b).

would be determined from time to time by the stockholders, provided that the Board must meet the same composition requirements in the proposed Bylaws. Proposed Article FIFTH, Paragraph (b) would require that at least 50 percent of the directors be Public Directors and at least 20 percent of the directors be STP Participant Directors. In addition, it would provide that, for purposes of calculation of the minimum number of STP Participant Directors, if 20 percent of the Directors is not a whole number, the number of directors to be nominated and selected by the Permit Holders will be rounded up to the next whole number; and that the term of office of a director shall not be affected by any decrease in the authorized number of directors.

The Exchange proposes to add a new Article FIFTH, Paragraph (c) with the same provision as proposed Article II, Section 2(b) of the CHX Bylaws, with the exception that the cross reference to Section 2(a) of the CHX Bylaws would be to Article FIFTH, Paragraph (b).

Article FIFTH, Paragraph (d): Consistent with Article II, Section 2(c) of the current CHX Bylaws, Article FIFTH, Paragraph (d) sets forth the structure of the board. It provides that the Board shall be divided into three classes serving staggered three-year terms, with the term of office of one class expiring each year, and sets forth how the three-year terms shall be commenced. Finally, it provides that directors shall continue in office after the expiration of their terms until their successors are elected or appointed and qualified, except in the event of early resignation, removal or disqualification.

The Exchange proposes to replace the current Article FIFTH, Paragraph (d) with the same provision as proposed Article II, Section 2(e) of the CHX Bylaws, which sets forth the proposed terms of the directors.

Article FIFTH, Paragraph (e): Consistent with current Article III, Section 9 (Quorum and Vote Required for Action) of the CHX Bylaws, current Article FIFTH, Paragraph (e) provides that at each annual meeting of stockholders at which a quorum is present, the persons receiving a plurality of the votes cast shall be directors, and no director need be a stockholder.

The Exchange proposes to replace the current Article FIFTH, Paragraph (e) with the same provision as proposed Article II, Section 2(c) of the CHX Bylaws, which states that at each annual meeting of stockholders, except as otherwise provided by the CHX Bylaws the stockholders shall elect directors to serve until the next annual meeting or until their successors are elected and qualified.

Article FIFTH, Paragraph (f): In accordance with its proposed change to remove the different classes of directors, the Exchange proposes to delete ''or class of directors'' from the first sentence of Article FIFTH, Paragraph (f).

Article FIFTH, Paragraph (g): In accordance with its proposed change to remove the different classes of directors, the Exchange proposes to delete '', at which time a director shall be elected by vote of the stockholders to fill any remaining portion of the term of the class to which such director belongs'' from the penultimate sentence of Article FIFTH, Paragraph (g). In addition, it proposes to add ''STP'' before ''Participant Director'' in the parenthetical in the second sentence of the provision.

IV. Amendments to the CHX Holdings Bylaws and CHX Holdings Certificate

Following the consummation of the Transaction, CHX Holdings will be one of a series of holding companies of the Exchange. The Exchange believes that it is important for each of its five holding companies to have a consistent approach to certain matters.[43]

Upon Closing, CHX Holdings' governing documents would be as set forth in the CHX Holdings Bylaws and CHX Holdings Certificate (together, the ''CHX Holdings Governing Documents''). To limit complexity and create greater consistency with the organizational documents of the ICE Holding Companies, as proposed, the CHX Holdings Governing Documents would be substantially similar to the NYSE Group Bylaws and NYSE Group Certificate, with the limited differences described below. To effect the changes, upon Closing:

- The proposed changes to the CHX Holdings Certificate set forth in Exhibit 5C, which would replace the current text of the CHX Holdings Certificate in its entirety except for the title, would become operative.
- The proposed changes to the CHX Holdings Bylaws set forth in Exhibit 5D, which would replace the current text of the CHX Holdings Bylaws in its entirety except for the title, would become operative, with the exception of the Bylaw Waiver Amendment, which would have become operative immediately before the Closing.[44]

Differences From the NYSE Group Certificate and Bylaws

CHX Holdings Bylaws

Article I, Section 1.1 of the CHX Holdings Bylaws would reference CHX Holdings instead of NYSE Group, and the title would be ''Second Amended and Restated Bylaws of CHX Holdings, Inc.''

Because CHX Holdings, unlike NYSE Group, does not have preferred stock, the text ''Subject to the rights of the holders of any series of Preferred Stock to elect additional directors under specified circumstances,'' would not be included in Article III, Section 3.1 (General Powers) of the proposed CHX Holdings Bylaws. For the same reason, the text ''Subject to the rights of the holders of any series of Preferred Stock with respect to such series of Preferred Stock,'' would not be included in Article III, Section 3.5 (Removal) of the proposed CHX Holdings Bylaws.

CHX Holdings Certificate

Some of the differences between the proposed CHX Holdings Certificate and the NYSE Group Certificate would reflect the differences in their name, ownership, and history.

- The introductory paragraph, recitals, Article XIV and the signature line of the NYSE Group Certificate would not be included.[45]
- Article I (Name of Corporation) of the proposed CHX Holdings Certificate would reference CHX Holdings instead of NYSE Group, and the title would be ''Second Amended and Restated Certificate of Incorporation of CHX Holdings, Inc.''
- Article IV, Section 4 (Transfers of Stock of the Corporation) of the NYSE

[43] *See* Securities Exchange Act Release Nos. 80752 (May 24, 2017), 82 FR 25018 (May 31, 2017) (SR–NYSE–2017–13; SR–NYSEArca–2017–29; SR–NYSEMKT–2017–17; and SR–NYSENAT–2017–01) (order approving proposed rule changes to amend the certificate and bylaws of ICE), and 82084 (November 15, 2017), 82 FR 55460 (SR–NYSENAT–2017–05) (notice of filing and immediate effectiveness of proposed rule change to amend the governing documents of its intermediate parent companies to make them more consistent with the governing documents of their ultimate parent, ICE).

[44] When operative, the Bylaw Waiver Amendment would add an Article XII to the current CHX Holdings Bylaws. However, upon Closing, when the proposed changes to the CHX Holdings Bylaws become effective, there would be a gap in the numbering between Article VII and Article XII. Accordingly, to ensure that the numbering of the Articles in the CHX Holdings Bylaws remains sequential, the Exchange proposes to add new Articles VIII–XI, which would be marked ''Reserved.''

[45] Pursuant to the Merger Agreement, the entity surviving the Merger will be CHX Holdings, but its governing documents will be those of Merger Sub. Prior to the Closing, Merger Sub would amend and restate its certificate of incorporation and bylaws so that they are the same as the proposed CHX Holdings Bylaws and CHX Holdings Certificate, subject to the difference in name. In that manner, when CHX Holdings and Merger Sub merge, the proposed CHX Holdings Bylaws and CHX Holdings Certificate will become the governing documents of the merged entity, CHX Holdings, subject to an update in the name.

Group Certificate would be adopted as Article IV, Section 2 of the proposed CHX Certificate, provided that, in the first sentence of Section 2(a), ''NYSE Holdings LLC, a Delaware limited liability company ('NYSE Holdings')'' would be adopted as ''NYSE Group, Inc., a Delaware corporation ('NYSE Group').'' [46] In addition, subsections (a) and (b) would refer to NYSE Group instead of NYSE Holding.

CHX Holdings has 100 shares of common stock, and, unlike NYSE Group, does not have preferred stock or options. Accordingly, the proposed CHX Holdings Certificate would have differences from the NYSE Group Certificate reflecting the entities' distinct stock structures.

- Proposed Article IV, Section 1 (Authorized Stock) would be as follows: ''The total number of shares of all classes of stock which the Corporation shall have authority to issue is one hundred (100), all of which shall be shares of Common Stock, par value $0.01 per share.''
- Article IV, Section 2 (Preferred Stock) and Section 3 (Options, Warrants and Other Rights) as well as Article V, Section 7 (Directors Selected by Holders of Preferred Stock) of the NYSE Group Certificate would not be adopted.[47]
- In proposed Article V, Section 3 (Number of Directors), the phrase ''Subject to the rights of the holders of any series of Preferred Stock to elect additional directors under specified circumstances,'' would not be adopted from Article V, Section 3 of the NYSE Group Certificate. Similarly, in proposed Article V, Section 5 (Removal of Directors) the phrase ''Subject to the rights of the holders of any series of Preferred Stock with respect to such series of Preferred Stock, and'' would not be adopted from Article V, Section 5 of the NYSE Group Certificate.
- In proposed Article VII, Section 2 (Quorum), the second sentence would not be adopted from Article VII, Section 2 of the NYSE Group Certificate.[48]

Provisions of the Proposed CHX Holdings Governing Documents

As set forth below, the proposed CHX Holdings Governing Documents include various provisions addressing CHX Holdings' role as the holding company of a national securities exchange registered under Section 6 of the Exchange Act (each such national securities exchange so controlled, a ''U.S. Exchange''),[49] including provisions regarding matters related to the preservation of the independence of the self-regulatory function of each U.S. Exchange.

Transfers of Stock

Article IV, Section 2(a) of the Proposed Certificate would ensure that any change in ownership of CHX Holdings would be subject to Commission approval, by providing that CHX Holdings may not transfer or assign any stock unless such transfer or assignment is filed with and approved by the Commission under Section 19 of the Exchange Act.[50]

Restrictions on Voting and Ownership

Article IV, Section 2(b) of the proposed CHX Holdings Certificate would set forth voting and ownership concentration limitations. The proposed provision would be substantially similar to the limitations in the governing documents of all the ICE Holding Companies, which apply so long as the relevant ICE Holding Company owns any U.S. Exchange.[51] Proposed Article IV, Section 2(b) would provide that:

- No person (alone or together with its related persons) shall be entitled to vote or cause the voting of stock of CHX Holdings representing in the aggregate more than 10 percent of the then outstanding votes entitled to be cast on such matter, and no person (either alone or together with its related persons) may acquire the ability to vote more than 10 percent of the aggregate number of votes being cast on any matter by virtue of agreements entered into with other persons not to vote shares of CHX Holding's outstanding capital stock. CHX Holding will disregard any such votes purported to be cast in excess of these limitations.[52]
- In addition, no person (alone or together with its related persons) may at any time beneficially own stock of CHX Holdings representing in the aggregate more than 20% of the then outstanding votes entitled to be cast on any matter.[53]
- In the event that a person (alone or together with its related persons) beneficially owns stock of CHX Holdings in excess of the 20 percent ownership threshold, such person and its related persons will be obligated to sell, and CHX Holdings will be obligated to purchase (to the extent that funds are legally available) the number of shares necessary to reduce the ownership level of such person and its related persons to below the permitted threshold, after taking into account that such repurchased shares will become treasury shares and will no longer be deemed to be outstanding. [54]

Proposed Article IV, Section 2(b)(4) would provide that the CHX Holdings Board shall have the right to require any person (and its related persons) to provide information regarding its share ownership to CHX Holdings if the Board reasonably believes such person (and its related persons) is subject to the voting and ownership limits or owns beneficially an aggregate of 5 percent or more of the then outstanding shares of CHX Holdings.

The provisions regarding voting and ownership limits may be waived if the CHX Holdings Board resolves to expressly permit it, and if such resolutions have been filed with, and

[46] Consistent with the change, cross references in the NYSE Group Certificate to Section 4 of Article IV and its subsections would be adopted as cross references to Section 2 of Article IV and its subsections. *See* proposed Article IV, Sections 2(b), 2(b)(1)(A)–(D), 2(b)(2)(A),(C)–(E), and 2(b)(3)–(4); and Article VIII, Section 2. Also, the definition ''board of directors of the Corporation (the 'Board')'' would be in the second paragraph of proposed Article IV, Section (2)(b)(1)(A), instead of in Section 2, as it is in the NYSE Group Certificate.

[47] Consistent with the change, Article V, Section 8 (Considerations of the Board) of the NYSE Group Certificate would be adopted as Article V, Section 7 of the proposed CHX Holdings Certificate, and references to ''this Section 8 of Article V'' therein would be adopted as ''this Section 7 of Article V.'' Likewise, the cross reference to Section 8 of Article V in Article XI, Section 2 of the NYSE Group Bylaws would be adopted as a cross reference to Section 7 of Article V in proposed Article XI, Section 2 of the proposed CHX Holdings Certificate. The definition of ''Person'' would be in proposed Article IV, Section 2(b)(1)(G), instead of in Article IV, Section 3(1), as it is in the NYSE Group Certificate.

[48] Such sentence reads as follows: ''For purposes of the foregoing, where a separate vote by class or classes is required for any matter, the holders of a majority of the voting power of the outstanding shares of such class or classes entitled to vote, present in person or represented by proxy, shall constitute a quorum to take action with respect to that vote on that matter.''

[49] As defined, ''U.S. Exchange'' includes both the Exchange and any other national securities exchange that CHX Holdings may control. *See* proposed Article VII, Section 7.9(b) of the CHX Holdings Bylaws and proposed Article IV, Section 2(b)(1)(A) of the CHX Holdings Certificate. The Exchange Act definition of ''exchange'' states that ''exchange'' ''includes the market place and the market facilities maintained by such exchange.'' 15 U.S.C. 78c(a)(1). Accordingly, all market places and market facilities maintained by a U.S. Exchange would fall within the definition of U.S. Exchange. *See* 82 FR 25018, 25019, *supra* note 43. The Exchange notes that the proposed CHX Holdings Governing Documents use the term ''Exchange'' instead of ''U.S. Exchange.'' However, because in the present document ''Exchange'' means the Chicago Stock Exchange, Inc., ''U.S. Exchange'' is used herein.

[50] 15 U.S.C. 78s(b)(1).

[51] *See* ICE Certificate, Article V, Sections A and B; ICE Holdings Certificate, Article V, Sections A and B; NYSE Holdings Operating Agreement, Article IX, Sections 9.1(a) and (b); and NYSE Group Certificate, Article IV, Section 4(b)(1) and (2).

[52] *See* proposed CHX Holdings Certificate, Article IV, Section 2(b)(1)(A).

[53] *See* proposed CHX Holdings Certificate, Article IV, Section 2(b)(2)(A).

[54] *See* proposed CHX Holdings Certificate, Article IV, Section 2(b)(2)(D).

approved by, the Commission under Section 19 of the Exchange Act.[55] The CHX Holdings Board shall not adopt the resolutions unless it has made certain determinations, including that:

- The proposed act will not impair the ability of CHX Holdings or any U.S. Exchange to discharge their respective responsibilities under the Exchange Act and the rules and regulations thereunder and is otherwise in the best interests of CHX Holdings, its stockholders and each U.S. Exchange.[56]
- The proposed act would not impair the Commission's ability to enforce the Exchange Act.[57]
- The person seeking to exceed the voting thresholds or ownership limit is not subject to any statutory disqualification as defined in Section 3(a)(39) of the Exchange Act[58] (''Statutory Disqualification'') and, for so long as CHX Holdings directly or indirectly controls a U.S. Exchange, neither such person nor its related persons is a Member of a U.S. Exchange.[59]

Considerations of the Board

Article V, Section 7 of the proposed CHX Holdings Certificate would set forth considerations each director must take into account in discharging his or her responsibilities, including consideration of the effect that CHX Holding's actions would have on the ability of the U.S. Exchanges to carry out their responsibilities under the Exchange Act. In addition, Article V, Section 7 would require that each director, officer or employee of CHX Holdings comply with the federal securities laws and the rules and regulations thereunder, cooperate with the Commission and cooperate with each U.S. Exchange pursuant to and to the extent of its regulatory authority.

Statutory Disqualification

Article VI of the proposed CHX Holdings Certificate would provide that no person that is subject to any Statutory Disqualification may be a director or officer of CHX Holdings.

Jurisdiction

Article IX of the proposed CHX Holdings Certificate would provide that CHX Holdings, its directors and officers, and its employees whose principal place of business and residence is outside of the United States, submit to the jurisdiction of the federal courts and the Commission, and waive claims that it or they are not personally subject to the jurisdiction of the Commission and of inconvenient forum, improper venue, or lack of subject matter jurisdiction.

Confidential Information; Books and Records

Article X of the proposed CHX Holdings Certificate would address the books and records of the U.S. Exchanges. Specifically, it would provide that confidential information pertaining to the self-regulatory function of any U.S. Exchange contained in books and records in the possession of the Corporation shall only be made available to officers, directors, employees and agents of CHX Holdings (''CHX Holdings Personnel'') with a reasonable need to know the contents thereof; shall be retained in confidence by CHX Holdings and CHX Holdings Personnel; and shall not be used for any commercial purposes.

Article X of the proposed CHX Holdings Certificate would provide that nothing in the proposed CHX Holdings Certificate shall be interpreted to limit or impede the rights of the Commission or any U.S. Exchange to access and examine such U.S. Exchange's confidential information pursuant to the federal securities laws and the rules and regulations thereunder, or to limit or impede the ability of any CHX Holdings Personnel to disclose such confidential information to the Commission or a U.S. Exchange. In addition, proposed Article X would provide that CHX Holdings' books and records shall be subject at all times to inspection and copying by the Commission and the relevant U.S. Exchange.

Finally, proposed Article X would provide that, for so long as CHX Holdings directly or indirectly controls any U.S. Exchange, the books, records, premises, officers, directors and employees of CHX Holdings shall be deemed to be of such Exchange for purposes of and subject to oversight pursuant to the Exchange Act.

Compliance With Securities Laws

Article XI, Section 1 of the proposed CHX Holdings Certificate would provide that CHX Holdings shall comply with the federal securities laws and the rules and regulations thereunder and shall cooperate with the Commission and the U.S. Exchanges pursuant to and to the extent of their respective regulatory authority, and shall take reasonable steps necessary to cause its agents to cooperate, with the Commission and, where applicable, a U.S. Exchange pursuant to their regulatory authority.

Article XI, Section 2 of the proposed CHX Holdings Certificate would provide that CHX Holdings shall take reasonable steps necessary to cause its officers, directors and employees, prior to accepting their position, to consent to the applicability of proposed Section 7 of Article V, Article IX, Article X and Section 3 of Article XI of the proposed CHX Holdings Certificate with respect to their activities related to any U.S. Exchange.

Article XI, Section 3 of the proposed CHX Holdings Certificate would provide that CHX Holdings, its directors, officers and employees shall give due regard to the preservation of the independence of the self-regulatory function of each U.S. Exchange and to obligations to investors and the general public and shall not take any actions that would interfere with the effectuation of any decisions by the board of directors or managers of a U.S. Exchange relating to their regulatory functions (including disciplinary matters) or that would interfere with the ability of the U.S. Exchange to carry out its responsibilities under the Exchange Act.

Amendments

Article XII of the proposed CHX Holdings Certificate and Article VII, Section 7.9(b) of the proposed CHX Holdings Bylaws would provide that, for so long as CHX Holdings controls any U.S. Exchange, before any amendment or repeal of any provision of the relevant CHX Holdings Governing Document shall be effective, it shall either (a) be filed with or filed with and approved by the Commission under Section 19 of the Exchange Act and the rules promulgated thereunder[60]; or (b) be submitted to the boards of directors of each U.S. Exchange. If one or more of the boards of directors determine that the amendment or repeal must be filed with, or filed with and approved by, the Commission before it may be effectuated, then such amendment or repeal shall not be effectuated until filed with or filed with and approved by the Commission, as the case may be.

[55] 15 U.S.C. 78s(b)(1). *See* proposed CHX Holdings Certificate, Article IV, Sections 2(b)(1)(A) and 2(b)(2)(B).

[56] *See* proposed CHX Holdings Certificate, Article IV, Sections 2(b)(1)(A)(w) and 2(b)(2)(C)(i).

[57] *See* proposed CHX Holdings Certificate, Article IV, Sections 2(b)(1)(A)(x) and 2(b)(2)(C)(ii).

[58] 15 U.S.C. 78c(a)(39).

[59] *See* proposed CHX Holdings Certificate, Article IV, Sections 2(b)(1)(A)(y) and (z) and 2(b)(2)(C)(iii) and (iv). ''Member'' shall mean a Person that is a ''member'' of a U.S. Exchange within the meaning of Section 3(a)(3)(A) of the Exchange Act. A ''Participant'' is considered a ''member'' of the Exchange.

[60] 15 U.S.C. 78s(b)(1).

V. Adoption of Organizational Documents of the ICE Holding Companies

Following the Transaction, the Exchange and CHX Holdings will both have direct and indirect parent companies. The Exchange accordingly proposes to adopt the NYSE Group Certificate, NYSE Group Bylaws, NYSE Holdings Operating Agreement, ICE Holdings Certificate, ICE Holdings Bylaws, ICE Certificate and ICE Bylaws as rules of the Exchange. Such documents include provisions addressing each ICE Holding Company's role as a holding company of U.S. Exchanges, including as described below.

Transfers of Stock

NYSE Group, NYSE Holdings, and ICE Holdings are subject to provisions requiring that any transfer of assignment of the respective entity's stock would be subject to Commission approval.[61]

Restrictions on Voting and Ownership

Each of the ICE Holding Companies is subject to voting and ownership concentration limitations, which apply so long as the relevant ICE Holding Company owns any U.S. Exchange.[62] The voting and ownership limits may be waived only if certain requirements are met.

Considerations of the Board

Each of the ICE Holding Companies is subject to provisions setting forth considerations directors must take into account in discharging their responsibilities, including consideration of the effect that the relevant ICE Holding Company's actions would have on the ability of the U.S. Exchanges to carry out their responsibilities under the Exchange Act.[63] In addition, such provisions require that each director, officer or employee of the relevant ICE Holding Company comply with the federal securities laws and cooperate with the Commission and each U.S. Exchange pursuant to and to the extent of its regulatory authority.

Statutory Disqualification

No person that is subject to any Statutory Disqualification may be a director or officer of the NYSE Group or NYSE Holdings.[64]

Jurisdiction

Each of the ICE Holding Companies is subject to provisions submitting to the jurisdiction of the federal courts and the Commission.[65]

Confidential Information; Books and Records

Each of the ICE Holding Companies is subject to provisions regarding the books and records of the U.S. Exchanges. Such provisions provide, among other things, that:

- Confidential information that relates to the self-regulatory function of any U.S. Exchange shall only be made available to officers, directors, employees and agents with a reasonable need to know the contents thereof.[66]
- Nothing in the relevant document shall be interpreted to limit or impede the rights of the Commission or any U.S. Exchange to access and examine such U.S. Exchange's confidential information pursuant to relevant law. [67]
- The U.S. Exchanges' books and records shall be subject at all times to inspection and copying by the Commission and the relevant U.S. Exchange.[68]
- The books, records, premises, officers, directors and employees of the U.S. Exchanges shall be deemed to be of such U.S. Exchange for purposes of and subject to oversight pursuant to the Exchange Act.[69]

Compliance With Securities Laws

Each of the ICE Holding Companies is required to comply with the federal securities laws and the rules and regulations thereunder. The relevant provisions require, among other things, the relevant ICE Holding Company to:

- Cooperate with the Commission and the U.S. Exchanges pursuant to and to the extent of their respective regulatory authority.[70]
- Take reasonable steps to cause officers, directors and employees to consent to the applicability of provisions regarding their activities related to any U.S. Exchange.[71]
- Along with its directors, officers and employees, give due regard to the preservation of the independence of the self-regulatory function of each U.S. Exchange and to obligations to investors and the general public and to not take any actions that would interfere with the effectuation of any decisions by the board of directors or managers of a U.S. Exchange relating to their regulatory functions or that would interfere with the ability of the U.S. Exchange to carry out its responsibilities under the Exchange Act.[72]

Amendments

Finally, each of the ICE Holding Companies is subject to limitations on their ability to amend or repeal their governing documents without the proposed amendment or repeal being filed with, or filed with and approved by, the Commission.[73]

ICE Independence Policy

The Exchange proposes that, in connection with the Transaction, the Commission approve the ICE Independence Policy, which is to be amended concurrently with the Transaction to reflect ownership of the Exchange. The ICE Independence Policy would be amended to provide similar protections to the Exchange as are currently provided to the NYSE Exchanges by the policy.

More specifically, the ICE Director Independence Policy would be amended to add the Exchange to the section describing ''Independence Qualifications.'' In particular, the

[61] *See* NYSE Group Certificate Article IV, Section 4(a); NYSE Holdings Operating Agreement, Article VII, Section 7.2; and ICE Holdings Certificate, Article IV, Section C.

[62] *See* NYSE Group Certificate, Article IV, Section 4(b)(1) and (2); NYSE Holdings Operating Agreement, Article IX, Sections 9.1(a) and (b); ICE Holdings Certificate, Article V, Sections A and B; and ICE Certificate, Article V, Sections A and B.

[63] *See* NYSE Group Certificate, Article V, Section 8; NYSE Holdings Operating Agreement, Article III, Section 3.12(b) and (c); ICE Holdings Bylaws, Article III, Section 3.14(a) and (b); and ICE Bylaws, Article III, Section 3.14(a) and (b).

[64] *See* NYSE Group Certificate, Article VI; and NYSE Holdings Operating Agreement Article IV, Section 4.1.

[65] *See* NYSE Group Certificate, Article IX; NYSE Holdings Operating Agreement Article XIII; ICE Holdings Bylaws, Article VII: and ICE Bylaws, Article VII.

[66] *See* NYSE Group Certificate, Article X, NYSE Holdings Operating Agreement Article XII, Section 12.1; ICE Holdings Bylaws, Article VIII, Section 8.1; and ICE Bylaws, Article VIII, Section 8.1.

[67] *See* NYSE Group Certificate, Article X; NYSE Holdings Operating Agreement Article XII, Section 12.2; ICE Holdings Bylaws, Article VIII, Section 8.2; and ICE Bylaws, Article VIII, Section 8.2.

[68] *See* NYSE Group Certificate, Article X; NYSE Holdings Operating Agreement Article XII, Section 12.3; ICE Holdings Bylaws, Article VIII, Section 8.3; and ICE Bylaws, Article VIII, Section 8.3.

[69] *See* NYSE Group Certificate, Article X; NYSE Holdings Operating Agreement Article XII, Section 12.4; ICE Holdings Bylaws, Article VIII, Section 8.3; and ICE Bylaws, Article VIII, Section 8.4.

[70] *See* NYSE Group Certificate, Article XI, Section 1; NYSE Holdings Operating Agreement Article XIV, Section 14.1; ICE Holdings Bylaws, Article IX, Section 9.1; and ICE Bylaws, Article IX, Section 9.1.

[71] *See* NYSE Group Certificate, Article XI, Section 2; NYSE Holdings Operating Agreement Article XIV, Section 14.2; ICE Holdings Bylaws, Article IX, Section 9.2; and ICE Bylaws, Article IX, Section 9.2.

[72] *See* NYSE Group Certificate, Article XI, Section 3; NYSE Holdings Operating Agreement Article XIV, Section 14.3; ICE Holdings Bylaws, Article IX, Section 9.3; and ICE Bylaws, Article IX, Section 9.3.

[73] NYSE Group Certificate, Article XII; NYSE Group Bylaws, Article VII, Section 7.9; NYSE Holdings Operating Agreement, Article XVI, Section 16.1; ICE Holdings Certificate, Article X; ICE Holdings Bylaws, Article XI, Section 11.3; ICE Certificate, Article X; and ICE Bylaws, Article XI, Section 11.3.

Exchange would be added to categories (1)(b) and (c) that refer to ''members,'' as defined in section 3(a)(3)(A)(i), 3(a)(3)(A)(ii), 3(a)(3)(A)(iii) and 3(a)(3)(A)(iv) of the Exchange Act.[74] The Exchange would also be added to subsections (4) and (5) of the ''Independence Qualifications'' section.

The NYSE no longer has allied members.[75] Accordingly, the Exchange proposes to delete the text ''as defined in paragraph (c) of Rule 2 of the New York Stock Exchange LLC and'' from category 1(b) of ''Independence Qualifications.''

In addition, references to NYSE MKT LLC under ''Independence Qualifications'' and ''Member Organizations'' would be updated to reflect its name change to NYSE American LLC. [76] Finally, NYSE Arca Equities, Inc. merged with NYSE Arca, Inc., and therefore no longer exists.[77] Accordingly, under ''Independence Qualifications,'' the text ''and Rule 1.1(c) of NYSE Arca Equities, Inc.'' in category 1(b) and references to NYSE Arca Equities, Inc. in categories 2 and 5 would be deleted.

Conforming changes would also be made to delete and replace connectors.

VI. Amendments to the Rules of the Exchange

The Exchange proposes to amend CHX Article 2, Rules 2, 3, 4, and 11, consistent with the proposed changes to the provisions in the CHX Bylaws and CHX Certificate regarding the composition of the Exchange Board. In addition, the Exchange proposes to amend CHX Article 19, Rule 2(b), to address the role of ArcaSec as an inbound router. The Exchange also proposes to add new Rule 28 to CHX Article 22, which rule would set forth requirements for the Exchange relating to trading securities issued by ICE or its affiliates.

Exchange Board

As proposed, Section 2(a) of the CHX Bylaws would provide that the number of directors would be determined from time to time by the stockholders, provided that the Board must meet the composition requirements in the Bylaws.[78] There would no longer be a minimum of number of directors. Accordingly, the Exchange proposes to reduce the minimum size of the Executive, Finance and Regulatory Oversight Committees set forth in CHX Article 2, Rules 2, 3 and 4. The proposed change would set the minimum number of committee members at three, conforming the committee size to the governing documents of the NYSE Exchanges, all of which provide that their respective regulatory oversight committees consist of three directors.[79]

The proposed changes are as follows.

- The first sentence of CHX Article 2, Rule 2, provides that the Executive Committee ''shall have not less than five members, all of whom shall be directors, plus the Chairman of the Board.'' The Exchange proposes to replace ''five'' with ''two,'' so the Executive Committee would have no less than three members, one of whom shall be the Chairman of the Board.
- The first sentence of CHX Article 2, Rule 3, provides that the Finance Committee ''shall have not less than five members, in addition to the Chairman of the Board, all of whom shall be Directors.'' The Exchange proposes to replace ''five'' with ''two,'' so the Finance Committee would have no less than three members, one of whom shall be the Chairman of the Board.
- The first sentence of CHX Article 2, Rule 4, provides that the Regulatory Oversight Committee ''shall consist of at least five Public Directors. The Exchange proposes to replace ''five'' with ''three.'' As a result, the Regulatory Oversight Committee would have no less than three members, all of whom would be Public Directors.[80] In the second sentence, the Exchange proposes to add ''STP'' before ''Participant Directors,'' consistent with the defined term in Article II, Section 2(a) of the proposed CHX Bylaws. In addition, sentence three of CHX Article 2, Rule 4, provides that the ''Chairman of the Board, if he is not also serving as the Chief Executive Officer, shall be one of the Public Directors on the committee.'' The Exchange proposes to replace ''shall'' with ''may,'' to reflect the fact that the Chairman of the Board is not required to be a Public Director under proposed Section 2(a) of the CHX Bylaws.

CHX Article 2, Rule 11 sets forth the responsibilities of the Nominating and Governance Committee. Consistent with the changes to the name and role of the committee set forth in proposed Article II, Section 3(a) of the CHX Bylaws, in the first sentence of Rule 11 the Exchange proposes to delete ''and Governance'' from the first sentence, add ''and responsibilities'' prior to ''set out,'' and to delete the second sentence of the Rule. The amended text would read as follows:

There shall be a Nominating Committee which shall have the composition and responsibilities set out in the Exchange's Bylaws.

The proposed name and responsibilities for the committee would be consistent with NYSE National and NYSE Arca, which both have nominating committees that fill substantially the same role that the Exchange proposes the CHX Nominating Committee play.[81]

Inbound Router

ArcaSec is a Participant of the Exchange, and may route approved types of orders from any of the NYSE Exchanges to the Exchange. Once the Transaction closes, ArcaSec will also be an affiliate of the Exchange. Accordingly, the Exchange proposes to add a new subparagraph (b) to CHX Article 19, Rule 2 to provide that ArcaSec may act as an inbound router. Proposed CHX Article 19, Rule 2(b) would be substantially similar to rules of the NYSE Exchanges.[82]

More specifically, proposed Rule 2(b)(1) would provide that, for so long as the Exchange is affiliated with the NYSE Exchanges and ArcaSec, in its capacity as a facility of the NYSE Exchanges, is utilized for the routing of any approved types of orders from those

[74] *See* 15 U.S.C. 78c(a)(3)(a). As CHX does not have terms equivalent to ''allied members'' or ''approved persons,'' the Exchange does not propose to add references to CHX to the clause following ''('Members') in category (1)(b) or to category 2.

[75] *See* Securities Exchange Act Release No. 58549 (September 15, 2008), 73 FR 54444 (September 19, 2008) (SR–NYSE–2008–80) (notice of filing and immediate effectiveness of proposed rule change and Amendment No. 1 thereto conforming certain NYSE rules to changes to NYSE incorporated rules recently filed by the Financial Industry Regulatory Authority, Inc.).

[76] *See* Securities Exchange Act Release Nos. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

[77] See Securities Exchange Act Release No. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40).

[78] The proposed change would be consistent with the governing documents of the NYSE Exchanges. *See* NYSE National Bylaws, Article III, Section 3.2(a); NYSE Arca Bylaws Section 3.02(a); NYSE Operating Agreement, Article II, Section 2.03(a); and NYSE American Operating Agreement, Article II, Section 2.03(a).

[79] *See* NYSE National Bylaws, Article V, Section 5.6(b); NYSE Arca Rule 3.3(a)(1)(B); NYSE Operating Agreement Article II, Section 2.03(h)(ii); and NYSE American Operating Agreement Article II, Section 2.03(h)(ii). The NYSE Exchanges do not have Executive or Finance Committees.

[80] The membership requirements of the Exchange Regulatory Oversight Committee would be consistent with the NYSE Exchanges' regulatory oversight committees, which are made up of public directors. *Id.*

[81] *See* NYSE Arca Rule 3.2(b)(3)(B) and (C) and NYSE National Bylaws, Article III, Section 3.4.

[82] *See* NYSE Arca Rule 7.45–E(c), NYSE Rule 17(c)(2), and NYSE American Rule 7.45E(c); Securities Exchange Act Release No. 38235 (June 23, 2011), 76 FR 38235 [sic] (June 29, 2011) (SR–NYSEArca–2011–38).

exchanges to the Exchange (such function of ArcaSec is referred to as the ''Inbound Router''), each of the Exchange and Arca Sec shall undertake as follows:

• The Exchange shall maintain an agreement pursuant to Rule 17d–2 under the Exchange Act (''Rule 17d–2 Plan'') with a non-affiliated SRO to relieve the Exchange of regulatory responsibilities for ArcaSec with respect to rules that are common rules between the Exchange and the non-affiliated SRO.

• The Exchange shall maintain a regulatory services agreement (''RSA'') with a non-affiliated SRO to perform regulatory responsibilities for ArcaSec for unique Exchange rules.[83]

• The RSA shall require the Exchange and the non-affiliated SRO to monitor ArcaSec for compliance with the Exchange's trading rules, and collect and maintain, in an easily accessible manner, all alerts, complaints, investigations and enforcement actions (collectively ''Exceptions'') in which ArcaSec (in routing orders to the Exchange) is identified as a participant that has potentially violated applicable Exchange or Commission rules. The RSA shall require that the non-affiliated SRO provide a report, at least quarterly, to the Chief Regulatory Officer of the Exchange quantifying all Exceptions.

• The Exchange, on behalf of the holding company owning both the Exchange and ArcaSec, shall establish and maintain procedures and internal controls reasonably designed to prevent ArcaSec from receiving any benefit, taking any action or engaging in any activity based on non-public information regarding planned changes to Exchange systems, obtained as a result of its affiliation with the Exchange, until such information is available generally to similarly situated Participants of the Exchange in connection with the provision of inbound order routing to the Exchange.

• The Exchange may furnish to ArcaSec the same information on the same terms that the Exchange makes available in the normal course of business to any other Participant.

Proposed Rule 2(b)(2) would state that, provided the above conditions are complied with, ArcaSec may provide inbound routing services to the Exchange from the NYSE Exchanges.[84]

[83] ''Common rules'' would be defined in the Rule 17d–2 Plan.

[84] The Exchange will ensure a Rule 17d–2 Plan is in place and comply with the other listed conditions prior to ArcaSec acting as an Inbound Router of the Exchange.

Affiliate Securities Traded on the Exchange

The Exchange proposes to add a new Rule 28 to CHX Article 22 to set forth requirements for the Exchange relating to trading securities issued by ICE or its affiliates. Proposed Rule 28 is based in part on NYSE Rule 497 and NYSE American Rule 497—Equities. After the Closing, the Exchange would be a wholly-owned subsidiary of ICE, as would be stated in proposed Rule 28(a)(3). Proposed Rule 28.1(a)(1) [sic] would define the term ''ICE Affiliate'' to mean ICE and any entity that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with ICE, where ''control'' means that one entity possesses, directly or indirectly, voting control of the other entity either through ownership of capital stock or other equity securities or through majority representation on the board of directors or other management body of such entity. This proposed rule is based on NYSE Rule 497(a)(1) and NYSE American Rule 497(a)(1)—Equities without any substantive differences. Proposed Rule 28.1(a)(2) [sic] would define the term ''Affiliate Security'' to mean any security issued by an ICE Affiliate or any Exchange-listed option on any such security. This proposed rule is based on NYSE American Rule 497(a)(2)—Equities without any differences.

Because the Exchange is not a primary listing venue, the Exchange proposes a difference from both NYSE Rule 497 and NYSE American Rule 497—Equities to provide in proposed Rule 28.1(b) [sic] that ''No Affiliate Security will be listed on the Exchange.'' Because no Affiliate Security will be listed on the Exchange, the Exchange does not propose rule text based on NYSE Rule 497(c)(1)(a), (c)(2), or (c)(3). Proposed Rule 28.1(c) [sic] would instead provide that throughout the trading of the Affiliate Security on the Exchange, the Exchange would prepare a quarterly report on the Affiliate Security for the Exchange's Regulatory Oversight Committee that describes Exchange regulatory staff's monitoring of the trading of the Affiliate Security including summaries of all related surveillance alerts, complaints, regulatory referrals, adjusted trades, investigations, examinations, formal and informal disciplinary actions, exception reports and trading data used to ensure the Affiliate Security's compliance with the Exchange's trading rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,[85] in general, and furthers the objectives of Section 6(b)(1)[86] in particular, in that it enables the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. Following the Transaction, the Commission will continue to have the same plenary regulatory authority over the Exchange that it currently has. The Exchange will continue to be registered as a national securities exchange and as a separate SRO. As such, the Exchange would continue to have separate rules, membership rosters, and listings that would be distinct from the rules, membership rosters, and listings of the four other registered national securities exchanges and SROs owned by NYSE Group. The proposed rule change is consistent with and will facilitate an ownership structure that will provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Exchange Act with respect to the Exchange and its directors, officers, employees and agents to the extent they are involved in its activities.

In addition, the proposed CHX Holdings Governing Documents and governing documents of the ICE Holding Companies contain provisions intended to protect and maintain the independence and integrity of the self-regulatory functions of the Exchange upon Closing. Such provisions include submitting such entities to the jurisdiction of the federal courts and the Commission; obligating them to comply with the federal securities laws and the rules and regulations thereunder; requiring directors to take into consideration the effect that the relevant entity's actions would have on the ability of the U.S. Exchanges, including the Exchange, to carry out their responsibilities under the Exchange Act; setting ownership and voting concentration limits on prospective owners; and imposing requirements regarding confidential information and books and records. In particular, the Exchange believes that the ownership and voting concentration limits preclude undue influence over or interference with the Exchange's self-regulatory functions and fulfillment of its regulatory duties under the Exchange

[85] 15 U.S.C. 78f(b).

[86] 15 U.S.C. 78f(b)(1).

Act. Accordingly, the Exchange believes that the proposed rule change is consistent with and will facilitate an ownership structure that will provide the Commission with appropriate oversight tools to ensure that the Commission will have the ability to enforce the Exchange Act with respect to the upstream governance of the Exchange.

The Exchange believes that the proposed change would enable the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange, because the proposed Bylaw Waiver Amendment, amendments to the governing documents of the Exchange and CHX Holdings, adoption of governing documents of the ICE Holding Companies as rules of the Exchange, and rule changes would effectuate the changes to the Exchange rules necessary to close the Transaction and provide for an efficient transition into a new organizational structure as soon as practicable after approval by the Commission of the proposed rule change. At the same time, because the Exchange is not proposing any significant changes to its existing operational and trading structure in connection with the change in ownership, the Exchange will operate in essentially the same manner upon Closing as it operates today. The Exchange believes this will provide consistency, predictability and clarity in its rules during the post-Closing transition, which would be beneficial to both investors and the public interest.

The Exchange believes that amending the CHX Bylaw and CHX Certificate provisions and CHX Article 2 governing the powers, composition and election of its Board would enable the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange, because the proposed changes would establish an organizational structure designed to ensure that the Exchange will be able to continue to discharge its obligations as an SRO pursuant to the Exchange Act. For the same reason, the Exchange believes that, by putting mechanisms in place such as the Rule 17d–2 Plan, RSA, Exception reporting requirements, procedures and internal controls, the proposed changes to CHX Article 19, Rule 2(b) would protect the independence of the Exchange's self-regulatory function and are designed to prevent ArcaSec from acting on non-public information regarding planned changes to Exchange systems obtained as a result of its affiliation with the Exchange, thereby enabling the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange. Similarly, the Exchange believes that the reporting requirements set forth in proposed CHX Article 22, Rule 28 would enable the Exchange to be so organized as to have the capacity to be able to carry out the purposes of the Exchange Act and to comply, and to enforce compliance by its exchange members and persons associated with its exchange members, with the provisions of the Exchange Act, the rules and regulations thereunder, and the rules of the Exchange, by ensuring ROC oversight of the trading of Affiliate Securities, through quarterly reports regarding the Exchange regulatory staff's monitoring of such trading. At the same time, all other provisions regarding the SRO function of the Exchange would remain substantively unchanged and in full force and effect prior to, during and after the Closing. The Exchange believes that would provide continuity in Exchange governance so as to facilitate the transition to the post-Closing governance structure, protecting and maintaining the independence of the self-regulatory functions of the Exchange and allowing it to continue to discharge its obligations as an SRO throughout any post-Closing transition.

The Exchange believes that the proposed amendments to Article II, Sections 2 and 3 of the CHX Bylaws and Article FIFTH of the CHX Certificate would be consistent with Section 6(b)(3) of the Exchange Act,[87] which is intended to give members a voice in the selection of an exchange's directors and the administration of its affairs. The proposed changes would require that at least 50 percent of the Board members be Public Directors, and at least 20 percent of the Board members be STP Participant Directors nominated by the Permit Holders. The proposed changes would provide that all Permit Holders have the same rights to participate in the Nominating Committee and the nomination of STP Participant Directors and, in the case of a contested nomination, the same voting rights. The Exchange believes that having a Nominating Committee made up of STP Participant Directors and/or Permit Holder representatives would increase Permit Holders' participation in the nomination process compared to the current NGC, which consists only of Board members.[88] The proposed nominating and voting process would be consistent with the process for nominating non-affiliated directors of NYSE National and NYSE Arca.[89] The requirement that the STP Participant Directors make up at least 20% of the Board members would be consistent with the requirements for the boards of directors of the NYSE Exchanges, as would the proposal to allow NYSE Group to determine the size of the Board.[90] For these reasons, the Exchange believes that the proposed change would provide for the fair representation of members in the administration of the affairs of the Exchange, including the rulemaking and the disciplinary process, through representation on the Board and its committees.

The Exchange also believes that the filing furthers the objectives of Section 6(b)(5) of the Exchange Act,[91] in that it would facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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,

[87] 15 U.S.C. 78f(b)(3).

[88] *See* CHX Bylaws, Article II, Section 3(a).

[89] *See* NYSE National Approval, *supra* note 24, and Securities Exchange Act Release No. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40).

[90] *See* NYSE National Approval, *supra* note 24; Securities Exchange Act Release Nos. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40); 59683 (April 1, 2007), 74 FR 15799 (April 7, 2009) (SR–NYSE–2009–12); and 58673 (September 29, 2008), 73 FR 57707 (October 3, 2008) (SR–Amex–2008–62). *See also* Securities Exchange Act Release No. 69869 (June 27, 2013), 78 FR 40252 (SR–NYSE–2013–32); 59683 (April 1, 2009). The rules of other SROs allow their member or shareholders, as applicable, to determine the size of their boards of directors. *See* Second Amended Limited Liability Company Agreement of The NASDAQ Stock Market LLC, Section 9(a); Amended and Restated By-laws of Miami International Securities Exchange, LLC, Article II, Section 2.2(a).

[91] 15 U.S.C. 78f(b)(4) and (5).

because the Exchange believes that the proposed amendments to the CHX Bylaws, CHX Certificate, and CHX Article 2 will promote consistency among the various governance documents of the NYSE Exchanges. The proposed amendments will make the framework and processes relating to the Exchange Board more similar to those of the NYSE Exchanges' boards of directors, in particular NYSE National and NYSE Arca, which have been well-established as fair and designed to protect investors and the public interest.[92]

In addition, by clearly stating that the stockholders determine the size of the Board; presenting the Board composition requirements, including how the minimum number of Non-Affiliated directors shall be calculated; and setting forth how the Board shall be elected, the proposed amendments to Article II, Sections 2 and 3 of the CHX Bylaws, Article FIFTH of the CHX Certificate and CHX Article 2 would contribute to the orderly operation of the Exchange by adding clarity, transparency and consistency to its rules.

The Exchange further believes that making non-substantive technical and conforming changes throughout the CHX Certificate, CHX Bylaws and CHX Article 2 to reflect the Exchange's proposed new ownership, including updating corporate names, defined terms, and cross references and removing an obsolete reference to the Board of Governors, removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having these references in the governing documents following the Transaction. The Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that persons subject to the Exchange's jurisdiction, regulators, and the investing public can more easily navigate and understand its governing documents. The Exchange further believes that the proposed changes would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion. Removing such obsolete references will also further the goal of transparency and add clarity to the Exchange's rules.

The Exchange believes that adopting proposed CHX Holdings Governing Documents that are based on the documents of the ICE Holding Companies generally, and NYSE Group specifically, and adopting governing documents of the ICE Holding Companies as rules of the Exchange, would facilitate a governance and regulatory structure that is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in 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, because it would create more equivalent governing standards among all of the Exchange's direct and indirect parents, creating consistency, predictability and clarity in its rules, which is beneficial to both investors and the public interest. The proposed amendments will make the framework of the Exchange's direct parent substantially similar to the relevant framework and processes of the ICE Holding Companies, which have been well-established as fair and designed to protect investors and the public interest.[93]

In addition, the Exchange believes that amending the ICE Independence Policy to reflect the change in ownership of the Exchange and to remove outdated or obsolete references will 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 by removing confusion that may results from having these references in the ICE Independence Policy, allowing persons subject to the Exchange's jurisdiction, regulators, and investors to more easily navigate and understand the policy.

The Exchange believes that adopting proposed CHX Holdings Governing Documents that are based on the documents of the ICE Holding Companies generally, and NYSE Group specifically, will promote consistency among the various governance documents of the Exchange's holding companies and facilitate the ability of the Commission to provide oversight regarding the upstream governance of the Exchange. The proposed CHX Holdings Governing Documents contain provisions intended to protect and maintain the independence and integrity of the self-regulatory functions of the Exchange upon Closing. As such, these provisions operate to assure that the Exchange's rules meet the statutory requirements of Section 6(b)(5) of the Exchange Act to promote just and equitable principles of trade and to protect investors and the public interest.

Moreover, the Exchange believes that the proposed affiliation between the Exchange and Archipelago will not result in unfair discrimination between Participants as Archipelago will not operate as a ''facility'' of the Exchange, as defined under Section 3(a)(2) of the Exchange Act,[94] and will continue to act, and be regulated by the Exchange, as a Participant on the same terms as any other Participant, apart from CHXBD. Accordingly, the Exchange submits that the proposed affiliation between the Exchange and Archipelago is consistent with the requirements of Section 6(b)(5) of the Exchange Act.[95]

Finally, the Exchange believes that, the proposed changes to CHX Article 19, Rule 2(b) and new CHX Article 22, Rule 28 would remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest, as after the Closing CHX Article 19, Rule 2(b)[it] will allow the routing of orders from affiliated exchanges to the Exchange. At the same time, by putting mechanisms in place such as the Rule 17d–2 Plan, RSA, Exception reporting requirements, procedures and internal controls, the Exchange believes that the proposed changes would protect the independence of the Exchange's self-regulatory function and are designed to prevent ArcaSec from acting on non-public information regarding planned changes to Exchange systems obtained as a result of its affiliation with the Exchange. Similarly, the Exchange believes that proposed CHX Article 22, Rule 28 would remove impediments to, and perfect the mechanism of a free and open market and a national market system and, in general, protect investors and the public interest, because the reporting requirements set forth in Rule 28 would ensure ROC oversight of the trading of Affiliate Securities through quarterly reports regarding the Exchange regulatory staff's monitoring of such trading. The Exchange believes that the differences between proposed CHX Article 22, Rule 28 and the rules of NYSE and NYSE American would promote just and equitable principles of trade because the Exchange will not be a primary listing venue and has

[92] *See* NYSE National Approval, *supra* note 24, and Securities Exchange Act Release No. 81419 (August 17, 2017), 82 FR 40044 (August 23, 2017) (SR–NYSEArca–2017–40).

[93] *See supra* note 43.

[94] 15 U.S.C. 78c(b)(2).

[95] 15 U.S.C. 78f(b)(5).

represented in proposed CHX Article 22, Rule 28 that no Affiliate Security will be listed on the Exchange.

For these reasons, the Exchange believes that the proposal is consistent with the Exchange Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Exchange Act,[96] the Exchange believes that the proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act. The rule change is being proposed in connection with the Transaction that would, upon completion, change the ownership structure of CHX Holdings.

Indeed, the Exchange believes that the proposed rule change will enhance competition among trading venues, as the Exchange believes that the Transaction will result in various synergies and efficiencies. For example, the Transaction will allow CHX to utilize Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the NYSE Exchanges.[97] The potential use of a single technology platform may also reduce investors' costs of connecting to and using the CHX and the NYSE Exchanges, including through the combination of data centers and market data services. The Exchange expects that the synergies and efficiencies will benefit it by reducing CHX's and the NYSE Exchanges' combined costs, creating the opportunity to further reduce costs to their respective members and other constituents.

The Exchange notes that the Exchange and the NYSE Exchanges generally operate with different business models and target different customer bases, limiting any concern that the Transaction could burden competition. Therefore, the Exchange expects that the Transaction will benefit investors, issuers, shareholders and the market as a whole. The Exchange will continue to conduct regulated activities (including operating and regulating its market and members) of the type it currently conducts, but will be able to do so in a more efficient manner to the benefit of its members. These efficiencies will pass through to the benefit of investors and issuers, promoting further efficiencies, competition and capital formation, placing no burden on competition not necessary or appropriate in furtherance of the Exchange Act.

Furthermore, the Exchange notes that the proposed rule change presents no novel issues, as all of the proposed rule text is derived from existing rules of the NYSE Exchanges or, in the case of the Bylaw Waiver Amendment, the Exchange. The Exchange's conclusion that the proposed rule change would not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act is consistent with the Commission's prior conclusions about similar combinations involving multiple exchanges in a single corporate family.[98]

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as modified by Amendment No. 1, 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–CHX–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–CHX–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 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–CHX–2018–004, and should be submitted on or before June 19, 2018.

[96] 15 U.S.C. 78f(b)(8).

[97] *See, e.g.,* Securities Exchange Act Release No. 82819 (March 7, 2018), 83 FR 11098 (March 13, 2018) (SR–NYSENAT–2018–02).

[98] *See, e.g.,* NYSE National Approval, *supra* note 24; Securities Exchange Act Release Nos. 79585 (December 16, 2016), 81 FR 93988 (December 22, 2016 (SR–BatsBZX–2016–68; SR–BatsBYX–2016–29; SR–BatsEDGA–2016–24; SR–BatsEDGX– 2016–60) (order granting approval of proposed rule change in connection with the proposed corporate transaction involving Bats Global Markets, Inc. and CBOE Holdings, Inc.); 71375 (January 23, 2014), 79 FR 4771 (January 29, 2014) (SR–BATS–2013–059; SR–BYX–2013–039) (order granting approval of proposed rule change in connection with the proposed business combination involving BATS Global Markets, Inc. and Direct Edge Holdings LLC); 58324 (August 7, 2008), 73 FR 46936 (August 12, 2008) (SR–BSE–2008–02; SR–BSE–2008–23; SR–BSE–2008–25; SR–BSECC–2008–01) (order granting approval of proposed rule change in connection with the proposed acquisition of Boston Stock Exchange, Incorporated by the NASDAQ OMX Group, Inc.); and 53382 (February 27, 2006), 71 FR 11251 (March 6, 2006) (SR–NYSE–2005–77) (order granting approval of proposed rule change relating to the NYSE's business combination with Archipelago Holdings, Inc.).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[99]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83309; File No. SR–BOX–2018–19]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Market LLC (''BOX'') Options Facility To Amend Drop Copy Port Fees

May 23, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 16, 2018, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal 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 the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule t [sic] on the BOX Market LLC (''BOX'') options facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Section VI.B.3 (Drop Copy) of the BOX Fee Schedule. Specifically, the Exchange proposes to add language that states that drop copy fees will be capped at $2,000 per month. The Exchange notes that BOX will continue to assess Drop Copy Port Fees of $500 per port per month for each month a Participant is credentialed to use a Drop Copy Port, subject to the $2,000 cap.[5]

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed drop copy fee cap is reasonable, equitable and not unfairly discriminatory. The Exchange recently established Port Fees for Participants.[7] BOX Participants are currently charged $500 per port per month for each month a Participant is credentialed to use a Drop Copy Port. After further review, the Exchange now proposes to cap Drop Copy Port Fees at $2,000 per month. The purpose of this change is due to the different technology architecture used by various BOX Participants.[8] Further, BOX believes that the proposed change is reasonable as other options exchanges have similar fee caps.[9] Lastly, the Exchange believes that the proposed change is equitable and not unfairly discriminatory because the fee cap will apply to all BOX Participants, regardless of account type.

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. Instead the proposed change will allow the Exchange to not impose significant costs for Participants with legacy drop copy connections. Further, the Exchange does not believe that capping the Drop Copy Port Fees will impose an undue burden on intra-market competition because all Participants are eligible for the fee cap.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [10] and Rule 19b–4(f)(2) thereunder,[11] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further 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:

[99] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] BOX Participants connected to a port as of the last trading day of each calendar month will be charged the applicable port fee for that month.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] *See* Securities Exchange Act Release No. 83197 (May 9, 2018), 83 FR 22567 (May 15, 2018)(SR–BOX–2018–15).

[8] The Exchange notes that some Participants are impacted differently by the current Drop Copy Port Fee because of the number of legacy connections to the Drop Copy Port. As such, the Exchange is proposing the fee cap in order to avoid significant fees for certain Participants due to these connections.

[9] *See* Nasdaq BX, Inc. (''BX'') Fee Schedule. BX charges $500 per port, per month for their FIX Drop Port, but caps their monthly fees in the aggregate for their Ports (including FIX Port, CTI Port, FIX DROP Port, BX Depth Port and BX TOP Port) at $7,500 per month.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2018–19 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2018–19. 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–BOX–2018–19, and should be submitted on or before June 19, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2018–11499 Filed 5–25–18; 8:45 am]

BILLING CODE 8011–01–P

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33103; 812–14885]

DMS ETF Trust I, et al.

May 22, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) actively-managed series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds; and (f) certain Funds (''Feeder Funds'') to create and redeem Creation Units in-kind in a master-feeder structure.

APPLICANTS: DMS ETF Trust I and DMS ETF Trust II (each a ''Trust'' and together, the ''Trusts''), each a Delaware statutory trust that will be registered under the Act as an open-end management investment company with multiple series, and DMS ETF Solutions, LLC (''Initial Adviser''), a Delaware limited liability company that will be registered as an investment adviser under the Investment Advisers Act of 1940.

FILING DATES: The application was filed on March 12, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 18, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090; Applicants: Michael W. Mundt, Esq. and Matthew R. DiClemente, Esq., Stradley Ronon Stevens & Young, LLP, 1250 Connecticut Avenue NW, Ste. 500, Washington, DC 20036; William H. Woolverton, DMS ETF Solutions, LLC, 130 West 42nd Street, Ste. 1050, New York, NY 10036.

FOR FURTHER INFORMATION CONTACT: Matthew B. Archer-Beck, Senior Counsel, at (202) 551–5044, or Kaitlin C. Bottock, Branch Chief, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as actively-managed exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant,'' which will have signed a participant agreement with a broker-dealer registered under the Securities

[1] Applicants request that the order apply to the Initial Funds, as well as to future series of either Trust, and any other open-end management investment companies or series thereof (each, included in the term ''Fund''), each of which will operate as an actively-managed ETF. Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.

Exchange Act of 1934 (''Exchange Act'') (the ''Distributor''). Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will consist of a portfolio of securities and other assets and investment positions (''Portfolio Instruments''). Each Fund will disclose on its website the identities and quantities of the Portfolio Instruments that will form the basis for the Fund's calculation of NAV at the end of the day.

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that hold non-U.S. Portfolio Instruments and that effect creations and redemptions of Creation Units in kind, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit a person who is an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those Portfolio Instruments currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[2] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund (''Master Fund'') beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11365 Filed 5–25–18; 8:45 am]

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[2] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an investment adviser to the Funds is also an investment adviser to a Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83305; File No. SR–OCC–2017–811]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of No Objection To Advance Notice Filing Concerning The Options Clearing Corporation's Margin Methodology

May 23, 2018.

I. Introduction

On November 13, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2017–811 (''Advance Notice'') pursuant to Section 806(e)(1) of the Payment, Clearing, and Settlement Supervision Act of 2010 (''Payment Supervision Act'') [1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Exchange Act'') [2] to propose several enhancements to OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS''), OCC's proprietary risk management system that calculates clearing member margin requirements.[3] The proposed changes would modify OCC's margin methodology to: (1) Obtain daily price data for equity products (including daily corporate action-adjusted returns of equities where prices and thus returns of securities are adjusted for any dividends issued, stock splits, etc.) for use in the daily estimation of econometric model parameters; (2) enhance its econometric model for updating statistical parameters (*e.g.,* parameters concerning correlations or volatility) for all risk factors that reflect the most recent data obtained; (3) improve the sensitivity and stability of correlation estimates across risk factors by using de-volatized [4] returns (but using a 500 day look back period); and (4) improve OCC's methodology related to the treatment of defaulting securities [5] that would result in stable and realistic risk estimates for such securities.[6] The Advance Notice was published for comment in the **Federal Register** on December 27, 2017.[7] On January 11, 2018, the Commission requested OCC provide it with additional information regarding the Advance Notice.[8] OCC responded to this request for information on January 23, 2018.[9] On March 22, 2018, the Commission determined that the Advance Notice raises complex issues because OCC proposes to make detailed, substantial, and numerous changes to its margin methodology.[10] As such, the Commission extended review period of the Advance Notice until May 23, 2018.[11] As of May 23, 2018, the Commission has received one comment letter on the proposal contained in the Advance Notice.[12] This publication serves as notice of no objection to the Advance Notice.

II. Background [13]

OCC's Current Margin Methodology

OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS''), calculates clearing member margin requirements.[14] STANS utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a clearing member's margin requirement.[15] The STANS margin requirement is calculated at the portfolio level of clearing member accounts with positions in marginable securities and consists of an estimate of a 99% expected shortfall [16] over a two-day time horizon and an add-on margin charge for model risk (the concentration/dependence stress test charge).[17] The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.[18]

A ''risk factor'' within OCC's margin system may be defined as a product or attribute whose historical data are used to estimate and simulate the risk for an associated product.[19] The majority of risk factors utilized in the STANS methodology are total returns on individual equity securities. Other risk factors considered include: Returns on equity indexes; returns on implied volatility risk factors that are a set of nine chosen volatility pivots per product; changes in foreign exchange rates; securities underlying equity-based products; and changes in model parameters that sufficiently capture the model dynamics from a larger set of data.[20]

Under OCC's current margin methodology, OCC obtains monthly price data for most of its equity-based products from a third-party vendor.[21] This data arrive around the second week of every month in arrears and require approximately four weeks for OCC to process prior to installing into OCC's margin system.[22] As a result, correlations and statistical parameters for risk factors at any point in time represent stale data and therefore may not be representative of the most recent market data.[23] In the absence of daily updates, OCC employs an approach

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[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated OCC a systemically important financial market utility (''SIFMU'') on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *available at http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, OCC is required to comply with the Payment Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] *See* Notice *infra* note 7, at 82 FR 61355.

[4] De-volatization is a process of normalizing historical data with the associated volatility thus facilitating comparison between different sets of data.

[5] Within the context of OCC's margin system, securities that do not have enough historical data for calibration are classified as ''defaulting securities.'' *See* Notice, 82 FR at 61355, note 15.

[6] *See* Notice *infra* note 7, at 82 FR 61354.

[7] Exchange Act Release No. 82371 (Dec. 20, 2017), 82 FR 61354 (Dec. 27, 2017) (SR–OCC–2017–811) (''Notice''). On November 13, 2017, OCC also filed a related proposed rule change (SR–OCC–2017–022) with the Commission pursuant to Exchange Act Section 19(b)(1) and Rule 19b-4 thereunder, seeking approval of changes to its rules necessary to implement the proposal contained in the Advance Notice (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The Proposed Rule Change was published in the **Federal Register** on December 4, 2017. Exchange Act Release No. 82161 (Nov. 28, 2017), 82 FR 57306 (Dec. 4, 2017) (SR–OCC–2017–022).

[8] *See* Memorandum from Office of Clearance and Settlement, Division of Trading and Markets, dated January 12, 2018, *available at https://www.sec.gov/comments/sr-occ-2017-811/occ2017811.htm.*

[9] *See* Memorandum from Office of Clearance and Settlement, Division of Trading and Markets, dated March 6, 2018, *available at https://www.sec.gov/comments/sr-occ-2017-811/occ2017811.htm.*

[10] *See* Extension Notice, 82 FR at 13315.

[11] *Id.*

[12] *See* letter from Michael Kitlas, dated November 28, 2017, to Eduardo A. Aleman, Assistant Secretary, Commission, *available at https://www.sec.gov/comments/sr-occ-2017-022/occ2017022.htm* (''Kitlas Letter''). After reviewing the Kitlas Letter, the Commission believes that it is nonresponsive to the Advance Notice and therefore outside the scope of the proposal.

Since the proposal contained in the Advance Notice was also filed as a proposed rule change, all public comments received on the proposal are considered regardless of whether the comments are submitted on the Proposed Rule Change or the Advance Notice.

[13] The description of the background of the proposal is substantially excerpted from the Notice. *See* Notice, 82 FR at 61355.

[14] *See* Exchange Act Release No. 53322 (Feb. 15, 2006), 71 FR 9403 (Feb. 23, 2006) (File No. SR–OCC–2004–20).

[15] *See* OCC Rule 601; *see also* Notice, 82 FR at 61355.

[16] *See* Notice, 82 FR at 61355.

The expected shortfall component is established as the estimated average of potential losses higher than the 99% value at risk threshold. *See* Notice, 82 FR at 61355, note 8.

[17] *See* Notice, 82 FR at 61355. A detailed description of the STANS methodology is *available at http://optionsclearing.com/risk-management/margins/. See* Notice, 82 FR at 61355, note 9.

[18] *See* Notice, 82 FR at 61355.

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

where one or more identified market proxies (or ''scale-factors'') are used to incorporate day-to-day market volatility across all associated asset classes throughout.[24] The scale-factor approach, however, assumes a perfect correlation of the volatilities between the security and its scale-factor, which gives little room to capture the idiosyncratic risk of a given security and is different from the broad market risk represented by the scale-factor.[25]

In addition, OCC imposes a floor on volatility estimates for its equity-based products using a 500-day look back period.[26] OCC believes that using monthly price data, coupled with the dependency of margins on scale-factors and the volatility floor can result in imprecise changes in margins charged to clearing members, specifically across periods of heavy volatility when the correlation between the risk factor and a scale-factor fluctuate.[27]

OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly data described above, resulting in a similar lag time between updates.[28] In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factor in the chosen pair.[29] Accordingly, OCC believes that the current approach results in potentially less stable correlation estimates that may not be representative of current market conditions.[30]

Finally, under OCC's existing margin methodology, theoretical price scenarios for ''defaulting securities'' [31] are simulated using uncorrelated return scenarios with an average zero return and a pre-specified volatility called ''default variance.'' [32] The default variance is estimated as the average of the top 25 percent quantile of the conditional variances of all securities.[33] As a result, OCC believes that these default estimates may be impacted by extremely illiquid securities with discontinuous data.[34] In addition, OCC believes that the default variance (and the associated scale-factors used to scale up volatility) is also subject to sudden jumps across successive months because it is derived from monthly data updates, as opposed to daily updates, which are prone to wider fluctuations and are subject to adjustments using scale-factors.[35]

III. Description of the Proposal in the Advance Notice [36]

The Advance Notice proposes changes to OCC's margin methodology, STANS. More specifically, OCC proposes to: (1) Obtain daily price data for equity products (including daily corporate action-adjusted returns of equities where price and thus returns of securities are adjusted for any dividends issued, stock splits, etc.) for use in the daily estimation of econometric model parameters; (2) enhance its econometric model for updating statistical parameters (*e.g.,* parameters concerning correlations or volatility) for all risk factors that reflect the most recent data obtained; (3) improve the sensitivity and stability of correlation estimates across risk factors by using de-volatized [37] returns (but using a 500 day look back period); and (4) improve OCC's methodology related to the treatment of defaulting securities [38] that would result in stable and realistic risk estimates for such securities.

As a general matter, OCC believes that introducing daily updates for price data would result in more accurate margin requirements that are based off of the most recent market data. OCC also believes that the other model enhancements would, among other things, improve OCC's approach to estimating covariance and correlations between risk factors in an effort to achieve more accurate and timely correlation estimations.[39] OCC further represents that the proposed changes would improve OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates. Each of these proposals is discussed in more detail below.

1. Daily Updates of Price Data

OCC proposes to introduce daily updates for price data for equity products, including daily corporate action-adjusted returns of equities, Exchange Traded Funds (''ETFs''), Exchange Traded Notes (''ETNs'') and certain indexes.[40] OCC believes that the proposed change would help ensure that OCC's margin methodology is reliant on data that is more representative of current market conditions, thereby resulting in more accurate and responsive margin requirements.[41] In addition, OCC believes that the introduction of daily price updates would enable OCC's margin methodology to better capture both market and idiosyncratic risk by allowing for daily updates to the parameters associated with the econometric model (discussed below) that captures the risk associated with a particular product, and therefore help ensure that OCC's margin requirements are based on more current market conditions.[42] As a result, OCC would also reduce its reliance on the use of scale-factors to incorporate day-to-day market volatility, which OCC believes give little room to capture the idiosyncratic risk of a given security and is different from the broad market risk represented by the scale-factor.[43]

2. Proposed Enhancements to the Econometric Model

In addition to introducing daily updates for price and corporate action-adjusted returns data, OCC is proposing enhancements to its econometric model for calculating statistical parameters for all qualifying risk factors that reflect the most recent data obtained (*e.g.,* OCC would be able to calculate parameters such as volatility and correlations on a daily basis using the new daily price data discussed above). More specifically, OCC proposes to enhance its econometric model by: (i) Introducing daily updates for statistical parameters; (ii) introducing features in its econometric model that are designed to take into account asymmetry in the model used to forecast volatility associated with a risk factor ; (iii) modifying the statistical distribution

[24] *Id.*

[25] *Id.*

[26] *See* Notice, 82 FR at 61355.

In risk management, it is a common practice to establish a floor for volatility at a certain level in order to protect against procyclicality in the model. *See* Notice, 82 FR at 61355, note 14.

[27] *See* Notice, 82 FR at 61355.

[28] *Id.*

[29] *Id.*

[30] *Id.*

[31] *See supra* note 5.

[32] *See* Notice, 82 FR at 61355.

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] The description of the proposal is substantially excerpted from the Notice. *See* Notice, 82 FR at 61356–61358.

In addition to the proposed methodology changes described herein, OCC also would make some clarifying and clean-up changes, unrelated to the proposed changes described herein, to update its margin methodology to reflect existing practices for the daily calibration of seasonal and non-seasonal energy models and the removal of methodology language for certain products that are no longer cleared by OCC. *See* Notice, 82 FR at 61356, note 17.

[37] De-volatization is a process of normalizing historical data with the associated volatility thus facilitating comparison between different sets of data.

[38] *See supra* note 5.

[39] OCC's covariance and correlation analytics estimate whether risk factors are positively or inversely related and to what extent any relationship exists.

[40] *See* Notice, 82 FR at 61356.

[41] *Id.*

[42] *Id.*

[43] *Id.*

used to model the returns of equity prices; (iv) introducing a second-day forecast for volatility into the model to estimate the two-day scenario distributions for risk factors; and (v) imposing a floor on volatility estimates using a 10-year look back period. These proposed model enhancements are described in detail below.

i. Daily Updates for Statistical Parameters

Under the proposal, the statistical parameters for the model would be updated on a daily basis using the new daily price data obtained by OCC from a reliable third-party (as described above).[44] As a result, OCC would no longer need to rely on scale-factors to approximate day-to-day market volatility for equity-based products.[45] OCC believes that calibrating statistical parameters on a daily basis would allow OCC to calculate more accurate margin requirements that represent the most recent market data.[46]

ii. Proposed Enhancements To Capture Asymmetry in Conditional Variance

The current approach for forecasting the conditional variance for a given risk factor does not consider the asymmetric volatility phenomenon observed in financial markets (also called the ''leverage effect'') where volatility is more accurate and timely and reactive to market downturns.[47] Under the proposal, OCC would amend its econometric model to include new features (*i.e.,* incorporating asymmetry into its forecast volatility) designed to allow the conditional volatility forecast to be more accurate and timely to market downturns and thereby capture the most significant dynamics of the relationship between price and volatility observed in financial markets.[48] OCC believes the proposed enhancement would result in more accurate and responsive margin requirements, particularly in market downturns.[49]

iii. Proposed Change in Statistical Distribution

OCC also proposes to change the statistical distribution used to model the returns of equity prices. OCC's current methodology uses a fat tailed distribution [50] (the Student's t-distribution) to model returns; [51] however, price scenarios generated using very large log-return scenarios (positive) that follow this distribution can approach infinity and could potentially result in excessively large price jumps, a known limitation of this distribution.[52] Under the proposal, OCC would adopt a more defined distribution (Standardized Normal Reciprocal Inverse Gaussian or NRIG) for modeling returns, which OCC believes would more appropriately simulate future returns based on the historical price data for the products in question and allows for more appropriate modeling of fat tails.[53] As a result, OCC believes that the proposed change would lead to more consistent treatment of log returns both on the upside as well as downside of the distribution.[54]

iv. Second Day Volatility Forecast

OCC further proposes to introduce a second-day forecast for volatility into the econometric model to estimate the two-day scenario distributions for risk factors.[55] Under the current methodology, OCC typically uses a two-day horizon to determine its risk exposure to a given portfolio.[56] This is done by simulating 10,000 theoretical price scenarios for the two-day horizon using a one-day forecast conditional variance; the value at risk and expected shortfall components of the margin requirement are then determined from the simulated profit/loss distributions.[57] These one-day and two-day returns scenarios are both simulated using the one-day forecast conditional variance estimate.[58] OCC believes that this could lead to a risk factor's coverage differing substantially on volatile trading days.[59] As a result, OCC proposes to introduce a second-day forecast variance for all equity-based risk factors.[60] The second-day conditional variance forecast would be estimated for each of the 10,000 Monte Carlo returns scenarios, resulting in more accurately estimated two-day scenario distributions, and therefore more accurate and responsive margin requirements.[61]

v. Anti-Procyclical Floor for Volatility Estimates

In addition, OCC proposes to modify its floor for volatility estimates. OCC currently imposes a floor on volatility estimates for its equity-based products using a 500-day look back period.[62] Under the proposal, OCC would extend this look back period to 10 years (2520 days) in the enhanced model and apply this floor to volatility estimates for other products (excluding implied volatility risk factor scenarios).[63] OCC believes that using a longer 10-year look back period will help ensure that OCC captures sufficient historical events/market shocks in the calculation of its anti-procyclical floor.[64]

3. Proposed Enhancements to Correlation Estimates

As described above, OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly price data feeding the econometric model, resulting in a similar lag time between updates.[65] In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factor in the chosen pair.[66] The current approach therefore results in correlation estimates being sensitive to volatile historical data.[67]

In order to address these limitations, OCC proposes to enhance its methodology for calculating correlation estimates by moving to a daily process for updating correlations (with a minimum of one week's lag) to help ensure clearing member account margins are more current and thus more accurate.[68] Moreover, OCC proposes to enhance its approach to modeling correlation estimates by de-volatizing [69] the returns series to estimate the correlations.[70] Under the proposed approach, OCC would first consider the returns excess of the mean (*i.e.,* the average estimated from historical data sample) and then further scale them by the corresponding estimated conditional

[44] *See* Notice, 82 FR at 61356. OCC notes that this change would apply to most risk factors with the exception of certain equity indexes, Treasury securities, and energy futures products, which are already updated on a daily basis. *See* Notice, 82 FR 61356, at note 18.

[45] *See* Notice, 82 FR at 61356.

[46] *Id.*

[47] *See* Notice, 82 FR at 61357.

[48] *Id.*

[49] *Id.*

[50] A data set with a ''fat tail'' is one in which extreme price returns have a higher probability of occurrence than would be the case in a normal distribution. *See* Notice, 82 FR at 61357, note 21.

[51] *See* Notice, 82 FR at 61357.

[52] *Id.*

[53] *Id.*

[54] *Id.*

[55] *Id.* This proposed change would not apply to STANS implied volatility scenario risk factors. For those risk factors, OCC's existing methodology would continue to apply. *See* Notice, 82 FR at 61357, note 23.

[56] *See* Notice, 82 FR at 61357.

[57] *Id.*

[58] *Id.*

[59] *Id.*

[60] *Id.*

[61] *Id.*

[62] *Id.*

[63] *Id.*

[64] *Id.*

[65] *Id.*

[66] *Id.*

[67] *Id.*

[68] *Id.*

[69] *Id.*

[70] *Id.*

variances.[71] OCC believes that using de-volatized returns would lead to normalizing returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable.[72]

4. Defaulting Securities Methodology

Under the proposal, OCC would enhance its methodology for estimating the defaulting variance in its model.[73] OCC's margin system is dependent on market data to determine clearing member margin requirements.[74] Securities that do not have enough historical data are classified as ''defaulting securities'' within OCC systems.[75] As noted above, within current STANS systems, the theoretical price scenarios for defaulting securities are simulated using uncorrelated return scenarios with a zero mean and a default variance, with the default variance being estimated as the average of the top 25 percent quantile of the conditional variances of all securities.[76] As a result, these default estimates may be impacted by extremely illiquid securities with discontinuous data.[77] In addition, the default variance (and the associated scale-factors used to scale up volatility) is also subject to sudden jumps across volatile months.[78] To mitigate these concerns, OCC proposes to: (i) Use only optionable equity securities to estimate the defaulting variance; (ii) use a shorter time series to enable calibration of the model for all securities; and (iii) simulate default correlations with the driver Russell 2000 index (''RUT'').[79]

i. Proposed Modifications to Securities and Quantile Used in Estimation

Under the proposal, only optionable equity securities, which are typically more liquid, would be considered while estimating the default variance.[80] This limitation would eliminate from the estimation almost all illiquid securities with discontinuous data that could contribute to high conditional variance estimates and thus a high default variance.[81] In addition, OCC proposes to estimate the default variance as the lowest estimate of the top 10% of the floored conditional variance across the risk factors.[82] OCC believes that this change in methodology would help ensure that while the estimate is aggressive it is also robust to the presence of outliers caused by a few extremely volatile securities that influence the location parameter of a distribution.[83] Moreover, as a consequence of the daily updates described above, the default variances would change daily and there would be no scale-factor to amplify the effect of the variance on risk factor coverage.[84]

ii. Proposed Change in Time Series

Under the proposal, OCC would use a shorter time series to enable calibration of the model for all securities.[85] Currently, OCC does not calibrate parameters for defaulting securities that have historical data of less than two years.[86] OCC is proposing to shorten this time period to approximately 6 months (180 days) to enable calibration of the model for all securities within OCC systems.[87] OCC believes that this shorter time series is sufficient to produce stable calibrated parameters.[88]

iii. Proposed Default Correlation

Under the proposal, returns scenarios for defaulting securities[89] would be simulated using a default correlation with the driver RUT.[90] The default correlation of the RUT index is roughly equal to the median of all positively correlated securities with the index.[91] Since 90% of the risk factors in OCC systems correlate positively to the RUT index, OCC would only consider those risk factors to determine the median.[92] OCC believes that the median of the correlation distribution has been steady over a number of simulations and is therefore proposing that it replace the current methodology of simulating uncorrelated scenarios, which OCC believes is not a realistic approach.[93]

IV. Discussion and Commission Findings

Although the Act does not specify a standard of review for an advance notice, the stated purpose of the Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for SIFMUs and strengthening the liquidity of SIFMUs.[94]

Section 805(a)(2) of the Act[95] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Act[96] provides the following objectives and principles for the Commission's risk-management standards prescribed under Section 805(a):

- To promote robust risk management;
- to promote safety and soundness;
- to reduce systemic risks; and
- to support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among others areas.[97]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Act and the Exchange Act (the ''Clearing Agency Rules'').[98] The Clearing Agency Rules require, among other things, each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for operations and risk-management practices on an ongoing

[71] *Id.*
[72] *Id.*
[73] *Id.*
[74] *See* Notice, 82 FR at 61357–61358.
[75] *See* Notice, 82 FR at 61358.
[76] *Id.*
[77] *Id.*
[78] *Id.*
[79] *Id.*
[80] *Id.*
[81] *Id.*
[82] *Id.*
[83] *Id.*
[84] *Id.*
[85] *Id.*
[86] *Id.*
[87] *Id.*
[88] *Id.*
[89] *See supra* note 5.
[90] *See* Notice, 82 FR at 61358. OCC notes that, in certain limited circumstances where there are reasonable grounds backed by the existing return history to support an alternative approach in which the returns are strongly correlated with those of an existing risk factor (a ''proxy'') with a full price history, OCC's margin methodology allows its Financial Risk Management staff to construct a ''conditional'' simulation to override any default treatment that would have otherwise been applied to the defaulting security. *See* Notice, 82 FR at 61358, note 26.
[91] *See* Notice, 82 FR at 61358.
[92] *Id.*
[93] *Id.*
[94] *See* 12 U.S.C. 5461(b).
[95] 12 U.S.C. 5464(a)(2).
[96] 12 U.S.C. 5464(b).
[97] 12 U.S.C. 5464(c).
[98] 17 CFR 240.17Ad–22. *See* Securities Exchange Act Release No. 68080 (October 22, 2012), 77 FR 66220 (November 2, 2012) (S7–08–11). *See also* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14) (''Covered Clearing Agency Standards''). The Commission established an effective date of December 12, 2016, and a compliance date of April 11, 2017, for the Covered Clearing Agency Standards. On March 4, 2017, the Commission granted covered clearing agencies a temporary exemption from compliance with Rule 17Ad–22(e)(3)(ii) and certain requirements in Rules 17Ad–22(e)(15)(i) and (ii) until December 31, 2017, subject to certain conditions. OCC is a ''covered clearing agency'' as defined in Rule 17Ad–22(a)(5).

basis.[99] As such, it is appropriate for the Commission to review advance notices for consistency with the objectives and principles for risk-management standards described in the Clearing Agency Rules.

A. Consistency With Section 805(b) of the Act

The Commission believes that the proposal contained in OCC's Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Act. Specifically, as discussed below, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of credit risk and promoting safety and soundness, which in turn, would help reduce systemic risks and support the stability of the broader financial system.[100]

The Commission believes that the proposed changes promote robust risk management by enhancing OCC's margin methodology for the reasons set forth below.

First, as noted above, the STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral on behalf of its clearing members, which allows OCC to calculate its clearing members' margin requirements. Currently, STANS makes these calculation based on monthly price data obtained from a third-party vendor. To make the calculations more accurate and representative of recent market data, OCC proposes to amend its margin methodology to require the use of daily updates for equity price data instead of monthly updates, thereby reducing OCC's reliance on scale-factors.[101] Accordingly, the Commission believes that changing to daily price data updates would result in more accurate and timely estimations of OCC's clearing members' margin requirements.

Second, the proposal discussed above to amend OCC's margin methodology to require the use of daily updates for price data would allow for updates to the margin model's statistical parameters on a daily, instead of monthly, basis.[102] Similarly, the proposal would also amend STANS to introduce other features that would improve the accuracy of its models and, consequently, produce risk exposure and margin requirement calculations that better reflect current market conditions. For example, the proposal would: (i) Amend STANS to account for the asymmetric volatility phenomenon observed in financial markets and allow for conditional volatility forecast to be more accurate and timely to market downturns;[103] (ii) amend the statistical distribution for modeling equity price returns to more appropriately model fat tails and, consequently, more accurately model returns; (iii) introduce a second-day volatility forecast into the model to provide for more accurate and timely estimations of its two-day scenario distributions then currently provided by its one-day forecast variance; and (iv) amend STANS to impose a volatility floor using a 10-year look back period to reduce procyclicality in the margin model by capturing sufficient market events in its calculations. Accordingly, the Commission believes that the introduction of enhancements to improve the accuracy of the STANS margin models would enable OCC to more effectively calculate clearing members' margin requirements.

Third, as described earlier, OCC proposes to enhance its approach to model correlation estimates by moving to a daily process for updating correlations and by de-volatizing the return series to estimate the correlations. This change is intended to lead to normalized returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable. Accordingly, the Commission believes that updating the correlations daily and de-volatizing the return series to reduce the estimator's sensitivity to market jumps promotes more accurate and robust models within the STANS methodology.

Finally, to enhance its methodology for estimating the defaulting securities in its model, OCC proposes to: (i) Modify the method for estimating the default variance to include only optionable equity securities; (ii) use a shorter time series of six months instead of two years to enable calibration of the model for all securities within OCC systems; and (iii) simulate return scenarios for defaulting securities assuming a default correlation with the driver RUT. Accordingly, the Commission believes these changes will mitigate the effect that extremely illiquid securities with discontinuous data can have on OCC's default estimates, while further decreasing the degree to which the default variance is subject to sudden jumps across volatile months.

Taken together, the Commission believes that these proposals would improve the accuracy of OCC's credit exposure calculations and, consequently, OCC's calculations of its clearing members' margin requirements. Therefore, the Commission believes the changes proposed in the Advance Notice would promote robust risk management, consistent with Section 805(b) of the Act.[104]

The Commission further believes that the proposed changes would help promote safety and soundness, reduce systemic risk and support the stability of the broader financial system. As described above, the proposed changes are designed to better limit OCC's credit exposure to the clearing members in the event of a clearing member default. More specifically, the daily updates of the pricing data, the enhancements to the econometric model, and the enhancements to the correlation estimates promote more accurate and stable model measurements that have less volatility. Moreover, the enhancements to the defaulting securities methodology will decrease the manner in which the default estimates are affected by illiquid securities and reducing the amount to which the default variance is subject to sudden jumps.

By better limiting credit exposure to its clearing members, OCC's proposed changes are designed to help ensure that, in the event of a clearing member default, OCC's operations would not be disrupted and that its SIFMU functions would therefore be able to continue in a safe and sound manner. Furthermore, the ongoing safe and sound functioning of OCC via an enhanced ability to determine margin requirements should help ensure that non-defaulting clearing members would not be exposed to losses that they cannot anticipate or control. As such, the Commission finds that the proposed changes are consistent with the promotion of safety and soundness, which in turn, would reduce systemic risks and support the stability of the broader financial system, consistent with Section 805(b) of the Act.[105]

Therefore, the Commission believes the changes proposed in the Advance Notice are consistent with Section 805(b) of the Act.[106]

B. Consistency With Exchange Act Rule 17Ad–22(e)(6)

The Commission believes that the changes proposed in the Advance

[99] 17 CFR 240.17Ad–22.

[100] 12 U.S.C. 5464(b).

[101] *See supra* note 40.

[102] *See supra* note 40.

[103] *See* Notice, 82 FR at 61357.

[104] 12 U.S.C. 5464(b).

[105] *Id.*

[106] *Id.*

Notice are consistent with Rule 17Ad–22(e)(6) under the Exchange Act, which requires that OCC establish, implement, maintain, and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things: (i) Considers, and produces margin levels commensurate with the risks and particular attributes of each relevant product, portfolio, and market; (ii) 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; and (iii) uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data is not readily available or reliable.[107]

As described above, the proposal contained in the Advance Notice would make several amendments to OCC's margin methodology designed to improve how it: (i) Accounts for asymmetry in conditional variance; [108] (ii) models the statistical distribution of price returns; [109] (iii) models second-day volatility forecasts; [110] (iv) estimates covariance and correlations between risk factors to provide for stable and sensitive correlation estimations; [111] and (v) treats defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates.[112]

The Commission believes the modifications proposed are designed to improve the manner in which STANS would calculate daily margin requirements for OCC's clearing members. Consequently, the Commission believes that the proposal is designed both (i) to consider, and produce margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market [113] and (ii) to calculate margin sufficient to cover OCC's potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.[114] Additionally, as discussed in the Advance Notice,[115] the proposal would introduce daily updates for price data for equity products. This data would be obtained from a reliable industry vendor. Consequently, the Commission believes that the proposal contained in the Advance Notice would help ensure that OCC's margin methodology would utilize a reliable source of timely price data, which would better reflect current market conditions than the current monthly updates, and thereby result in more accurate and responsive margin requirements.[116] Consequently, the Commission finds that the proposal is consistent with Exchange Act Rule 17Ad–22(e)(6).

V. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Payment Supervision Act,[117] that the Commission *does not object* to Advance Notice (SR–OCC–2017–811) and that OCC is *authorized* to implement the proposed change.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11454 Filed 5–25–18; 8:45 am]

BILLING CODE 8011–01–P

[107] 17 CFR 240.17AD–22(e)(6).

[108] *See* Notice of Filing of Advance Notice, 82 FR at 61357.

[109] *Id.*

[110] *Id.*

[111] *Id.*

[112] *See* Notice of Filing of Advance Notice, 82 FR at 61357–61358.

[113] *See* 17 CFR 240.17Ad–22(e)(6)(i).

[114] *See* 17 CFR 240.17Ad–22(e)(6)(iii).

[115] *See* Notice, 82 FR at 61356.

[116] *See* 17 CFR 240.17Ad–22(e)(6)(iv).

[117] 12 U.S.C. 5465(e)(1)(G).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83302; File No. SR–CboeBZX–2018–034]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Listing and Trading of the iShares Gold Strategy ETF, a Series of the iShares U.S. ETF Trust

May 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 9, 2018, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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) [4] thereunder, 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.

[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).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend a representation made in a rule change previously approved by the Commission relating to the listing and trading of the iShares Gold Strategy ETF (the ''Fund''), a series of the iShares U.S. ETF Trust (the ''Trust'').

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The shares of the Fund (the ''Shares'') were approved for listing and trading on the Exchange under Exchange Rule 14.11(i), which governs the listing and trading of Managed Fund Shares.[5] The Shares have not yet commenced trading on the Exchange. The Fund is a series of the Trust, which was established as a Delaware statutory trust on June 21, 2011. BlackRock Fund Advisors (the ''Adviser'') will serve as the investment adviser to the Fund. The Trust is registered with the Commission as an open-end management investment company and has filed a registration statement on behalf of the Fund on Form N–1A (''Registration Statement'') with the Commission.[6]

[5] *See* Securities Exchange Act Release No. 83014 (April 9, 2018), 83 FR 16150 (April 13, 2018) (SR–CboeBZX–2017–023) (the ''Approval Order'').

[6] *See* Registration Statement on Form N–1A for the Trust, filed with the Commission on November 1, 2017 (File Nos. 333–179904 and 811–22649). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the

Continued

The Exchange proposes to amend the Approval Order in order to make clear that the representation that limits Fund holdings in the Subsidiary [7] to 25% of the Fund's total assets (the ''25% Limitation'') was made to indicate that the Fund will comply with Sub-Chapter M of the Internal Revenue Code of 1986, as amended (the ''Internal Revenue Code''), and as such, the 25% Limitation was intended to be measured on a quarterly basis. Specifically, the Exchange is proposing to change the sentence that reads:

References below to the holdings of the Fund, including any restrictions thereon that are described within this proposal, are inclusive of the direct holdings of the Fund as well as the indirect holdings of the Fund through the Subsidiary, which may constitute up to 25% of the total assets of the Fund.

The Exchange is proposing to replace that sentence with the following:

References below to the holdings of the Fund, including any restrictions thereon that are described within this proposal, are inclusive of the direct holdings of the Fund as well as the indirect holdings of the Fund through the Subsidiary, which, in compliance with Sub-Chapter M of the Internal Revenue Code of 1986, as amended, may constitute up to 25% of the total assets of the Fund, as determined at the end of each of the Fund's fiscal quarters.

The Exchange believes that this proposed change is a non-controversial change because it is only to clarify that the 25% Limitation is measured on a quarterly basis in compliance with Sub-Chapter M of the Internal Revenue Code. This proposed change regarding the 25% Limitation is the only change covered by this proposal, and all other representations in the Approval Order, including both initial listing requirements and Continued Listing Representations,[8] remain true and will apply on a continuous basis, as applicable, consistent with Exchange Rule 14.11.

2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act [9] in general and Section 6(b)(5) of the Act [10] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and, in general, to protect investors and the public interest.

As described above, all of the Continued Listing Representations which formed the basis for the Commission in approving the Approval Order remain true and will continue to constitute listing requirements for the Fund with the exception of the single representation that the Exchange is proposing to make clearer. This proposed change will only make clear the basis for and timing of the calculation of the 25% Limitation and is not proposing to make any substantive changes to the types or amounts of any particular instrument that the Fund can hold. As such, the Exchange believes that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that making clear the timing of the calculation of and the basis for the 25% Limitation will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6) thereunder.[12]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [13] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [14] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Commission notes that waiver of the 30-day operative delay will allow the Fund to immediately operate under the certainty of the application of the 25% Limitation proposed in this proposal and provide the same clarity to investors. The Commission does not believe that there is any reason for delay when the proposal is only designed to make clear that the 25% Limitation will be measured on a quarterly basis and is designed to comply with Sub-Chapter M of the Internal Revenue Code. Accordingly, the Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest and hereby waives the operative delay and designates the proposed rule change operative upon filing.[15]

At any time within 60 days of the filing of 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

Registration Statement. The Commission has issued an order granting certain exemptive relief to the Adviser and open-end management companies advised by the Adviser under the Investment Company Act of 1940 (15 U.S.C. 80a–1). *See* Investment Company Act Release No. 29571 (January 24, 2011) (File No. 812–13601).

[7] The ''Subsidiary'' is a wholly owned subsidiary of the Fund that is organized in the Cayman Islands and has the same investment objective as the Fund.

[8] As defined in Rule 14.11(a), the term ''Continued Listing Representations'' means any of the statements or representations regarding the index composition, the description of the portfolio or reference assets, limitations on portfolio holdings or reference assets, dissemination and availability of index, reference asset, and intraday indicative values (as applicable), or the applicability of Exchange listing rules specified in any filing to list a series of securities under Rule 14.11.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(5).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeBZX–2018–034 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2018–034. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBZX–2018–034, and should be submitted on or before June 19, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2018–11356 Filed 5–25–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83306; File No. SR–ISE–2018–46]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees Related to Complex Orders

May 23, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 10, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Schedule of Fees related to Complex Orders traded on the Exchange.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees related to Complex Orders traded on the Exchange, including: (1) Priority Customer [3] Complex Order rebates, (2) Market Maker [4] fees, (3) the non-Priority Customer Complex Order taker surcharge, and (4) formatting and other non-substantive changes to the tables. Each of the proposed changes is described in more detail below.

I. Priority Customer Complex Order Rebates

Currently, the Exchange has a fee structure in place for Complex Orders that provides rebates to Priority Customer Complex Orders in order to encourage Members to bring that order flow to the Exchange. Specifically, Priority Customer Complex Orders are provided rebates in Select Symbols [5] and Non-Select Symbols [6] (other than NDX and MNX) based on Priority Customer average daily volume (''ADV'') in eight tiers as shown in the table below:[7]

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A ''Priority Customer'' is a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s), as defined in Nasdaq ISE Rule 100(a)(37A).

[4] ''Market Maker'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(28).

[5] ''Select Symbols'' are options overlying all symbols listed on the Nasdaq ISE that are in the Penny Pilot Program.

[6] ''Non-Select Symbols'' are options overlying all symbols excluding Select Symbols.

[7] The Priority Customer Complex Order rebates are provided per contract per leg if the order trades with non-Priority Customer orders in the Complex Order Book or trades with quotes and orders on the regular order book.

The rebate for the highest tier volume achieved is applied retroactively to all eligible Priority Customer Complex volume once the threshold has been reached.

Members will not receive rebates for net zero complex orders. For purposes of determining which complex orders qualify as ''net zero'' the Exchange will count all complex orders that leg in to the regular order book and are executed at a net price per contract that is within a range of $0.01 credit and $0.01 debit.

	Rebate for select symbols	Rebate for non-select symbols
Priority Customer Complex ADV 0–14,999	($0.26)	($0.40)
Priority Customer Complex ADV 15,000–44,999	(0.30)	(0.60)
Priority Customer Complex ADV 45,000–59,999	(0.36)	(0.70)
Priority Customer Complex ADV 60,000–74,999	(0.41)	(0.75)
Priority Customer Complex ADV 75,000–99,999	(0.42)	(0.75)
Priority Customer Complex ADV 100,000–124,999	(0.45)	(0.80)
Priority Customer Complex ADV 125,000–224,999	(0.46)	(0.81)
Priority Customer Complex ADV 225,000+	(0.50)	(0.85)

The Exchange now proposes to modify this rebate structure such that Priority Customer Complex Order rebates will be paid a rebate based on a percentage of industry volume rather than straight volume thresholds. In addition, the Exchange proposes to move away from a tier calculation based solely on Priority Customer Complex ADV to one that includes Complex Orders entered for other market participant types, and orders entered by affiliates of the Member. Specifically, the Exchange proposes to adopt Priority Customer Complex Tiers that are based on Total Affiliated Member Complex Order Volume (Excluding Crossing Orders and Responses to Crossing Orders) Calculated as a Percentage of Customer Total Consolidated Volume. All Complex Order volume executed on the Exchange, including volume executed by Affiliated Members, will be included in the volume calculation, except for volume executed as Crossing Orders and Responses to Crossing Orders. An ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A. Furthermore, ''Customer Total Consolidated Volume'' means the total national volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.

As proposed, there will be nine Priority Customer Complex Order Tiers based on the percentage of industry volume calculation: 0.000%–0.200% (Tier 1); above 0.200%–0.400% (Tier 2); above 0.400%–0.600% (Tier 3), above 0.600%–0.800% (Tier 4), above 0.800%–1.000% (Tier 5), above 1.000%–1.600% (Tier 6), above 1.600%–2.000% (Tier 7), above 2.000%–3.500% (Tier 8), above 3.500% (Tier 9). Furthermore, the associated rebates will be modified such that in Select Symbols the proposed rebate will be $0.25 per contract for Tier 1, $0.30 per contract for Tier 2, $0.35 per contract for Tier 3, $0.40 per contract for Tier 4, $0.45 per contract for Tier 5, $0.46 per contract for Tier 6, $0.48 per contract for Tier 7, and $0.50 per contract for Tiers 8 and 9. Furthermore, in Non-Select Symbols the proposed rebate will be $0.40 per contract for Tier 1, $0.55 per contract for Tier 2, $0.70 per contract for Tier 3, $0.75 per contract for Tier 4, $0.80 per contract for Tiers 5–7, and $0.85 per contract for Tiers 8 and 9.

II. Market Maker Fees

Market Maker Complex Orders in Select Symbols are charged a maker fee of $0.47 per contract when trading against Priority Customer Complex Orders, and a $0.50 per contract taker fee regardless of the counterparty. Currently, each of these fees is reduced to $0.44 per contract for Market Makers with total affiliated Priority Customer Complex ADV of 150,000 or more contracts.[8] The Exchange proposes to base this fee discount on the proposed Priority Customer Complex Tiers, and introduce a second tier of reduced fee for Market Makers that achieve a higher Priority Customer Complex Tier. Specifically, the Exchange proposes to keep the current $0.44 per contract fee for Market Makers Market Makers that achieve Priority Customer Complex Tier 9, and charge a fee of $0.47 per contract for Market Makers that achieve Priority Customer Complex Tier 8.

In addition, Market Makers that qualify for the Market Maker Plus program are currently charged a fee $0.10 per contract instead of the applicable Market Maker Plus rebate when trading against Priority Customer Complex Orders that leg into the regular order book. Regardless of the counterparty, a $0.10 per contract maker fee also applies to Market Makers that do not qualify for Market Maker Plus and Non-Nasdaq ISE Market Makers. With the proposed Priority Customer Complex Order Tiers described above, which in some cases may result in higher rebates being provided to Priority Customer Complex Orders, including Complex Orders that leg into the regular order book, the Exchange proposes to increase the fee for trading against Priority Customer Complex Orders that leg into the regular order book. Specifically, the Exchange proposes to increase this fee to $0.15 per contract and apply it to all Market Maker Orders and Non-Nasdaq ISE Market Maker Orders. Furthermore, there is currently no fee charged or rebate provided to Market Maker Orders submitted by Market Makers that qualify for Market Maker Plus when trading against non-Priority Customer Complex Orders that leg into the regular order book. As proposed, this treatment will be afforded to all Market Maker Orders when trading against non-Priority Customer Complex Orders that leg into the regular order book. The fees for Non-Nasdaq ISE Market Makers for trading against non-Priority Customer Complex Orders that leg into the regular order book will remain unchanged.

III. Non-Priority Customer Complex Order Taker Surcharge

Currently, the Exchange assesses a $0.03 per contract surcharge to non-Priority Customer Complex Orders in Non-Select Symbols that take liquidity from the Complex Order Book, excluding Complex Orders executed in the Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism (''PIM'') and ''exposure'' auctions pursuant to Rule 722(b)(3)(iii). The Exchange proposes to increase this taker surcharge to $0.05 per contract.

IV. Formatting and Other Non-Substantive Changes to the Tables

With the changes described above, which add additional content to the Schedule of Fees, the Exchange proposes to make certain non-substantive formatting changes that are designed to make the flow of the Schedule of Fees easier for Members to understand. None of these changes affect the fees charged or rebates provided to members. With the proposed changes, the Exchange will

[8] All eligible volume from affiliated Members is aggregated in determining total affiliated Priority Customer Complex ADV, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A.

have three tables located under Section II of the Schedule of Fees (Complex Order Fees and Rebates): (1) ''Priority Customer Rebates,'' (2) ''Maker and Taker Fees,'' and (3) ''Crossing Order Fees and Rebates.''

The first table, *i.e.,* Priority Customer Rebates, will contain the Priority Customer Complex Tiers described above rather than all rebates as is currently the case. As such, the Exchange proposes to move the column on Facilitation and Solicitation Break-up Rebate for Select Symbols to the third table on Crossing Order Fees and Rebates. These rebates will continue to be applied in exactly the same manner as today. Furthermore, the Exchange proposes to delete references in this table to other market participant types, which are not eligible for rebates in Complex Orders other than the Facilitation and Solicitation Break-up Rebate in Select Symbols described above. The second table, *i.e.,* Maker and Taker Fees, will include both the maker fees described there today as well as the taker fees that are currently included in the following table. As such, the Exchange proposes to move the columns that describe the taker fee for Select Symbols and the taker fee for Non-Select Symbols to this table. No changes to these taker fees are proposed. Finally, the third table, *i.e.,* Crossing Order Fees and Rebates, will include only fees and rebates that relate to the Exchange's various crossing mechanisms. The fees and rebates moved to and from this table are described above.

Finally, the footnote referenced in the column on Facilitation and Solicitation Break-up Rebates for Select Symbols contains an outdated reference to the PIM. Specifically, the footnote provides that rebates are provided per contract per leg for contracts that are submitted to PIM, Facilitation and Solicitation Mechanisms . . .'' As indicated in the header to the column, these break-up rebates apply to the Facilitation and Solicitation Mechanisms only. The language related to the PIM was included in the Schedule of Fees when the Exchange offered a break-up rebate for the PIM. When the Exchange eliminated PIM break-up rebates, the Exchange deleted the column that included those rebates but did not remove the related reference in this footnote.[9] The Exchange therefore proposes to update this footnote now by deleting the PIM reference, which is no longer applicable.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[11] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

I. Priority Customer Complex Order Rebates

The Exchange believes that the proposed changes to the Priority Customer Complex Order Tiers are reasonable and equitable as these changes are designed to incentivize Members to trade Complex Orders, and, in particular Priority Customer Complex Orders, on the Exchange. The Exchange is proposing to base Priority Customer Complex Order Tiers on a percentage of industry volume in recognition of the fact that the volume executed by a Member may rise or fall with industry volume. A percentage of industry volume calculation allows the Exchange's tiers to be calibrated to current market volumes rather than requiring the same amount of volume regardless of market conditions. While the amount of volume required by the proposed tiers may change in any given month due to increases or decreases in industry volume, the Exchange believes that the proposed tier requirements are set at a level that roughly corresponds to the current ADV requirements for Priority Customer Complex Tiers. The Exchange is also proposing to include additional types of Complex Order volume in the tier calculation. Although the current tier structure counts solely Priority Customer Complex ADV, the proposed structure would allow Members to qualify for higher tier based on all Complex Order volume except for Crossing Orders and Responses to Crossing Orders. The Exchange believes that increasing the volume counted for purposes of calculating tiers will encourage Members to bring different types of Complex Order volume to the Exchange (*i.e.,* to qualify for a higher tier), while continuing to incentivize Members to bring Priority Customer Complex Orders specifically to earn the associated rebates. Crossing Orders and Responses to Crossing Orders will be excluded from the proposed tier calculation as this type of order flow is subject to separate pricing, with various incentives for Members that trade in the Exchange's crossing mechanisms.

In addition, the Exchange believes that the proposed changes are equitable and not unfairly discriminatory as these changes are designed to bring more order flow, and in particular, Priority Customer Complex Orders, to the Exchange. The Exchange does not believe that it is unfairly discriminatory provide rebates only to Priority Customer Complex Orders as this is the order flow that the Exchange is seeking to incentivize. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders than Priority Customers. The Exchange currently has Priority Customer Complex Order Tiers in place to incentivize that order flow, and is simply modifying those tiers in a way that the Exchange believes will increase participation in Complex Orders. The Exchange believes that the proposed changes to the Priority Customer Complex Tiers will benefit all market participants that trade on the Exchange by increasing their opportunities to trade.

Furthermore, the Exchange believes that its proposed definitions of ''Affiliated Member'' and ''Customer Total Consolidated Volume'' are reasonable, equitable, and not unfairly discriminatory as these definitions clarify terms that the Exchange is using to describe its Priority Customer Complex Tiers. The proposed definitions are consistent with definitions adopted for these concepts on the Exchange's affiliated exchanges, Nasdaq MRX, LLC (''MRX'') and Nasdaq GEMX, LLC (''GEMX'') respectively.[12] Furthermore, with respect to the definition of ''Affiliated Member'' in particular the Exchange is adopting a definition that is consistent with the Exchange's current practice of aggregating volume from Members that share at least 75% common ownership.

II. Market Maker Fees

The Exchange believes the proposed changes to the Market Maker Complex Order fees in Select Symbols are reasonable and equitable as the

[9] *See* Securities Exchange Act Release No. 80684 (May 16, 2017), 82 FR 23435 (May 22, 2017) (SR–ISE–2017–39).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

[12] *See* MRX Schedule of Fees, Preface; GEMX Schedule of Fees, I. Regular Order Fees and Rebates, Qualifying Tier Thresholds.

proposed fees replace a fee that was previously tied to the Priority Customer Complex ADV with a new fees based on the proposed Priority Customer Complex Tiers. Furthermore, the Exchange believes that it is reasonable and equitable to provide a differentiated fee based on whether the Market Maker achieves Priority Customer Complex Tier 8 or 9. With the proposed changes, Market Makers that achieve Priority Customer Complex Tier 9 will pay the same fee as would be applicable today based on achieving the required total affiliated Priority Customer ADV, while Market Makers that achieve Priority Customer Complex Tier 8 will pay a slightly higher fee that is nonetheless discounted compared to the fees applicable to Market Makers that do not achieve these tiers. The Exchange believes that this two tiered structure will encourage firms to reach for the highest tier of the under Priority Customer Complex Order rebate program, while nonetheless incentivizing firms that do not have sufficient volume to reach that tier to work towards the second highest tier introduced under that program.

Furthermore, the Exchange believes that the proposed changes to Market Maker Complex Order fees are equitable and not unfairly discriminatory the changes apply equally to all Market Maker Complex Orders based on achieving the required Priority Customer Complex Tier. As is the case today, the Exchange will continue to charge lower fees to Market Makers that execute, through their affiliates, a significant volume of Priority Customer Complex Orders, as this will incentivize members to bring order flow to the Exchange, creating additional liquidity in Complex Orders to the benefit of all Members. The Exchange does not believe that it is unfairly discriminatory only to provide these lower fees to Market Maker Orders as Market Makers are subject to additional requirements and obligations (such as quoting requirements) that other market participants are not.

The Exchange also believes that that it is reasonable and equitable to increase the maker fee charged to Market Makers and Non-Nasdaq ISE Market Makers that provide liquidity to Priority Customer Complex Orders that leg into the regular order book. Today, Market Makers that do not qualify for Market Maker Plus and Non-Nasdaq ISE Market Makers pay a small fee for providing liquidity in Select Symbols. In addition, Market Makers that qualify for Market Maker Plus and would typically be eligible for a maker rebate are instead charged a maker fee when trading against Priority Customer Complex Orders that leg into the regular order book. At the same time, the Exchange pays high rebates to Priority Customer Complex Orders, including when those Complex Orders leg into the regular order book. In some cases these rebates may be increased with the proposed changes described above to the Priority Customer Complex Order Tiers. The Exchange believes that it is reasonable and equitable to increase the fees charged for all Market Maker and Non-Nasdaq ISE Market Maker Orders that provide liquidity to Priority Customer Complex Orders that leg into the regular market as this will help offset potentially significant rebates paid on the other side of these trades. In this regard, the proposed fee increase would decrease but not completely eliminate the negative economics associated with these trades as the Exchange pays out significantly more in rebate opportunity for Priority Customer Complex Orders than it receives from other side of the trade when those orders leg into the regular order book. Furthermore, the Exchange believes that it is reasonable and equitable to reduce fees for all Market Maker Orders trading against non-Priority Customer Complex Orders that leg into the regular order book. Currently, this benefit is provided only to Market Makers that achieve Market Maker Plus status. The Exchange believes, however, that it is appropriate to extend this benefit to all Market Maker Orders as an additional incentive for Market Makers that have an obligation to maintain quotes and provide liquidity in the regular market rather than only those Market Makers that meet the heightened requirements of Market Maker Plus. Non-Nasdaq ISE Market Makers who have no obligations to provide liquidity will not be eligible for this incentive.

Furthermore, the Exchange believes that the proposed changes to these fees for Market Maker and Non-Nasdaq ISE Market Maker Orders are equitable and not unfairly discriminatory as they are designed to reduce the negative economics associated with Priority Customer Complex Orders that leg into the regular order book. The proposed fees will apply equally to all Market Makers and Non-Nasdaq ISE Market Makers. The Exchange pays significant rebates to that Priority Customer Complex Orders, including when those orders leg into the regular order book where they may trade with Market Makers and Non-Nasdaq ISE Market Makers providing liquidity in the regular market. The Exchange does not believe it is unfairly discriminatory to charge increased maker fees only to Market Maker and Non-Nasdaq ISE Market Maker Orders as these market participants are typically the ones providing liquidity and trading with Priority Customer Complex Orders that leg into the regular order book.

III. Non-Priority Customer Complex Order Taker Surcharge

The Exchange believes that the proposed increase the taker surcharge for non-Priority Customer Complex Orders in Non-Select Symbols that take liquidity from the complex order book is reasonable and equitable. The proposed fees are modestly increased and the Exchange believes that such fees will remain attractive to market participants, who will continue to be charged lower fees for adding liquidity to the complex order book than for removing liquidity, and who may be granted additional opportunities to trade by virtue of the incentives being granted to attract Priority Customer Complex Orders to the Exchange. Furthermore, the Exchange believes that the proposed change is equitable and not unfairly discriminatory as it applies to all non-Priority Customer Complex Orders that take liquidity in Non-Select Symbols.

IV. Formatting and Other Non-Substantive Changes to the Tables

The Exchange believes that the proposed formatting changes to the tables are reasonable, equitable, and not unfairly discriminatory. As explained in the purpose section of this filing, these changes are entirely cosmetic and merely move around columns in various tables so that these are grouped in a manner that the Exchange believes will be easier for Members to follow. The Exchange hopes that these changes will increase the readability of the Schedule of Fees by grouping fees and rebates for Complex Orders under three headings—*i.e.,* Priority Customer Rebates, Maker and Taker Fees, and Crossing Order Fees and Rebates. None of the proposed formatting changes impact the fees charged or rebates provided to Members. Furthermore, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to remove the outdated reference to the PIM in the Facilitation and Solicitation break-up rebate footnote. As explained in the purpose section of this proposed rule change, the Exchange does not have break-up rebates for the PIM. Although the column correctly refers to Facilitation and Solicitation break-up rebates, the PIM reference was inadvertently left in the footnote at the time the Exchange filed to remove those

rebates. The proposed change corrects this reference.

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 believes that the proposed changes will enhance both intermarket and intramarket competition by amending various fees and rebates related to the trading of Complex Orders on the Exchange. The Exchange believes that the proposed fees and rebates remain competitive with those on other options markets, and will continue to attract order flow to the Exchange, thereby encouraging additional volume and liquidity to the benefit of all market participants. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[13] and Rule 19b–4(f)(2)[14] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2018–46 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number *SR–ISE–2018–46.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2018–46 and should be submitted on or before June 19, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–11456 Filed 5–25–18; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A)(ii).

[14] 17 CFR 240.19b–4(f)(2).

[15] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

DATES: Submit comments on or before June 28, 2018.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Administration (SBA) Surety Bond Guarantee Program was created to encourage surety companies to provide bonding for small contractors. The information collected on this form from small businesses and surety companies will be used to evaluate the eligibility of applicants for contracts up to $250,000.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

Title: Quick Bond Guarantee Application and Agreement.

Description of Respondents: Small Businesses and Surety Companies.

Form Number: SBA Form 990A.

Estimated Annual Respondents: 576.
Estimated Annual Responses: 2,388.
Estimated Annual Hour Burden: 196.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2018–11436 Filed 5–25–18; 8:45 am]

BILLING CODE 8025–01–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, June 11, 2018 at 1:00 p.m. The meeting will be held at the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Room 230, St. Paul, Minnesota. The purpose of this meeting is to consider grant applications for the 3rd quarter of FY 2018, and other business. All portions of this meeting are open to the public.

ADDRESSES: Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd., Room 230, St. Paul, MN.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov.*

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2018–11468 Filed 5–25–18; 8:45 am]

BILLING CODE 6820–SC–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty Ninth RTCA SC–222 AMS(R)S Systems Plenary

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

ACTION: Twenty Ninth RTCA SC–222 AMS(R)S Systems Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Twenty Ninth RTCA SC–222 AMS(R)S Systems Plenary.

DATES: The meeting will be held June 26–27, 2018 8:00 a.m.–12:00 p.m.

ADDRESSES: The meeting will be virtual: *https://rtca.webex.com/rtca/j.php?MTID=m34615225fb4b3b129ffe28678abfaf1f;* Meeting number (access code): 634 103 481; Meeting password: KiwuMUi6.

FOR FURTHER INFORMATION CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, 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 Twenty Ninth RTCA SC–222 AMS(R)S Systems Plenary. The agenda will include the following:

Tuesday, June 26, 2018

1. Welcome, Introductions, Administrative Remarks By Special Committee Leadership
   Designated Federal Officer (DFO): Mr. David Robinson
   Chair RTCA–SC222: Dr. Chuck Laberge, Laberge Engineering
   Chair EUROCAE WG–82: Dr. Armin Schlereth, DFS
2. Agenda Overview
3. Review/Approve Prior Plenary Meeting Summary—(Action Item Status)
4. Coordination With Other Groups (EUROCAE, RTCA, ICAO, SESAR, AEEC)
5. Discussion Of SATCOM Performance Structure (FAA–DFO)
6. SATCOM Co-Site Interference (AIRBUS)
6.1 SATCOM Performance Class B Interference With GNSS
6.2 SATCOM Interference Between Inmarsat And Iridium
7. ATN Over SATCOM—Transition Aspects
8. EASA RMT.0524 Aspects
9. Industry Presentations
10. SC–228 ISRA Discussion
11. Updates On DO–343B/ED–242A And DO–262D/ED–243A
12. Detailed Work Plan For SC–222 And WG–82
13. Establish Agenda, Date And Place For Next Meeting
14. Review Of Action Items
15. Adjourn—Plenary Meeting

Wednesday, June 27, 2018

Continuation Of Plenary Agenda Items

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 May 22, 2018.

Michelle Swearingen,

Management and Program Analyst, Systems and Equipment Standards Branch, AIR–6B0, Policy and Innovation Division, AIR–600, Federal Aviation Administration.

[FR Doc. 2018–11364 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: FAA Entry Point Filing Form—International Registry

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information collected is required from aircraft operators who wish to obtain a unique authorization code for transmitting information to the International Registry in Dublin, Ireland. An estimated 30 minutes is required to complete the only form in the collection, AC Form 8050–135. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. No comments were received.

DATES: Written comments should be submitted by June 28, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's

performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0697.

Title: FAA Entry Point Filing Form—International Registry.

Form Numbers: AC Form 8050–135.

Type of Review: Renewal of an information collection.

Background: This information collection supports Department of Transportation strategic goals regarding safety and security. The information collected is necessary to obtain an authorization code for transmission of information to the International Registry. The Convention on International Interest in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (herein after the Cape Town Treaty or Treaty), provides for the creation and sustainment of the International Registry. The International Registry is an electronic registry system that works in tandem with the current system operated by the FAA Civil Aviation Registry (Registry) for the United States. Congress has designated the Registry as the exclusive United States Entry Point for transmissions to the International Registry. To transmit certain types of interests or prospective interests to the International Registry, interested parties must file a completed FAA Entry Point Filing Form—International Registry, AC Form 8050–135, with the Registry. Upon receipt of the completed form, the Registry, upon verifying the accuracy of the submitted data, issues the unique authorization code.

Respondents: Aircraft owners desiring authorization for filing with the International Registry. The submission of the information in question is not an FAA requirement for aircraft registration. Its sole purpose is to create authorization for filing with the International Registry.

Frequency: Information is collected on occasion, as desired by the aircraft owner.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: Based on FY '17 approximately 15,000 filings, the estimated annual burden is 7,500 hours.

Issued in Fort Worth, TX, on May 24, 2018.

Jonathan Haupt,

Acting Manager, IT Strategy and Investment Portfolio Branch, ASP–120.

[FR Doc. 2018–11568 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Maintenance, Preventive Maintenance, Rebuilding, and Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The Information to be collected is necessary to insure the safety of the flying public. Documentation of maintenance repair actions record who, what, when, where and how of the task performed. All maintenance actions as well as documentation are required by regulation. This insures proper certification of personnel; proper tooling is utilized and accurate measures to insure safety. The FAA reviewed 54,237 form 337s from October 2016 to September 2017. Each 337 takes approximately .5 hours. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. No comments were received.

DATES: Written comments should be submitted by June 28, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0020.

Title: Preventive Maintenance, Rebuilding, and Alteration.

Form Numbers: Aircraft maintenance logbooks and form 337.

Type of Review: Renewal of an information collection.

Background: Title 14 CFR part 43 mandates information to be provided when an alteration or major repair is performed on an aircraft of United Sates registry. Submission of Form 337 is required for capture in the aircraft permanent records for current and future owners to substantiate to requirements of the regulations, prior to operation of the aircraft. Aircraft owners have the responsibility of documentation and submission of all maintenance records performed to their aircraft.

Respondents: Aircraft owners, certificated mechanics.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: Industry Annual burden 27,119 man hours.

Issued in Fort Worth, TX on May 18, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–11469 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. DOT–FAA–2013–0259]

Agency Request for Emergency Approval of an Information Collection

AGENCY: DOT/FAA.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Department of Transportation (DOT) provides notice that it will submit an information collection request (ICR) to the Office of Management and Budget (OMB) for emergency approval of a proposed information collection. Upon receiving the requested six–month emergency approval by OMB, FAA will follow the normal PRA procedures to obtain extended approval for this proposed information collection. This collection involves data reporting by ten Unmanned Aircraft Systems (UAS) Integration Pilot Program (IPP) participants regarding their program participation. Because ten participants were selected for the program due to the significant number of applicants, DOT and FAA request emergency approval for this Information related to this ICR, including applicable supporting documentation may be obtained by contacting the UAS Integration Office at 844–359–6982 or *9-AWA-UASIPP@faa.gov.*

DATES: Written comments should be submitted by June 5, 2018. Comments should be submitted as soon as possible upon publication of this notice in the **Federal Register**. Comments and questions should be directed to the Office of Information and Regulatory Affairs (OIRA), Attn: OST OMB Desk Officer, 725 17th Street NW; Washington, DC 20503. Comments and questions about the ICR identified below may be transmitted electronically to OIRA at *oira_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–XXX.

Title: Unmanned Aircraft Systems (UAS) Integration Pilot Program (IPP) Data Reporting.

Form Numbers: N/A.

Type of Review: Emergency information collection request.

Expected Number of Respondents: 10 respondents who applied for and were selected to participate in the IPP.

Frequency: Flight Data: Year 1 and recurring; Economic Baseline Report: Once (year 1); Quarterly Reports: 4 times per year (years 1 and 2); Economic Annual Reports: Once (years 1 and 2); Final Report: Once (year 2).

Estimated Average Burden per Response: Flight Data Reports: 25 hours per response; Economic Baseline Report: 80 hours per response; Quarterly Reports: 40 hours per response; Economic Annual Reports: 80 hours per response; Final Report: 80 hours per response. Given the unknown level of UAS operations and sorties that will be associated with the IPP, there is limited information to estimate burden hours associated with the collection of flight data. The FAA will update burden estimates in its renewal package based on its analysis of the program's first six months of operations.

Estimated Total Annual Burden: Flight Data Report: 250 hours; Economic Baseline Report: 800 hours; Quarterly Reports: 1,600 hours; Economic Annual Reports: 800 hours; Final Report: 800 hours. Given the unknown level of UAS operations and sorties that will be associated with the IPP, there is limited information to estimate burden hours associated with the collection of flight data. The FAA will update burden estimates in its renewal package based on its analysis of the program's first six months of operations.

Abstract: Pursuant to the Presidential Memorandum for the Secretary of Transportation dated October 25, 2017, the Secretary of Transportation, with the Administrator of the FAA, was directed to establish a UAS IPP no later than 90 days after the date of the Memorandum. This program was established under the statutory authority set forth in 49 U.S.C. 106(l) and (m). The objective of the program is to test and evaluate proposed frameworks for integrating UAS into the NAS within their jurisdictions below 200 feet above ground level, with the possibility of extending that area to 400 feet above ground level, at the Secretary's discretion.

Through the IPP, the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) plan to develop and innovate the safe operation of UAS technologies and their use in agriculture, commerce, emergency management and other sectors. The IPP promotes continued technological innovation and growth to ensure U.S. global leadership in the emerging UAS industry and to safely integrate UAS into the National Airspace System (NAS).

In order to accomplish these goals through the IPP, the collection of data from the ten participants is critical. Requiring the collection of information from program participants allows the agency to inform its future plans, programs, and regulations. DOT and FAA have requested emergency approval from the Office of Management and Budget in order to begin immediate data collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC, on May 22, 2018.

Earl Lawrence,

Director, Unmanned Aircraft Systems Integration Office.

[FR Doc. 2018–11470 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Commercial Space Transportation Licensing Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information will determine if applicant proposals for conducting commercial space launches can be accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. No comments were received.

DATES: Written comments should be submitted by June 28, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d)

ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0608.

Title: Commercial Space Transportation Licensing Regulations.

Form Numbers: AC Form 8800–1.

Type of Review: Renewal of an information collection.

Background: The Commercial Space Launch Act of 1984, 49 U.S.C. App. 2601–2623, as recodified at 49 U.S.C. Subtitle IX, Ch. 701—Commercial Space Launch Activities, 49 U.S.C. 70101–70119 (1994), requires certain data be provided in applying for a license to conduct commercial space launch activities. These data are required to demonstrate to the Federal Aviation Administration (FAA), Associate Administrator for Commercial Space Transportation (AST), that a license applicant's proposed activities meet applicable public safety, national security, and foreign policy interests of the United States.

Respondents: Approximately 17 space launch applicants (Initial, Modification and Renewal).

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1,704 hours.

Estimated Total Annual Burden: 28,973 hours.

Issued in Fort Worth, TX, on May 18, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–11571 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: License Requirements for Operation of a Launch Site

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew a previously approved information collection. The information to be collected includes data required for performing launch site location analysis. The launch site license is valid for a period of 5 years. Respondents are licensees authorized to operate sites. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 28, 2018. No comments were received.

DATES: Written comments should be submitted by June 28, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0644.

Title: License Requirements for Operation of a Launch Site.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The data requested for a license application to operate a commercial launch site are required by 49 U.S.C. Subtitle IX, 701—Commercial Space Launch Activities, 49 U.S.C. 70101–70119 (1994). The information is needed in order to demonstrate to the FAA Office of Commercial Space Transportation (FAA/AST) that the proposed activity meets applicable public safety, national security, and foreign policy interest of the United States.

Respondents: Approximately 2 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2,322 hours.

Estimated Total Annual Burden: 4,644 hours.

Issued in Fort Worth, TX, on May 18, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–11471 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans)

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, U.S. Route 101 (US–101) between postmile 32.8 to postmile 33.8, immediately west of Liberty Canyon Road, in the City of Agoura Hills, in the County of Los Angeles, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before October 26, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Susan Tse-Koo, Branch Chief, Division of Environmental Planning, California Department of Transportation. Address: 100 S. Main Street MS16A, Los Angeles CA 90012, Regular Office Hours M–F 8:00 A.M. to 5:00 P.M., Phone number (213) 897–1821, Email *Susan_Tse@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of

Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The California Department of Transportation (the Department) proposes to construct a vegetated bridge across the US–101 west of Liberty Canyon Road and across Agoura Road. The overcrossing over Agoura Road will have a maximum width of 54-feet and height of 16.5-feet. The project is located at postmile 32.8 to postmile 33.8 in the City of Agoura Hills, in the County of Los Angeles. The project also includes the improvement of wildlife fencing, enhancement of habitat adjacent to the overcrossing structure through planting of native vegetation, construction of sound walls and retaining walls, and construction of an unpaved path around the south side of the bridge over Agoura Road. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment with Finding of No Significant Impact (EA, FONSI) for the project, approved on April 12, 2018, and in other documents in the FHWA project records. The EA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans EA, FONSI can be viewed and downloaded from the project website at *http://www.dot.ca.gov/d7/projects/libertycanyon/.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Memorandum of Understanding with FHWA for NEPA assignment dated, December 23, 2016.

2. Safe, Accountable, Flexible and Efficient, Transportation Equity Act, A Legacy for Users (SAFETEA–LU Section 6002).

3. Title VI of the Civil Rights Act of 1967.

4. MAP–21 (Pub. L. 112–141).

5. Section 4(f), Department of Transportation Act of 1966.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Omar A. Elkassed,

Sr. Transportation Engineer & TIGER/ATCMTD Program Coordinator, FHWA California Division—Calsouth Office.

[FR Doc. 2018–11442 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–FY–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0060]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 30 individuals for an exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these hard of hearing and deaf individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–FMCSA–2017–0057 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 30 individuals listed in this notice have requested an exemption from the hearing requirement in 49 CFR 391.41(b)(11). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a

forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

On February 1, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Application for Exemptions; National Association of the Deaf, (78 FR 7479), its decision to grant requests from 30 individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers. Since the February 1, 2013 notice, the Agency has published additional notices granting requests from hard of hearing and deaf individuals for exemptions from the Agency's physical qualification standard concerning hearing for interstate CMV drivers.

II. Qualifications of Applicants

Alan M. Bridgeford

Mr. Bridgeford, age 47, holds an operator's license in Nevada.

Mataio Brown

Mr. Brown, age 22, holds an operator's license in Mississippi.

Leroy Carter

Mr. Carter, age 38, holds an operator's license in Ohio.

Robert M. Cates

Mr. Cates, age 66, holds a class A CDL in New Mexico.

Rocky R. Chin

Mr. Chin, age 50, holds a class A CDL in Washington.

Ralph E. Craig

Mr. Craig, age 80, holds a class A CDL in Illinois.

Cesar DeLeon

Mr. DeLeon, age 28, holds an operator's license from Texas.

Brody DiPasquale

Mr. DiPasquale, age 24, holds an operator's license in Maryland.

Edward J. Duhon

Mr. Duhon, age 41, holds an operator's license in Alabama.

Lyle Eash

Mr. Eash, age 39, holds an operator's license in Ohio.

Richard R. Fisher

Mr. Fisher, age 31, holds an operator's license in Pennsylvania.

Kimberly I. Foss

Ms. Foss, age 50, holds a class A CDL in California.

Bradley Ledford

Mr. Ledford, age 29, holds an operator's license in Tennessee.

Dustin McFadden

Mr. McFadden, age 39, holds an operator's license in Texas.

Francisco M. Mendoza

Mr. Mendoza, age 46, holds an operator's license in California.

Jack W. Mitchell

Mr. Mitchell, age 68, holds an operator's license in Texas.

Eugene Mostepan

Mr. Mostepan, age 37, holds an operator's license in California.

Steven Moorehead

Mr. Moorehead, age 58, holds a class A CDL in Ohio.

Gary T. Nagel

Mr. Nagel, age 60, holds an operator's license in Minnesota.

Marcel Paul

Mr. Paul, age 41, holds an operator's license in Washington.

Dexter E. Perez

Mr. Perez, age 32, holds an operator's license in Wisconsin.

Connie Ralston

Ms. Ralston, age 41, holds an operator's license in Georgia.

Noble D. Reed

Mr. Reed, age 53, holds a class A CDL in Texas.

Kurt Sanders

Mr. Sanders, age 47, holds an operator's license in Virginia.

David L. Schibilla

Mr. Schibilla, age 62, holds a class A CDL in Illinois

Pamela Singleton

Ms. Singleton, age 54, holds an operator's license in Texas.

Robert W. Slate

Mr. Slate, age 35, holds an operator's license in New Mexico.

Willine D. Smith

Ms. Smith, age 56, holds a class A CDL in Georgia.

Michael R. Tayman

Mr. Tayman, age 41, holds an operator's license in Maine.

Jason R. Winemiller

Mr. Winemiller, age 44, holds a class A CDL in Illinois.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2017–0060 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number

FMCSA–2017–0060 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11434 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–29019; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0325; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0304; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 64 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 15, 2018, FMCSA published a notice announcing its decision to renew exemptions for 64 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 6925). The public comment period ended on March 19, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 64 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of February and are discussed below:

As of February 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 55 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 40404; 64 FR 66962; 66 FR 66969; 68 FR 37197; 68 FR 52811; 68 FR 61860; 68 FR 69432; 70 FR 48797; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4632; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 52419; 72 FR 54971; 72 FR 58362; 72 FR 62897; 72 FR 64273; 72 FR 67340; 72 FR 67344; 72 FR 71995; 73 FR 1395; 73 FR 6246; 74 FR 37295; 74 FR 48343; 74 FR 49069; 74 FR 53581; 74 FR 57553; 74 FR 60021; 74 FR 60022; 74 FR 62632; 74 FR 65845; 74 FR 65847; 75 FR 1450; 75 FR 4623; 76 FR 37169; 76 FR 50318; 76 FR 62143; 76 FR 64164; 76 FR 64171; 76 FR 70210; 76 FR 70212; 76 FR 70213; 76 FR 70215; 76 FR 75940; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 543; 77 FR 545; 77 FR 3554; 78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67454; 78 FR 67460; 78 FR 68137; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 2748; 79 FR 3919; 79 FR 4803; 79 FR 53708; 80 FR 14223; 80 FR 33007; 80 FR 33011; 80 FR 40122; 80 FR 49302; 80 FR 50915; 80 FR 59225; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1284; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 60117):

Richard D. Becotte (NH)
Timothy A. Bohling (CO)
Scott Brady (FL)
Duane W. Brzuchalski (AZ)
Daryl Carpenter (MD)
Henry L. Chastain (GA)
Martina B. Classen (IA)
Robert L. Cross, Jr. (MO)
Alan J. Daisey (DE)
Rufus A. Dennis (TN)
Albert M. DiVella (NV)
Michael M. Edleston (MA)
Terry D. Elliott (TN)
James P. Fitzgerald (MA)
Russell W. Foster (OH)
Gordon R. Fritz (WI)

Richard L. Gandee (OH)
James E. Goodman (AL)
Christopher L. Granby (MI)
John M. Guilford (AL)
John E. Halcomb (GA)
Mervin M. Hershberger (WI)
Steven M. Hoover (IL)
Frank E. Johnson, Jr. (FL)
Jeremy W. Knott (NC)
Roger D. Kool (IA)
Michael R. Leftwich (GA)
Jose A. Marco (TX)
David Matos (NY)
George A. McCue (NV)
Dennis L. Maxcy (NY)
Cameron S. McMillen (NM)
David L. Menken (NY)
Gregory G. Miller (OH)
Rashawn L. Morris (VA)
Charles D. Oestreich (MN)
Carols A. Osollo (NM)
Robert L. Pearson (GA)
Robert M. Pickett, II (MI)
Johnny L. Powell (MD)
Branden J. Ramos (CA)
Andres Regalado (CA)
Thenon D. Ridley (TX)
Christopher M. Rivera (NM)
Richard S. Robb (NM)
Angelo D. Rogers (AL)
David J. Rothermal (RI)
Sonny Scott (OH)
James J. Slemmer (PA)
John T. Thor (MN)
Donald L. Urmston (OH)
Paul J. Vines (AL)
Jackie G. Wells (VA)
Joseph A. Wells (IL)
James D. Zimmer (OH)

The drivers were included in docket numbers FMCSA–1999–5748; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–29019; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2014–0304; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344. Their exemptions are applicable as of February 9, 2018, and will expire on February 9, 2020.

As of February 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 1474; 81 FR 48493):

Charles H. Baim (PA)
Dana L. Colberg (OR)
Joseph T. Saba (MN)
LeRoy W. Scharkey (MN)
Walton W. Smith (VA)
Aaron D. Tillman (DE)

The drivers were included in docket number FMCSA–2015–0347. Their exemptions are applicable as of February 12, 2018, and will expire on February 12, 2020.

As of February 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 539; 77 FR 10608; 79 FR 6993; 81 FR 15401): Brian K. Cline (NC); Mickey Lawson (NC).

The drivers were included in docket number FMCSA–2011–0325. Their exemptions are applicable as of February 22, 2018, and will expire on February 22, 2020.

As of February 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Danielle Wilkins (CA) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 1908; 79 FR 14333; 81 FR 15401).

The driver was included in docket number FMCSA–2013–0174. The exemption is applicable as of February 27, 2018, and will expire on February 27, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11423 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0026]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 53 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0026 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day E.T., 365 days each year. If you want

acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 53 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Robert M. Athanas

Mr. Athanas, 68, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Athanas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Athanas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Oregon.

Gary R. Babcock

Mr. Babcock, 59, has had ITDM since 1999. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Babcock understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Babcock meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Connecticut.

Jennifer L. Baker

Ms. Baker, 37, has had ITDM since 2017. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Baker understands diabetes management and monitoring, has stable control of her diabetes using insulin,

and is able to drive a CMV safely. Ms. Baker meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from North Carolina.

Lesley L. Beasley

Mr. Beasley, 67, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Beasley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beasley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Theresa J. Blackman

Ms. Blackman, 61, has had ITDM since 2017. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Blackman understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Blackman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Indiana.

Jeffrey D. Boutin

Mr. Boutin, 58, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Boutin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Boutin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

Douglas P. Chretien

Mr. Chretien, 55, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Chretien understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chretien meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Louisiana.

Eugene V. Cost

Mr. Cost, 62, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cost understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cost meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

James R. Crump

Mr. Crump, 54, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Crump understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crump meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

James G. Cucinotta

Mr. Cucinotta, 47, has had ITDM since 2001. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Cucinotta understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cucinotta meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maine.

Bryan S. Davis

Mr. Davis, 49, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Davis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Jeremy C. Durand

Mr. Durand, 55, has had ITDM since 1990. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Durand understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Durand meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Connie S. Erwin

Ms. Erwin, 60, has had ITDM since 2016. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Erwin understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Erwin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she has stable nonproliferative diabetic retinopathy. She holds an operator's license from Tennessee.

Brendan T. Farnam

Mr. Farnam, 24, has had ITDM since 1997. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Farnam understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Farnam meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Massachusetts.

Randall S. Feldt

Mr. Feldt, 66, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Feldt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Feldt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Travis E. Forrest

Mr. Forrest, 26, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Forrest understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Forrest meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Pennsylvania.

Robert R. Frost

Mr. Frost, 60, has had ITDM since 2009. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Frost understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Frost meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Alexander A. Hegyi

Mr. Hegyi, 32, has had ITDM since 1994. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hegyi understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hegyi meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Sergio Hernandez

Mr. Hernandez, 28, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hernandez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hernandez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Scotty A. Hill

Mr. Hill, 46, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Billie Hinton

Mr. Hinton, 60, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hinton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hinton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New York.

Arild Johansen

Mr. Johansen, 62, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Johansen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johansen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from North Dakota.

Kaleb N. Jones

Mr. Jones, 27, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jones understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jones meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Reginald Jones

Mr. Jones, 51, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Jones understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jones meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from North Carolina.

Kevin R. Kerrigan

Mr. Kerrigan, 34, has had ITDM since 1995. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kerrigan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kerrigan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Michigan.

William R. Koepplin

Mr. Koepplin, 54, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Koepplin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Koepplin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Dakota.

Jeff F. Kress

Mr. Kress, 63, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kress understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kress meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Eric J. Kuster

Mr. Kuster, 31, has had ITDM since 2013. His endocrinologist examined him in 2016 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kuster understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kuster meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Michael P. Labrosse

Mr. Labrosse, 50, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Labrosse understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Labrosse meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Michael J. Mason

Mr. Mason, 33, has had ITDM since 1996. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mason understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mason meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

Chad W. Moore

Mr. Moore, 36, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Walter N. Morphew, Jr.

Mr. Morphew, 69, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Morphew understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Morphew meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Indiana.

Edward C. Mulvenna, Jr.

Mr. Mulvenna, 57, has had ITDM since 1969. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mulvenna understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mulvenna meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

Jeffrey C. Olson

Mr. Olson, 74, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Olson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Olson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from South Dakota.

Robin L. Phillips

Ms. Phillips, 42, has had ITDM since 2016. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Phillips understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Phillips meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds an operator's license from Pennsylvania.

Roosevelt Price

Mr. Price, 71, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Price understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Price meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Mississippi.

William P. Raben

Mr. Raben, 26, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Raben understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Raben meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Dennis B. Segel

Mr. Segel, 60, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Segel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Segel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Daniel A. Slattery

Mr. Slattery, 26, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Slattery understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Slattery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Mathew C. Smart

Mr. Smart, 26, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Smart understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smart meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Jeffrey J. Smith

Mr. Smith, 54, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Smith understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative and stable proliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

Charles D. Smith, Jr.

Mr. Smith, Jr., 43, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Smith, Jr. understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smith, Jr. meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

Patrick J. Snell

Mr. Snell, 38, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Snell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Snell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Iowa.

Rodney M. Stephens

Mr. Stephens, 35, has had ITDM since 1997. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stephens understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stephens meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Robert A. Swasey, Jr.

Mr. Swasey, 57, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Swasey understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Swasey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maine.

Kevin R. Terpstra

Mr. Terpstra, 50, has had ITDM since 1973. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Terpstra understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Terpstra meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His

ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Illinois.

Richard D. Thompson

Mr. Thompson, 64, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Thompson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thompson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New York.

William D. Thull

Mr. Thull, 68, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Thull understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thull meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Billy J. Thurnall

Mr. Thurnall, 39, has had ITDM since 1993. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Thurnall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Thurnall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

John T. Tuck, Jr.

Mr. Tuck, 70, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tuck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tuck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Jersey.

Roy D. Wendte

Mr. Wendte, 57, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wendte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wendte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

Bailey Westgate

Mr. Westgate, 23, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Westgate understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Westgate meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Idaho.

Walter L. Williams

Mr. Williams, 65, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Williams understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Williams meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Arkansas.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0026 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your

comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0026 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11412 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0028]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 36 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0028 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 36 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate

stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Leobardo O. Antunez

Mr. Antunez, 66, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Antunez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Antunez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Alfred E. Apel

Mr. Apel, 65, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Apel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Apel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Carl M. Bartlett

Mr. Bartlett, 60, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bartlett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bartlett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Christopher A. Bell

Mr. Bell, 54, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Gerald A. Brady

Mr. Brady, 57, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Brady understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brady meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Jeffrey Campbell

Mr. Campbell, 43, has had ITDM since 1989. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Campbell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Campbell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Indiana.

Ricky L. Collett

Mr. Collett, 61, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Collett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Collett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

David M. Conrad

Mr. Conrad, 54, has had ITDM since 1987. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the

past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Conrad understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Conrad meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from New Mexico.

Lee E. Crenshaw, Jr.

Mr. Crenshaw, 52, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Crenshaw understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crenshaw meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

Michael C. Crouch

Mr. Crouch, 64, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Crouch understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Crouch meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Oklahoma.

Matthew J. Doyal

Mr. Doyal, 49, has had ITDM since 1996. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Doyal understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Doyal meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Georgia.

Maximiliano Duarte

Mr. Duarte, 50, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Duarte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Duarte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alabama.

Thomas P. Dubia

Mr. Dubia, 60, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dubia understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dubia meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Michael W. Fellows

Mr. Fellows, 50, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Fellows understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fellows meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Raydon R. Gall

Mr. Gall, 59, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from North Dakota.

Clifford O. Hayter

Mr. Hayter, 58, has had ITDM since 2004. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hayter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hayter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

Anthony A. Helms, Sr.

Mr. Helms, 63, has had ITDM since 2008. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Helms understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Helms meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from South Carolina.

Brian D. Hopper

Mr. Hopper, 44, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hopper understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hopper meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

Terry R. Hunter

Mr. Hunter, 58, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hunter understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hunter meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

James C. Illingsworth

Mr. Illingsworth, 49, has had ITDM since 2001. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Illingsworth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Illingsworth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Christopher M. Joswak

Mr. Joswak, 47, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Joswak understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Joswak meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Michigan.

Matthew S. Keas

Mr. Keas, 59, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Keas understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Keas meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Kansas.

Matthew T. Leyden

Mr. Leyden, 30, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Leyden understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leyden meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Jessica M. Merchen

Ms. Merchen, 33, has had ITDM since 2018. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Merchen understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Merchen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class A CDL from Georgia.

Charlie Moore, Jr.

Mr. Moore, 64, has had ITDM since 2010. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Wayne R. Mowery

Mr. Mowery, 65, has had ITDM since 2014. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mowery understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mowery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Pennsylvania.

Jesteva L. Moye-Hosey

Ms. Moye-Hosey, 69, has had ITDM since 2018. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Moye-Hosey understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Moye-Hosey meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Ohio.

Imelda Ortiz

Ms. Ortiz, 60, has had ITDM since 2017. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Ortiz understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Ortiz meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from New Mexico.

Wesley H. Pollock

Mr. Pollock, 70, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pollock understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pollock meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Robert J. Possley

Mr. Possley, 59, has had ITDM since 1988. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Possley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Possley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Wisconsin.

Samuel K. Sanders

Mr. Sanders, 56, has had ITDM since 2004. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sanders understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sanders meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kansas.

Leon J. Schlichte

Mr. Schlichte, 68, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Schlichte understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schlichte meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Landon H. Tuck

Mr. Tuck, 22, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tuck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tuck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Curtis D. Weinman

Mr. Weinman, 53, has had ITDM since 2016. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that

occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Weinman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weinman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

Nathaniel W. Wessel

Mr. Wessel, 21, has had ITDM since 2006. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Wessel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wessel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Maine.

Christopher H. Whitman

Mr. Whitman, 53, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Whitman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Whitman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0028 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0028 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11425 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2001–10578; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–24015; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2007–29019; FMCSA–2009–0121; FMCSA–2009–0303; FMCSA–2011–0189; FMCSA–2011–0298; FMCSA–2011–0299; FMCSA–2011–26690; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2015–0049; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 113 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the

West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 15, 2018, FMCSA published a notice announcing its decision to renew exemptions for 113 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 6922). The public comment period ended on March 19, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 113 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of January and are discussed below:

As of January 3, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 56 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (57 FR 57266; 63 FR 66226; 64 FR 16517; 64 FR 40404; 64 FR 54948; 64 FR 66962; 65 FR 159; 65 FR 57230; 66 FR 41656; 66 FR 53826; 66 FR 66966; 66 FR 66969; 67 FR 17102; 68 FR 52811; 68 FR 54775; 68 FR 61860; 68 FR 69432; 68 FR 69434; 69 FR 51346; 69 FR 62741; 70 FR 48797; 70 FR 50799; 70 FR 53412; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 72689; 70 FR 74102; 71 FR 14566; 71 FR 30227; 71 FR 50970; 71 FR 62147; 71 FR 644; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 52421; 72 FR 54971; 72 FR 54972; 72 FR 58362; 72 FR 62896; 72 FR 62897; 72 FR 64273; 72 FR 67344; 72 FR 71995; 73 FR 20245; 73 FR 27014; 73 FR 48269; 73 FR 75806; 74 FR 26461; 74 FR 34630; 74 FR 41971; 74 FR 43221; 74 FR 43223; 74 FR 49069; 74 FR 57553; 74 FR 60021; 74 FR 62632; 74 FR 65847; 75 FR 50799; 75 FR 8184; 76 FR 37168; 76 FR 53708; 76 FR 54530; 76 FR 55465; 76 FR 55469; 76 FR 62143; 76 FR 64169; 76 FR 67246; 76 FR 70210; 76 FR 70212; 76 FR 70215; 76 FR 75942; 76 FR 75943; 76 FR 79760; 76 FR 8809; 77 FR 17108; 78 FR 18667; 78 FR 34143; 78 FR 47818; 78 FR 51268; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 64280; 78 FR 65032; 78 FR 66099; 78 FR 67452; 78 FR 76395; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 80 FR 16500; 80 FR 31636; 80 FR 37718; 80 FR 48413; 80 FR 50917; 80 FR 59225; 80 FR 59230; 80 FR 63829; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 80443; 81 FR 11642; 81 FR 1284; 81 FR 15401; 81 FR 15404; 81 FR 16265):

Juan A. Adame (TX)
Woodrow E. Bohley (MO)
Jason W. Bowers (OR)
Kenneth E. Bross (MO)
Stacey J. Buckingham (ID)
Edwin L. Bupp (PA)
Benny J. Burke (AL)
Ryan J. Burnworth (MO)
Michael D. Champion (VT)
Ryan M. Coelho (RI)
David J. Comeaux (LA)
Brian W. Cordell (TX)
Aubrey R. Cordrey, Jr. (DE)
Thomas R. Crocker (SC)
Stephen W. Deminie (TX)
Brad M. Donald (MI)
John E. Gannon, Jr. (NV)
Charles D. Grady (GA)
Louis M. Hankins (IL)
Trevor M. Hilton (IL)
Randy L. Huelster (OK)
Jeffrey A. Keefer (OH)
Carol Kelly (IN)
Karen L. Kelly (DE)
Martin D. Keough (NY)
William E. Leimkuehler (OK)
Michael S. Lewis (NC)
Richard L. Loeffelholz (WI)
Raul Martinez (FL)
Herman C. Mash (NC)
Christopher V. May (GA)
Terry W. Moore (LA)
Richard W. O'Neill (WA)
John R. Price (AR)
Thomas J. Prusik (NJ)
Francis D. Reginald (NJ)
Louis A. Requena (NY)
Daniel T. Rhodes (IL)
Michael J. Robinson (WV)
Juan A. Rodriguez (CT)
Ronald L. Roy (IL)
Glen M. Schulz (IA)
Jarrod R. Seirer (KS)
Levi A. Shetler (OH)
Roye T. Skelton (MS)
Rick E. Smith (IL)
Juan E. Sotero (FL)
Paul D. Stoddard (NY)
Aaron M. Vernon (OH)
Cesar Villa (NM)
Larry J. Waldner (SD)
Stephen H. Ward (MO)
Karl A. Weinert (NY)
Dennis E. White (PA)
Lorenzo A. Williams (DE)
Walter M. Yohn, Jr. (AL)

The drivers were included in docket numbers FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2006–24015; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2007–29019; FMCSA–2009–0121; FMCSA–2011–0189; FMCSA–2011–26690; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2015–0049; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072. Their exemptions are applicable as of January 3, 2018, and will expire on January 3, 2020.

As of January 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, George G. Ulferts, Jr. (IA) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 70213; 77 FR 541; 78 FR 74223; 80 FR 80443).

The driver was included in docket number FMCSA–2011–0298. The exemption is applicable as of January 5, 2018, and will expire on January 5, 2020.

As of January 8, 2018, and in accordance with 49 U.S.C. 31136(e) and

31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 67340; 73 FR 1395; 74 FR 65845; 76 FR 78728; 78 FR 76704; 80 FR 76345; 80 FR 80443; 81 FR 60117):

Thomas G. Ashbrook (NY)
Wayne A. Burnett (NC)
George R. Cornell (OH)
Thomas E. Gross (PA)
Ethan A. Hale (KY)
Steven G. Hall (NC)
Jason Huddleston (TX)
Boleslaw Makowski (WI)
Anthony D. Ovitt (VT)
Martin Postma (IL)
Phillip D. Satterfield (GA)
George E. Todd (WV)
Eric C. Weidley (PA)

The drivers were included in docket numbers FMCSA–2007–0017; FMCSA–2015–0344. Their exemptions are applicable as of January 8, 2018, and will expire on January 8, 2020.

As of January 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Juan R. Andrade (TX) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 64271; 79 FR 2748; 80 FR 80443).

The driver was included in docket number FMCSA–2013–0167. The exemption is applicable as of January 9, 2018, and will expire on January 9, 2020.

As of January 15, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 64271; 79 FR 2748; 80 FR 80443):

Ronald C. Ashley (GA)
Miguel A. Calderon (CA)
Terry L. Cliffe (IL)
Adam S. Larson (CO)
Glenn H. Lewis (OH)
Leonardo Lopez (NE)
Roy A. Whitaker (TX)
Sammy D. Wynn (GA)

The drivers were included in docket number FMCSA–2013–0167. Their exemptions are applicable as of January 15, 2018, and will expire on January 15, 2020.

As of January 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 79414; 81 FR 44680):

Gary L. Best (MI)
Therron K. Billings (VA)
Russell A. Wilkinson (FL)
Timothy W. Youngblood, Jr. (TX)

The drivers were included in docket number FMCSA–2015–0345. Their exemptions are applicable as of January 21, 2018, and will expire on January 21, 2020.

As of January 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Leonard A. Martin (NV) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 67454; 79 FR 4803; 81 FR 15401).

The driver was included in docket number FMCSA–2013–0170. The exemption is applicable as of January 23, 2018, and will expire on January 23, 2020.

As of January 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 70213; 76 FR 73769; 77 FR 3547; 77 FR 541; 79 FR 2247; 80 FR 80443):

Adam O. Carson (MS)
Marion J. Coleman, Jr. (KY)
Lex A. Fabrizio (UT)
Mark A. Ferris (IA)
Roger W. Hammack (AL)

The drivers were included in docket numbers FMCSA–2011–0298; FMCSA–2011–0299. Their exemptions are applicable as of January 24, 2018, and will expire on January 24, 2020.

As of January 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 52811; 68 FR 61860; 70 FR 48801; 70 FR 57353; 70 FR 61165; 70 FR 71884; 70 FR 72689; 71 FR 4632; 72 FR 58359; 72 FR 62897; 73 FR 1395; 73 FR 5259; 74 FR 60021; 74 FR 64124; 74 FR 65845; 75 FR 1451; 77 FR 545; 78 FR 78475; 80 FR 80443):

Arthur L. Bousema (CA)
Norman E. Braden (CO)
Matthew W. Daggs (MO)
Donald R. Date, Jr. (MD)
John E. Kimmet, Jr. (WA)
Jason L. Light (ID)
Michael J. Richard (LA)
Robert E. Sanders (PA)
Robert A. Sherry (PA)

The drivers were included in docket numbers FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–22194; FMCSA–2005–22727. Their exemptions are applicable as of January 27, 2018, and will expire on January 27, 2020.

As of January 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (74 FR 60022; 75 FR 4623; 77 FR 543; 78 FR 76707; 80 FR 80443):

James A. DuBay (MI)
Donald E. Halvorson (NM)
Phillip J.C. Locke (CO)
Brian T. Nelson (MN)

The drivers were included in docket number FMCSA–2009–0303. Their exemptions are applicable as of January 28, 2018, and will expire on January 28, 2020.

As of January 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 67454; 79 FR 4803; 80 FR 80443):

Calvin J. Barbour (NY)
Martin D. Bellcour (WI)
Walter A. Breeze (OH)
Donald G. Carstensen (IA)
Jamie D. Daniels (IA)
Michael L. Fiamingo (PA)
Randall Hjelmtveit (MN)
Randy G. Kinney (IL)
Hector Marquez (TX)
Hersehl D. Volentine (LA)
Gary D. Vollertsen (CO)

The drivers were included in docket number FMCSA–2013–0170. Their exemptions are applicable as of January 29, 2018, and will expire on January 29, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11417 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0006]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 11 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on March 17, 2018. The exemptions expire on March 17, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from 11 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 6694). The public comment period ended on March 16, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 14, 2018, **Federal Register** notice (83 FR 6694) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 11 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, aphakia, central serous chorioretinopathy, corneal scarring, prosthesis, and retinal vein occlusion. In most cases, their eye conditions were not recently developed. Nine of the applicants were either born with their vision impairments or have had them since childhood. The two individuals that sustained their vision conditions as adults have had it for a range of 4 to 23 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 5 to 90 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level

of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 11 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Russell A. Anklam (WI)
Rodney P. Barfield (GA)
Kenneth W. Blake, Jr. (KS)
Efrain R. Cisneros (CA)
Justin D. Craft (AR)
James E. Haener (ID)
Curvin L. Martin (PA)
Robert L. Redding (NC)
Gerald L. Wheeler (FL)
George J. Worthington, Jr. (NY)
Jonas L. Yoder (NE)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Dated: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11440 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–25751; FMCSA–2011–0193; FMCSA–2011–0194; FMCSA–2013–0183; FMCSA–2013–0186; FMCSA–2013–0189; FMCSA–2015–0067; FMCSA–2015–0068; FMCSA–2015–0069]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 169 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing its decision to renew exemptions for 169 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (83 FR 2295). The public comment period ended on February 15, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 169 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of November and are discussed below:

As of November 1, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce

(78 FR 50482; 78 FR 65754; 80 FR 68895):

John K. Abels (IL)
Dean A. Bacon (IN)
Philip E. Banks (OH)
Anthony M. Brida (NJ)
Charles E. Dailey (AL)
Kenneth D. Denny (WA)
Adam M. Hogue (MS)
Greg P. Mason (NY)
Thomas D. Miller (MT)
Douglas A. Mulligan (KY)
David G. Peters (PA)
Gregory F. Wendt (NE)

The drivers were included in docket number FMCSA–2013–0183. Their exemptions are applicable as of November 1, 2017, and will expire on November 1, 2019.

As of November 3, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 37 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 59237; 80 FR 79401):

Melvin S. Adams, Jr. (MD)
Kevin R. Arnett (MO)
David A. Ash (KS)
Louis Barrios (WA)
Robert W. Brown (TN)
Amanda K. Burke (IA)
Gallaspy C. Chapman (CO)
Fredrick R. Conner (PA)
Charles A. Culler (OH)
Allan E. Dover (ID)
Larry D. Everett (CA)
James Ferrone (PA)
Kenneth C. Fosdick (OH)
Todd E. Gross (WI)
Ricky V. Hoffman (KS)
Gary A. Jackson (PA)
Wayne O. Jennings (KS)
Larian A. Koger (NC)
Richard C. Lakas (MO)
Amondo D. Lark (FL)
Deborah C. Neece (NC)
Paul Neville (NJ)
Thomas M. Nicolaus (IA)
James D. Rast, III (SC)
Jason K. Riley (WV)
David C. Ripley (WA)
Joseph D. Shehan (NC)
Michael Shuler (DC)
Joseph A. Sitarchyk (PA)
Max F. Smith (IA)
Vann H. Smith (AL)
Donald Snead (GA)
John L. Stauffer (IA)
David L. Stephenson (SD)
Connie E. Wideman (FL)
Gary W. Wood (AR)
Willard Zylstra (CA)

The drivers were included in docket number FMCSA–2015–0067. Their exemptions are applicable as of November 3, 2017, and will expire on November 3, 2019.

As of November 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 55460; 78 FR 69795; 80 FR 68895):

Mark A. Blanton (IN)
Howard T. Cash (IL)
Heath J. Chesser (AL)
Kevin F. Connacher (PA)
Darryl A. Daniels (OH)
Carrie L. Frisby (CA)
Dean M. Keeven (MI)
Christopher A. Labudde (IL)
Brian A. Mankowski (IL)
Robert E. Welling (OH)
Keith Weymouth (ME)

The drivers were included in docket number FMCSA–2011–0193. Their exemptions are applicable as of November 9, 2017, and will expire on November 9, 2019.

As of November 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 19 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 56988; 78 FR 67459; 80 FR 68895):

Philip B. Blythe (IL)
Ryan T. Byndas (AZ)
Winfred G. Clemenson (WA)
Chad P. Colligan (NY)
James D. Crosson, Jr. (MN)
Bruce E. Feltenbarger (MI)
Charles A. Fleming (VA)
Brian W. Hannah (UT)
Michael P. Huck (MI)
Van K. Jarrett (KY)
Keith W. Lewis (MO)
Ronny J. Moreau (NH)
James M. O'Rourke (MA)
Joshua T. Paumer (MT)
Vladimir B. Petkov (MO)
Robert J. Pulliam (AZ)
Daniel C. Theis (FL)
Richard A. White (TN)
Mark A. Winning (IL)

The drivers were included in docket number FMCSA–2013–0186. Their exemptions are applicable as of November 12, 2017, and will expire on November 12, 2019.

As of November 16, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 12 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 61140; 76 FR 71111; 80 FR 68895):

Mark D. Andersen (IA)
David A. Basher (MA)
Brian H. Berthiaume (VT)
Eric D. Blocker, Sr. (NC)
Barry W. Campbell (WI)
Raymond A. Jack (WA)
Kenny B. Keels, Jr. (SC)
Jason M. Pritchett (MI)
Steven R. Sibert (MN)
Cassie J. Silbernagel (SD)
Lewis B. Taylor (IL)
James A. Terilli (NY)

The drivers were included in docket number FMCSA–2011–0194. Their exemptions are applicable as of November 16, 2017, and will expire on November 16, 2019.

As of November 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 62155; 81 FR 6329):

Robert G. Chadwick (UT)
Brian D. Correll (PA)
Thomas W. Feely (NY)
Jeffrey S. Gurick (NJ)
Robert Hackey, Jr. (NJ)
Lawrence D. Hastings (WI)
Michael P. Haun (RI)
Anthony G. Hill (GA)
Charles H. Hillman (OR)
Alan L. Hodge (MN)
Nicholas C. Huber (IA)
Joseph S. Hurlburt (NY)
Robert J. Johnson (WA)
Robert L. Lawson (SC)
Leroy Madison (SC)
Mark L. Martin (WA)
Wendell J. Matthews (MO)
Peter G. Mattos (VT)
Michael J. Murray, Jr. (CA)
Joseph K. Niesen (IL)
Herman Powell, Jr. (TX)
William H. Riley, Jr. (IL)
Thomas H. Smith (SC)
James W. Smith (IL)
Michael J. Swanson (IL)
Patrick J. Sweeney (NJ)
Mark A. Turley (PA)
Jon T. Webster (MN)

The drivers were included in docket number FMCSA–2015–0069. Their exemptions are applicable as of November 17, 2017, and will expire on November 17, 2019.

As of November 20, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 20 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (71 FR 58464; 71 FR 67201; 80 FR 68895):

John N. Anderson (MN)
Allan C. Boyum (MN)

Terry L. Brantley (NC)
Steven E. Brechting (MI)
Scott A. Carlson (WI)
Joseph L. Coggins (SC)
Stephanie D. Fry (WY)
Robert W. Gaultney, Jr. (MD)
Paul T. Kubish (WI)
David M. Levy (NY)
David F. Morin (CA)
Jeffrey J. Morinelli (NE)
Ronald D. Murphy (WV)
Charles B. Page (PA)
John A. Remaklus (OH)
Michael D. Schooler (IN)
Arthur L. Stapleton, Jr. (OH)
Jeffrey M. Thew (WA)
Barney J. Wade
Dennis D. Wade (IL)

The drivers were included in docket number FMCSA–2006–25751. Their exemptions are applicable as of November 20, 2017, and will expire on November 20, 2019.

As of November 21, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 63863; 81 FR 6330):

Leonel Barrera, Jr. (TX)
Alfred T. Benelli (PA)
Rickie J. Burgess (NC)
Edson M. Chick (VT)
Jerome E. Collins (LA)
Alvah R. Daniel, Jr. (WY)
John M. Fisher (VA)
Kent E. Fry (IL)
Stanley M. Garrison (AR)
Eric T. Herron (NV)
Lyle E. Hinspeter, Jr. (IA)
Burton W. Holliday (AL)
Justin L. Howe (IL)
Robert M. Manko (NY)
Clarance McNeill (NC)
Joe R. Minga (MS)
Tyna M. Murphy (PA)
Jose A. Ortega (IL)
Troy D. Ostrowski (MN)
Terry G. Parker (OR)
Anthony T. Quaglieri (NJ)
Antonio Ramos (RI)
Robert N. Ruhs (IA)
Ford J. Stevens, Jr. (MA)
Donald T. Streich (WA)
Dale A. Stydinger (PA)
Raymond E. Thomason (CA)
Robert M. Wright (PA)
Joe L. Zamora (TX)

The drivers were included in docket number FMCSA–2015–0068. Their exemptions are applicable as of November 21, 2017, and will expire on November 21, 2019.

As of November 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, Steven R. Auger (NH) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (76 FR 63295; 76 FR 76400; 80 FR 68895).

This driver was included in docket number FMCSA–2013–0189. The exemption is applicable as of November 22, 2017, and will expire November 22, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11410 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2018–0020]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 51 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on March 17, 2018. The exemptions expire on March 17, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from 51 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (83 FR 6685). The public comment period ended on March 16, 2018, and five comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received five comments in this proceeding. Vicky Johnson stated that Minnesota Department of Public Safety is in favor of granting exemptions to the following Minnesota drivers: Mark S. Schellhammer, Daniel G. Roach, and Donald R. Heupel.

The Motor Vehicle Division (DMV) in the State of Montana reviewed the driving record of Marty G. Niles and

found evidence that indicates Mr. Niles will not be able to achieve the statutory level of safety. FMCSA met with representatives of the DMV and reviewed Mr. Niles' driving record which had new information not provided in the application submitted to the Agency. FMCSA determined that Mr. Niles does meet the criteria to receive the exemption.

Tommy Friend and Austin Thies stated that they believe anyone who decides to drive a CMV with diabetes should be allowed to do so without discrimination. FMCSA believes that the individualized assessment of exemption applicants addresses the commenter's concern about discrimination, while maintaining an equivalent level of public safety. FMCSA's exemption process supports drivers with ITDM who seek to operate in interstate commerce. In addition, the FMCSRs are not contrary to the Americans with Disabilities Act (ADA) of 1990. The mandates of the ADA do not require that FMCSA alter the driver qualification requirements contained in 49 CFR part 391. The Senate report on the ADA, submitted by its Committee on Labor and Human Resources, included the following explanation:

With respect to covered entities subject to rules promulgated by the Department of Transportation regarding physical qualifications for drivers of certain classifications of motor vehicles, it is the Committee's intent that a person with a disability applying for or currently holding a job subject to these standards must be able to satisfy these physical qualification standards in order to be considered a qualified individual with a disability under title I of this legislation. S. Rep. 101–116, at 25 (1989).

The Agency's current approach, articulated in this **Federal Register** notice, nevertheless meets the spirit of the ADA by conducting an individualized assessment of each exemption applicant's medical history and the concomitant level of safety risk. The Agency's case-by-case review of exemption applicants provides the best assurance of drivers being treated fairly, while at the same time addressing public safety concerns.

George Benson states that if a person is truly taking care of their diabetes, it should not take as long as it does to get the exemption and the process does not have to be so difficult. FMCSA is required by statute to complete the application process within 180 days from the date all required information is submitted by the applicant. However, this is often completed well in advance of this timeframe. This timeframe includes time to review application information and meet **Federal Register** publication requirements to include a 30-day public comment period, as required by law.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 14, 2018, **Federal Register** notice (83 FR 6685) and will not be repeated in this notice.

These 51 applicants have had ITDM over a range of 1 to 47 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 51 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Tina M. Adams (NY)
Steven A Bain (RI)
Joseph M. Ballard (MI)
Edward L. Barron (TX)
James A. Beck (KY)
George R. Benson (TX)
Jason D. Bonham (KS)
Dennis L. Bowden (CA)
Harry C. Davis (PA)
Warren E. Davis (IL)
Anderson N. Debitencourte (MA)
George M. Dickherber (MO)
Craig A. Dixon (IA)
Sandra M. Fazio (NH)
Thomas M. Gibbs (VA)
Willi M. Goolsbey (NM)
Eli J. Goudreau (MA)
John W. Green (IA)
Delight A. Halfred (SD)
Vernell Harris (IL)
Robert L. Harris (TN)
Donald R. Heupel (MN)
Michael J. Hobbs (TX)
Arnold Hollins (IL)
Sarvar Kachiev (IL)
Sidney G. Lehman (PA)
John H. Lowe, Jr. (CO)
Robert R. Martin (KS)
Christopher C. McMurray (CA)
Davis K. Mensah (VA)
Jeffrey R. Meyer (CA)
Kurtis A. Nichols (MO)
Marty G. Niles (MT)

Darrell E. Oliver (TN)
Timothy P. Oliver (OR)
Fred W. Payne (OR)
Ronald L. Pellack, Jr. (IL)
Edward F. Poe (MI)
Clint A. Richter (PA)
Daniel G. Roach (MN)
Mark S. Schellhammer (MN)
Edward R. Sutton (CA)
Maurice L. Talley (NV)
Brandon L. Tatman (CO)
Austin M. Thies (IA)
Robert J. Tischler (UT)
Michael Tucker (NJ)
Leonard J. Warnock (WA)
John R. Wohlers (WI)
David L. Woodfill (CA)
Daniel J. Woodring (MI)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11429 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0029]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 37 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0029 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 2018–0029 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency's July 2000 study entitled ''A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.'' The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act

for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136 (e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary. The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

II. Qualifications of Applicants

Clayton W. Baenziger

Mr. Baenziger, 33, has had ITDM since 1996. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Baenziger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Baenziger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

Jon E. Behle

Mr. Behle, 63, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Behle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Behle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Myles S. Bolton

Mr. Bolton, 21, has had ITDM since 2011. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bolton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bolton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alaska.

Francisco Chavez, Jr.

Mr. Chavez, 32, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Chavez understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Chavez meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from California.

David C. Clarke

Mr. Clarke, 54, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Clarke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clarke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

Steven R. Condon

Mr. Condon, 58, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Condon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Condon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

Gilbert L. Fleming, Jr.

Mr. Fleming, 70, has had ITDM since 2005. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Fleming understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fleming meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Gavin C. Gore

Mr. Gore, 28, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Johnny Gregg, Jr.

Mr. Gregg, 55, has had ITDM since 2000. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gregg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gregg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from North Carolina.

Thomas W. Guzier

Mr. Guzier, 59, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Guzier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Guzier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Willard R. Hammond, Jr.

Mr. Hammond, 58, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hammond understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hammond meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New York.

Greg C. Hardcastle

Mr. Hardcastle, 34, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Hardcastle understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hardcastle meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Oregon.

Joseph E. Heck

Mr. Heck, 51, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Heck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Heck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Stephen R. Henderschiedt

Mr. Henderschiedt, 54, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Henderschiedt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Henderschiedt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Larry D. Johnston

Mr. Johnston, 57, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Johnston understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Johnston meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Leodon L. Killinger, Jr.

Mr. Killinger, 47, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Killinger understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Killinger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maine.

Joshua M. Lenhart

Mr. Lenhart, 36, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Lenhart understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lenhart meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alaska.

Michelle L. Logsdon

Ms. Logsdon, 45, has had ITDM since 2012. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Logsdon understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Logsdon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her ophthalmologist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds an operator's license from West Virginia.

Tiernan E. Mc Kinney

Mr. Mc Kinney, 21, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Mc Kinney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McKinney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Kevin R. McClerren

Mr. McClerren, 47, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. McClerren understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McClerren meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Bryant L. Murray

Mr. Murray, 36, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Murray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Utah.

Manuel C. Pineda

Mr. Pineda, 50, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pineda understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pineda meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Texas.

Kenneth M. Putt

Mr. Putt, 53, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Putt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Putt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Virginia.

John D. Randall

Mr. Randall, 61, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Randall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Randall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

John F. Reilly

Mr. Reilly, 49, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Reilly understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reilly meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Tyree E. Rhodes

Mr. Rhodes, 25, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rhodes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rhodes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Louisiana.

Jose C. Rosario

Mr. Rosario, 39, has had ITDM since 1998. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Rosario understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rosario meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Minnesota.

Matthew L. Shelley

Mr. Shelley, 32, has had ITDM since 2013. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Shelley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Shelley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Virginia.

Brian R. Smallcanyon

Mr. Smallcanyon, 39, has had ITDM since 2013. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Smallcanyon understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Smallcanyon meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

Kenneth J. Sortman

Mr. Sortman, 23, has had ITDM since 2003. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sortman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sortman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Gregory R. Suckow

Mr. Suckow, 45, has had ITDM since 2017. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Suckow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Suckow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Jack W. Terrio

Mr. Terrio, 60, has had ITDM since 2012. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Terrio understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Terrio meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Louisiana.

Curtis D. Van Koevering

Mr. Van Koevering, 53, has had ITDM since 2008. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Van Koevering understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Van Koevering meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His

optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Trent J. Vandyken

Mr. Vandyken, 34, has had ITDM since 2018. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Vandyken understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vandyken meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Montana.

Gregory A. Westfall

Mr. Westfall, 35, has had ITDM since 2007. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Westfall understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Westfall meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2018 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Kevin L. Willis Sloan

Mr. Willis Sloan, 48, has had ITDM since 2015. His endocrinologist examined him in 2018 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Willis Sloan understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Willis Sloan meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an Operator's License from Missouri.

Debra A. Wiss

Ms. Wiss, 61, has had ITDM since 2016. Her endocrinologist examined her in 2018 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Wiss understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV safely. Ms. Wiss meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2018 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Washington.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0029 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0029 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Dated: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11411 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0071; FMCSA–2012–0044; FMCSA–2012–0107; FMCSA–2014–0015; FMCSA–2014–0016; FMCSA–2016–0037; FMCSA–2016–0039]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 133 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2008–0071; FMCSA–2012–0044; FMCSA–2012–0107; FMCSA–2014–0015; FMCSA–2014–0016; FMCSA–

2016–0037; FMCSA–2016–0039 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

The 133 individuals listed in this notice have requested renewal of their exemptions from the diabetes standard in 49 CFR 391.41(b)(3), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 133 applicants has satisfied the renewal conditions for obtaining an exemption from the diabetes requirement (73 FR 16946; 73 FR 31734; 77 FR 20876; 77 FR 27842; 77 FR 33264; 77 FR 38383; 79 FR 22573; 79 FR 29484; 79 FR 35855; 79 FR 42628; 81 FR 25486; 81 FR 28121; 81 FR 59728; 81 FR 66733; 81 FR 96176). They have maintained their required medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of June and are discussed below:

As of June 1, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 33 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 25486; 81 FR 66733):

Christopher R. Barwick (NC)
Jeffrey C. Bergen (MA)
Christopher J. Burgess (ID)
Edward D. Burman (MA)
Lynn J. Clark (UT)
Kenneth W. Day (TN)
Horace Dickinson (GA)
James R. Fifield (MI)
Scott A. Figert (OH)
Larry D. Funk (KS)
Steven S. Gray (CT)
Donald F. Greel, Jr. (MA)
John A. Jung (OH)
Jerry H. Kahn (MN)
Sean T. Lewis (NJ)
Edwin Lozada (FL)
Kevin S. Martin (MN)
Allysa B. Meirowitch (NY)
Brian L. Murray (WA)
Thomas V. Noyes (MA)
Benny M. Perez (PA)
Gregory S. Pethtel (OH)
Thomas J. Price (WY)
Theodore D. Reagle (PA)
Eric A. Richie (AZ)
Keith E. Shumake (CO)
William G. Simpson (CO)
Stirling H.C. Sowerby (PA)
John J. Steele (AL)
Ryan M. Stumbaugh (PA)
David J. Walker (IA)
Shawn D. Weigel (KS)
William H. Yocom (MO)

The drivers were included in docket number FMCSA–2016–0037. Their exemptions are applicable as of June 1, 2018, and will expire on June 1, 2020.

As of June 3, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce

(73 FR 16946; 73 FR 31734; 81 FR 96176):

Edward F. Connole (MA)
Gary D. Coonfield (MO)
Shannon D. Hanson (SD)
Aundra Menefield (MS)
James T. Rothwell (TN)
Dalton T. Smith, Jr. (IL)
Marvin D. Webster (KY)
Travis S. Wolfe (WV)

The drivers were included in docket number FMCSA–2008–0071. Their exemptions are applicable as of June 3, 2018, and will expire on June 3, 2020.

As of June 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 20876; 77 FR 33264; 81 FR 96176):

Steven W. Beaty (SD)
David D. Brown (MI)
Evan P. Hansen (WI)
John M. Kennedy, Jr. (NC)
Jeremy A. Ludolph (KS)
Gerald N. Martinson (ND)
Glenn D. Taylor (NY)
Thomas R. Toews (OR)
James E. Waller, III (GA)

The drivers were included in docket number FMCSA–2012–0044. Their exemptions are applicable as of June 5, 2018, and will expire on June 5, 2020.

As of June 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (81 FR 28121; 81 FR 59728):

Matthew P. Ambrose (OH)
Steven E. Beining (OH)
Steven Belback (PA)
Roger D. Bragg (WV)
John Ciesmelewski (NJ)
Ernest W. Collett (TX)
Daniel C. Crider (MN)
Charla J. Donahy (TX)
Richard D. Florio, Jr. (NY)
Tyler J. Francis (KS)
Calvin L. Frew (ID)
Juda Friedman (NY)
Dean Gage (NY)
William Gallagher (PA)
Harvey E. Gordon (MA)
James W. Gorman, Jr. (MD)
Christopher L. Greene (WY)
Gregor C. Guisewhite (PA)
Dennis T. Harding (MN)
Brandon R. Hart (TX)
Stephen E. Hochmiller (CO)
Jack V. Holloway (IL)
Richard L. Hubbard (MN)
Stephen A. Kinney (MI)
Russell L. Koehn (IL)
Timothy C. LaRue (FL)
Joseph M. Lopes (NH)
William B. Onimus (PA)
Victor M. Orta (TX)
William D. Powell (IL)
Lee A. Pulda (WI)
William K. Sawyer II (NM)
Jeffrey J. Schnacker (NE)
Jeffrey D. Smith (MD)
Anthony G. Stellatos (NJ)
Trent A. Stuber (IL)
LaDon L. Wallin (MN)
Richard D. Webb (NY)
Grady L. Wilson, Jr. (FL)
Karl S. Yauneridge (MD)

The drivers were included in docket number FMCSA–2016–0039. Their exemptions are applicable as of June 9, 2018, and will expire on June 9, 2020.

As of June 20, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Gary R. Harper, (IN) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628; 81 FR 96176).

The driver was included in docket number FMCSA–2014–0016. The exemption is applicable as of June 20, 2018, and will expire on June 20, 2020.

As of June 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 35 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 22573; 79 FR 35855; 81 FR 96176):

Joshua T. Adams (OH)
Dennis W. Athey II (KS)
John M. Behan, Jr. (MD)
Kirk B. Berridge (KS)
Francis P. Bourgeois (LA)
Randall T. Buffkin (NC)
Heladio Castillo (WA)
Purvis J. Chesson (VA)
Jeff T. Enbody (WA)
Larry S. Gibson, II (NC)
James M. Halapchuk (PA)
Jeffery A. Hall (ME)
Henry W. Hartman (NY)
Marlin R. Hein (IA)
Vincenzo Ingrassellino (NY)
Davis Jansen van Beek (MT)
Baek J. Kim (MD)
Shawn N. Kimble (PA)
Darrel G. Klauer (WI)
Stephen D. Lewis (NY)
Alvin McClain (OR)
Kenneth D. Mehmen (IA)
Kyle B. Mitchell (CA)
Michael A. Murrell (KY)
Ryan R. Ong (CA)
Gregory Paradiso (OH)
Brian K. Patenaude (MA)
William A. Schimpf (CA)
Frank J. Sciulli (PA)
Bryan J. Smith (ND)
Edward L. Stauffer (PA)
Kyle G. Streit (TX)
Joseph D. Stutzman (PA)
Raymond J. Vaillancourt (OH)
Robert L. Weiland (PA)

The drivers were included in docket number FMCSA–2014–0015. Their exemptions are applicable as of June 24, 2018, and will expire on June 24, 2020.

As of June 26, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Tommy R. Riley, (IL) has satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 29484; 79 FR 42628; 81 FR 96176).

The driver was included in docket number FMCSA–2014–0016. The exemption is applicable as of June 26, 2018, and will expire on June 26, 2020.

As of June 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 27842; 77 FR 38383; 81 FR 96176):

Matthew R. Bagwell (NY)
Eric J. Bright (IL)
Kyle D. Dale (MO)
Donald L. Philpott (WA)
John Randolph (OK)
Courtney R. Schiebout (IA)

The drivers were included in docket number FMCSA–2012–0107. Their exemptions are applicable as of June 27, 2018, and will expire on June 27, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must submit an annual ophthalmologist's or optometrist's report; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's

qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 133 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Dated: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11431 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2012–0050; FMCSA–2015–0119; FMCSA–2015–0320]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for nine individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on January 21, 2018. The exemptions expire on January 21, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, f*mcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 27, 2018, FMCSA published a notice announcing its decision to renew exemptions for nine individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (83 FR 8568). The public comment period ended on March 29, 2018 and one comment was received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received one comment in this proceeding. This comment supported FMCSA's decision to grant these exemptions to drivers with seizure disorders.

IV. Conclusion

Based upon its evaluation of the nine renewal exemption applications and comments received, FMCSA announces its' decision to exempt the following drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8):

As of March 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers. (83 FR 8568):

Thomas A. De Angelo (IL)
Nathan L. Dermer (AK)
Daniel L. Halstead (NV)
Toriano T. Mitchell (OH)
Thomas A. Mitman (NY)
Diana J. Mugford (VT)
Tyler W. Schaefer (ME)
Alvin C. Strite (PA)
Thomas B. Vivirito (PA)

The drivers were included in docket numbers FMCSA–2012–0050; FMCSA–2015–0119; FMCSA–2015–0320. Their exemptions are applicable as of January 21, 2018, and will expire on January 21, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption

would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11438 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0011]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from 12 individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before June 28, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2018–0011 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The 12 individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

In July 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (Qualification of Drivers; Vision Waivers, 57 FR 31458, July 16, 1992). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA–21), Public Law 105–178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of 49 CFR 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision

deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

II. Qualifications of Applicants

Joseph W. Davis

Mr. Davis, 63, has had a central retinal vein occlusion in his right eye since 2012. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2018, his ophthalmologist stated, ''In my medical opinion, this gentleman has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Davis reported that he has driven tractor-trailer combinations for five years, accumulating 550,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Joshua D. Giles

Mr. Giles, 39, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/15, and in his left eye, 20/50. Following an examination in 2018, his ophthalmologist stated, ''In my medical opinion, Mr. Giles has sufficient vision to perform driving tasks required to operate commercial vehicles.'' Mr. Giles reported that he has driven tractor-trailer combinations for 17 years, accumulating 1.02 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Michael J. Haubert

Mr. Haubert, 41, has a prosthetic right eye due to a traumatic incident in 2013. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''Michael, it is in my medical opinion you have sufficient vision to perform the driving tasks necessary to operate a commercial vehicle.'' Mr. Haubert reported that he has driven straight trucks for 17 years, accumulating 221,000 miles, and tractor-trailer combinations for 17 years, accumulating 85,00 miles. He holds a Class ABCD CDL from Wisconsin. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Thomas R. Krentz

Mr. Krentz, 30, has had optic atrophy in his right eye due to a traumatic incident in 2003. The visual acuity in his right eye is light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''I, Timothy J. Goldsmith, Optometrist certify in my medical opinion that Thomas Krentz has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Krentz reported that he has driven straight trucks for 13 years, accumulating 130,000 miles, and tractor-trailer combinations for 13 years, accumulating 455,000 miles. He holds a Class A CDL from Minnesota. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Phil M. Lamp

Mr. Lamp, 45, has a prosthetic left eye due to a traumatic incident in 1984. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his optometrist stated, ''Overall I feel that Mr. Lamp has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Lamp reported that he has driven straight trucks for 20 years, accumulating 500,000 miles, and tractor-trailer combinations for 16 years, accumulating 400,000 miles. He holds a Class A CDL from West Virginia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Jeffery S. Lathrop

Mr. Lathrop, 57, has had amblyopia in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2018, his optometrist stated, ''In my opinion, Jeff has sufficient vision to operate a commercial vehicle.'' Mr. Lathrop reported that he has driven straight trucks for 29 years, accumulating 1.45 million miles, and tractor-trailer combinations for 29 years, accumulating 1.45 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Terrence A. Odrick

Mr. Odrick, 53, has had amblyopia in his right eye since birth. The visual acuity in his right eye is 20/150, and in his left eye, 20/15. Following an examination in 2018, his optometrist stated, ''Patient has sufficient vision to drive a commercial vehicle.''

Mr. Odrick reported that he has driven buses for 29 years, accumulating 471,250 miles. He holds an operator's license from Delaware. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

James B. Powell

Mr. Powell, 54, has had iris coloboma in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/800. Following an examination in 2018, his optometrist stated, ''In my medical opinion, Mr. Jim Powell has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Powell reported that he has driven straight trucks for 25 years, accumulating 1.25 million miles, and tractor-trailer combinations for 11 years, accumulating 550,000 miles. He holds a Class AM CDL from Illinois. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Raymond C. Smith

Mr. Smith, 63, has a prosthetic left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, no light perception. Following an examination in 2018, his ophthalmologist stated, ''In my opinion as an ophthalmologist, he has more than sufficient vision to perform driving tasks of operating a commercial vehicle using dual mirrors.''

Mr. Smith reported that he has driven straight trucks for eight years, accumulating 328,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Zebrial C. Stahmer

Mr. Stahmer, 33, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/200, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''In my medical opinion, Mr. Stahmer has sufficient vision to perform the driving tasks required to operate a commercial vehicle.'' Mr. Stahmer reported that he has driven straight trucks for ten years, accumulating 1.04 million miles, and tractor-trailer combinations for six years, accumulating 168,480 miles. He holds a Class A CDL from Montana. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Leon W. Tanksley, III

Mr. Tanksley, 40, has had amblyopia in his right eye since childhood. The visual acuity in his right eye is 20/150, and in his left eye, 20/20. Following an examination in 2017, his ophthalmologist stated, ''His visual field with both eyes open is normal along with a 120-degree horizontal axis and in my medical opinion, the vision out of his good eye is sufficient to operate a commercial vehicle.'' Mr. Tanksley reported that he has driven tractor-trailer combinations for eight years, accumulating 760,000 miles. He holds a Class A CDL from Georgia. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

Timothy E. Thomas

Mr. Thomas, 44, has a prosthetic right eye due to a traumatic incident in 2002. The visual acuity in his right eye is no light perception, and in his left eye, 20/20. Following an examination in 2018, his optometrist stated, ''Patient has sufficient vision in his left eye to operate a commercial vehicle.'' Mr. Thomas reported that he has driven tractor-trailer combinations for 20 years, accumulating 1.1 million miles. He holds a Class A CDL from North Carolina. His driving record for the last three years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0011 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2018–0011 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to this notice.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11408 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–16564; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0291; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2011–0325; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0348]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions for 85 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue

SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On February 15, 2018, FMCSA published a notice announcing its decision to renew exemptions for 85 individuals from the vision requirement in 49 CFR 391.41(b)(10) to operate a CMV in interstate commerce and requested comments from the public (83 FR 6919). The public comment period ended on March 19, 2018, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 85 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following driver from the vision requirement in 49 CFR 391.41 (b)(10):

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of March and are discussed below:

As of March 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027; 64 FR 51568; 66 FR 48504; 66 FR 53826; 66 FR 66966; 68 FR 10301; 68 FR 19596; 68 FR 54775; 68 FR 69434; 70 FR 25878; 70 FR 48797; 70 FR 48798; 70 FR 48799; 70 FR 48800; 70 FR 53412; 70 FR 57353; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 4632; 71 FR 32183; 71 FR 41310; 72 FR 32705; 72 FR 46261; 72 FR 54972; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 5259; 73 FR 6246; 73 FR 60398; 74 FR 26464; 74 FR 43222; 74 FR 53581; 74 FR 60021; 74 FR 60022; 74 FR 65842; 74 FR 65845; 75 FR 1450; 75 FR 1451; 75 FR 4623; 75 FR 9482; 76 FR 34135; 76 FR 37169; 76 FR 50318; 76 FR 53710; 76 FR 64171; 76 FR 75942; 76 FR 75943; 76 FR 78728; 77 FR 539; 77 FR 543; 77 FR 545; 77 FR 3554; 77 FR 10604; 77 FR 10608; 78 FR 63302; 78 FR 64274; 78 FR 67452; 78 FR 67454; 78 FR 68137; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 3919; 79 FR 4531; 79 FR 4803; 79 FR 6993; 79 FR 10619; 80 FR 40122; 80 FR 44188; 80 FR 59230; 80 FR 62161; 80 FR 62163; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 44680; 81 FR 48493; 81 FR 60117):

John P. Bails (IA)
Garry A. Baker (OH)
Howard D. Barton (IN)
Craig J. Belles (NY)
Steven A. Blinco (MT)
Cris D. Bush (TN)
Johnnie E. Byler (PA)
Stewart K. Clayton (TX)
David N. Cleveland (ME)
James J. Coffield (NM)
Richard A. Congdon, Jr. (OR)
Albion C. Doe, Sr. (NH)
Bruce J. Dowd (CT)
David E. Evans (NC)
Mark A. Farnsley (IN)
Jason L. Hoovan (UT)
Amos W. Husley (AL)
Darryl H. Johnson (WV)
Freddie H. Johnson (ID)
David B. Jones (FL)
Alfred Keehn (AZ)
Volga Kirkwood (MO)
Michael S. Maki (MN)
Kevin D. Mendoza (WA)
Ralph S. Miller (WV)
John M. Moore (PA)
Kenneth R. Murphy (WA)
Millard F. Neace, II (WV)
William E. Norris (NC)
Daniel F. Perez (CA)
Dean B. Ponte (MA)
Jack E. Potts, Jr. (PA)
Richard E. Purvenas, Jr. (DE)
Robert C. Reid (KY)
Steven S. Reinsvold (WI)
Glenn T. Riley (OH)
Migeul A. Sanchez (NM)
Donald L. Schoendienst (MO)
Tigran Semerjyan (CA)
James A. Shepard (NY)
Robert L. Simpson (NC)
John R. Snyder (WA)
Timothy R. Steckman (IL)
Warren Supulski (NC)
Dustin W. Tharp (IA)
Kirk A. Thelen (MI)
Robert E. Whitney (IL)
Reginald Wuethrich (IL)
Chadwick L. Wyatt (NC)

The drivers were included in docket numbers FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2003–14223; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2009–0291; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2011–0325; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347. Their exemptions are applicable as of March 2, 2018, and will expire on March 2, 2020.

As of March 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 74699; 69 FR 10503; 70 FR 57353; 70 FR 72689; 71 FR 6829; 73 FR 8392; 75 FR 8184; 77 FR 7233; 79 FR 10602; 81 FR 20433):

Barton C. Caldara (WI)
Allan Darley (UT)
Richard Hailey, Jr. (DC)
Robert V. Hodges (IL)
Edward D. Pickle (GA)
James T. Worthham, Jr. (GA)

The drivers were included in docket numbers FMCSA–2003–16564; FMCSA–2005–22194. Their exemptions are applicable as of March 5, 2018, and will expire on March 5, 2020.

As of March 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 3552; 77 FR 13691; 79 FR 12565; 81 FR 20433): Samuel V. Holder (IL); Jake F. Richter (KS); Robert J. Townsley (VA).

The drivers were included in docket number FMCSA–2011–0365. Their

exemptions are applicable as of March 7, 2018, and will expire on March 7, 2020.

As of March 10, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 6573; 81 FR 28136):

Thomas M. Bowman (OH)
Robert W. Fawcett (PA)
Harry J. Glynn (LA)
Cody N. McDonnell (OR)
Dennis C. Rokes (IA)
Brian W. Roughton (MO)
Steven A. Van Raalte (IL)
Marvin L. Wernimont (IA)
Brian J. Yole (TX)

The drivers were included in docket number FMCSA–2015–0348. Their exemptions are applicable as of March 10, 2018, and will expire on March 10, 2020.

As of March 13, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 1908; 79 FR 14333; 81 FR 20433):

Norvan D. Brown (IA)
Jackie K. Curlin (KY)
Justin W. Demarchi (OH)
Jimmey C. Harris (TX)
David G. Henry (TX)
Rogelio C. Hernandez (CA)
Harold D. Pressley (TX)
Jason C. Sadler (KY)
Michael O. Thomas (NC)

The drivers were included in docket number FMCSA–2013–0174. Their exemptions are applicable as of March 13, 2018, and will expire on March 13, 2020.

As of March 15, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 70 FR 7545; 71 FR 4194; 71 FR 13450; 72 FR 40362; 73 FR 9158; 74 FR 64124; 75 FR 9484; 77 FR 10606; 79 FR 14328; 81 FR 20433): Gene Bartlett, Jr. (VT); Wayne H. Holt (UT); William B. Wilson (KY).

The drivers were included in docket numbers FMCSA–2002–12844; FMCSA–2005–23099. Their exemptions are applicable as of March 15, 2018, and will expire on March 15, 2020.

As of March 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Glenn R. Theis (MN) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 5874; 77 FR 17117; 79 FR 13085; 81 FR 20433).

The driver was included in docket number FMCSA–2011–0366. The exemption is applicable as of March 23, 2018, and will expire on March 23, 2020.

As of March 31, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (73 FR 6242; 73 FR 16950; 75 FR 9477; 77 FR 13689; 79 FR 14331; 81 FR 20433):

Gary W. Ellis (NC)
K. L. Guse (OH)
Steven W. Halsey (MO)
Thomas M. Leadbitter (PA)
Jonathan P. Lovel (IL)

The drivers were included in docket number FMCSA–2007–0071. Their exemptions are applicable as of March 31, 2018, and will expire on March 31, 2020.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11409 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0027]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 14 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on February 16, 2018. The exemptions expire on February 16, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

II. Background

On January 16, 2018, FMCSA published a notice announcing receipt of applications from 14 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 2292). The public comment period ended on February 15, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 16, 2018, **Federal Register** notice (83 FR 2292) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 14 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, glaucoma, macular scarring, prosthesis, optic atrophy, retinal detachment, retinal scarring, and retinal vein occlusion. In most cases, their eye conditions were not recently developed. Seven of the applicants were either born with their vision impairments or have had them since childhood. The seven individuals that sustained their vision conditions as adults have had it for a range of 9 to 31 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 5 to 78 years. In the past three years, one driver was involved in a crash, and one driver was convicted of a moving violation in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 14 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Jordan N. Bean (ND)

Robert J. Bower (PA)

James E. Bragg (WV)

Lee S. Brown, Jr. (ME)

Thomas Buker (WI)

Robert A. Dicker (ME)

James D. Evans (MD)

Spencer L. Goard (KY)

Gregory C. Grubb (KY)

Charles K. Klinglesmith (KY)

Freddy E. Parker (NV)

Douglas E. Porter (MI)

Roy E. Robertson (GA)

Daniel E. Sharp (OH)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 17, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11407 Filed 5–25–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; International Regulation

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC 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.

The OCC is soliciting comment concerning the renewal of its information collection titled ''International Regulation.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: Comments must be received by June 28, 2018.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0102, 400 7th Street SW, suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0102'' in your comment. In general, the OCC will publish them on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0102, U.S. Office of Management and Budget, 725 17th Street NW, #10235, Washington, DC 20503 or by email to *oira_submission@omb.eop.gov.*

You may review comments and other related materials that pertain to this information collection [1] following the close of the 30-day comment period for this notice by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0102'' or ''International Regulation''. Upon finding the appropriate information collection, click on the related ''ICR Reference Number''. On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect comments at the OCC, 400 7th Street SW, Washington, DC. 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 comments.

FOR FURTHER INFORMATION CONTACT: OCC Clearance Officer, (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, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC asks OMB to extend its approval of the following collection.

Title: International Regulation.

OMB Control No.: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement

A national bank shall notify the OCC when it files an application, notice, or report with the FRB [2] to establish or open a foreign branch, or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization; or opens a foreign branch, and no application or notice is required by the FRB for such transaction.

In practice, the OCC also has required an application pursuant to § 28.3(c) from a national bank seeking to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another federal agency that covers the proposed action and contains substantially the same information required by the OCC. A national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.14(c) Limitations Based Upon Capital of a Foreign Bank—Aggregation

A foreign bank shall aggregate business transacted by all federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one federal branch or agency office in the United States to maintain consolidated information so that the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits

A foreign bank should require its depository bank to segregate its capital equivalency deposits on the depository bank's books and records. The instruments making up the capital equivalency deposit that are placed in

[1] On February 2, 2018, the OCC published a 60-day notice for this information collection.

[2] Board of Governors of the Federal Reserve System.

safekeeping at a depository bank to satisfy a foreign bank's capital equivalency deposit requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a written agreement entered into with the OCC. Each federal branch or agency shall maintain a capital equivalency account and keep records of the amount of liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC. A foreign bank's capital equivalency deposits may not be reduced in value below the minimum required for that branch or agency without the prior approval of the OCC, but in no event may the value fall below the statutory minimum.

12 CFR 28.16(c) Deposit-Taking by an Uninsured Federal Branch—Application for an Exemption

A foreign bank may apply to the OCC for an exemption to permit an uninsured federal branch to accept or maintain deposit accounts that are not listed in § 28.16(b). The request should describe the types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption, and how the exemption maintains and furthers the policies described in § 28.16(a).

12 CFR 28.16(d) Deposit-Taking by an Uninsured Federal Branch—Aggregation of Deposits

A foreign bank that has more than one federal branch in the same state may aggregate deposits in all of its federal branches in that state, but exclude deposits of other branches, agencies, or wholly owned subsidiaries of the bank. The federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with, and including, the last day of the calendar quarter, divided by 30. The federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records

Each federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the federal branch or agency and its compliance with applicable laws and regulations.

12 CFR 28.20(a)(1) Maintenance of Assets—General Rule

The OCC may require a foreign bank to hold certain assets in the state in which its federal branch or agency is located.

12 CFR 28.22(e) Reports of Examination

The federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 52.

Estimated Total Annual Burden: 2,286.

Frequency of Response: On occasion.

The OCC issued a notice for 60 days of comment on February 2, 2018, 83 FR 4956. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: May 22, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–11428 Filed 5–25–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Repayment of a Buyout Prior to Re-employment With the Federal Government

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning a notice regarding repayment of a buyout prior to re-employment with the Federal Government.

DATES: Written comments should be received on or before July 30, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Repayment of a buyout prior to re-employment with the Federal Government.

OMB Number: 1545–1920.

Form Number: 12311.

Abstract: This form requests applicants to certify if they ever worked for the Federal Government and if they received a Buyout within the last 5 years. This is to ensure that applicants who meet the criteria are counseled that they are required to pay back the entire Buyout prior to entering on duty with the IRS.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and Federal Government.

Estimated Number of Respondents: 6,624.

Estimated Time Per Respondent: 4.8 mins.

Estimated Total Annual Burden Hours: 530.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: May 21, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–11388 Filed 5–25–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Form 8508, Request for Waiver From Filing Information Returns Electronically

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8508, Request for Waiver from Filing Information Returns Electronically.

DATES: Written comments should be received on or before July 30, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Returns Required on Magnetic Media.

OMB Number: 1545–0957.

Regulation Project Number: Form 8508.

Abstract: Section 6011(e)(2)(A) of the Internal Revenue Code, as amended by Section 7713 of the Revenue Reconciliation Act of 1989, Public Law 101 239 (1989), 103 Stat. 2106, requires certain filers of information returns to report these on magnetic media. Filers who seek relief from this requirement can use Form 8508 to request a waiver for a specific time. After evaluating the request, IRS will notify the taxpayer as to whether the request is approved or denied.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms, Federal government, and State, local or tribal governments, and Not-for-Profit Organizations.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 15 min.

Estimated Total Annual Burden Hours: 750.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: May 21, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–11390 Filed 5–25–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Section 103-Remedial Payment Closing Agreement Program

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Revenue Procedure 97–15, section 103-Remedial Payment Closing Agreement Program.

DATES: Written comments should be received on or before July 30, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111

Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Section 103-Remedial Payment Closing Agreement Program.

OMB Number: 1545–1528.

Regulation Project Number: Rev. Proc. 1997–15.

Abstract: This information is required by the Internal Revenue Service to verify compliance with sections 57, 103, 144, 142, 144, 145, and 147 of the Internal Revenue Code of 1986, as applicable (including any corresponding provision, if any, of the Internal Revenue Code of 1954). This information will be used by the Service to enter into a closing agreement with the issuer of certain state or local bonds to establish the closing agreement amount.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal government, and not-for-profit institutions.

Estimated Number of Respondents: 50.

Estimated Time per Respondent: 1 hour 30 mins.

Estimated Total Annual Burden Hours: 75.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: May 21, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–11389 Filed 5–25–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee Charter Renewals

AGENCY: Department of Veterans Affairs.

ACTION: Notice of Advisory Committee Charter Renewals.

SUMMARY: In accordance with the provisions of the Federal Advisory Committee ACT (FACA) and after consultation with the General Services Administration, the Secretary of Veterans Affairs has determined that the following Federal advisory committee is vital to the mission of the Department of Veterans Affairs (VA) and renewing its charter would be in the public interest. Consequently, the charter for the following Federal advisory committee is renewed for a two-year period, beginning on the dates listed below:

Committee name	Committee description	Charter renewed on
VA National Academic Affiliations	Provides advice regarding partnerships between VA and its academic affiliates.	April 10, 2018.
Veterans' Rural Health Advisory Committee	Provides advice on health care issues affecting enrolled Veterans residing in rural areas.	May 21, 2018.

The Secretary also determined that the following Federal advisory committee is vital to VA and reestablished its charter:

Committee name	Committee description	Charter renewed on
Genomic Medicine Program Advisory Committee	Provides advice on the scientific and ethical issues related to the establishment, development, and operation of a genomic medicine program within VA.	May 9, 2018.

The Secretary has also renewed the charter for the following statutorily authorized Federal advisory committee for a two-year period, beginning on the date listed below:

Committee name	Committee description	Charter renewed on
Advisory Committee on Minority Veterans	Provides advice on the administration of VA benefits for Veterans who are minority group members in the areas of compensation, health care, rehabilitation outreach, and other services.	April 9, 2018.
Advisory Committee on Homeless Veterans	Provides advice on benefits and services to Veterans experiencing homelessness.	May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Jeffrey Moragne, Committee Management Office, Department of Veterans Affairs, Advisory Committee Management Office (00AC), 810 Vermont Avenue NW, Washington, DC 20420; telephone (202) 266–4660; or email at *Jeffrey.Moragne@va.gov.* To view a copy of a VA Federal advisory committee charters, please visit *http://www.va.gov/advisory.*

Date: May 23, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–11435 Filed 5–25–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 32
2018–2019 Refuge-Specific Hunting and Sport Fishing Regulations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

[Docket No. FWS–HQ–NWRS–2018–0020; FXRS12610900000–189–FF09R20000]

RIN 1018–BC07

2018–2019 Refuge-Specific Hunting and Sport Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to open 3 National Wildlife Refuges (NWRs) to hunting, open 1 NWR to sport fishing, increase the hunting activities available at 26 NWRs, increase sport fishing activities at 4 NWRs, and add pertinent refuge-specific regulations for other NWRs that pertain to migratory game bird hunting, upland game hunting, big game hunting, and sport fishing for the 2018–2019 season. Through these openings and expansions, we are proposing to open or expand an additional 248,000 acres to hunting and sport fishing within the Refuge System resulting in an estimated increase of 17,575 user days yielding approximately $711,000 in recreation-related expenditures. By having ripple effects throughout the economy, these direct expenditures yield a total economic impact of approximately $1.6 million. We also request public comments on the changes we made in our 2017–2018 season final rule concerning adding regulations for upland and big game hunting for Kankakee National Wildlife Refuge in Illinois.

DATES: We will accept comments received or postmarked on or before June 28, 2018.

ADDRESSES: You may submit comments by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, type in FWS–HQ–NWRS–2018–0020, which is the docket number for this rulemaking. Then click on the Search button. On the resulting screen, find the correct document and submit a comment by clicking on ''Comment Now!''
- *By hard copy:* Submit by U.S. mail or hand delivery: Public Comments Processing, Attn: FWS–HQ–NWRS–2018–0020; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: BPHC; Falls Church, VA 22041–3803.

We will not accept email or faxes. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see Request for Comments, below, for more information). For information on specific refuges' public use programs and the conditions that apply to them or for copies of compatibility determinations for any refuge(s), contact individual programs at the addresses/phone numbers given in Available Information for Specific Refuges under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Katherine Harrigan, (703) 358–2440.

SUPPLEMENTARY INFORMATION: The National Wildlife Refuge System Administration Act of 1966 closes NWRs in all States except Alaska to all uses until opened. The Secretary of the Interior (Secretary) may open refuge areas to any use, including hunting and/or sport fishing, upon a determination that the use is compatible with the purposes of the refuge and National Wildlife Refuge System mission. The action also must be in accordance with provisions of all laws applicable to the areas, developed in coordination with the appropriate State fish and wildlife agency(ies), consistent with the principles of sound fish and wildlife management and administration, and otherwise in the public interest. These requirements ensure that we maintain the biological integrity, diversity, and environmental health of the Refuge System for the benefit of present and future generations of Americans.

We annually review refuge hunting and sport fishing programs to determine whether to include additional refuges or whether individual refuge regulations governing existing programs need modifications. Changing environmental conditions, State and Federal regulations, and other factors affecting fish and wildlife populations and habitat may warrant modifications to refuge-specific regulations to ensure the continued compatibility of hunting and sport fishing programs and to ensure that these programs will not materially interfere with or detract from the fulfillment of refuge purposes or the Refuge System's mission.

Provisions governing hunting and sport fishing on refuges are in title 50 of the Code of Federal Regulations in part 32 (50 CFR part 32). We regulate hunting and sport fishing on refuges to:

- Ensure compatibility with refuge purpose(s);
- Properly manage fish and wildlife resource(s);
- Protect other refuge values;
- Ensure refuge visitor safety; and
- Provide opportunities for quality fish- and wildlife-dependent recreation.

On many refuges where we decide to allow hunting and sport fishing, our general policy of adopting regulations identical to State hunting and sport fishing regulations is adequate in meeting these objectives. On other refuges, we must supplement State regulations with more-restrictive Federal regulations to ensure that we meet our management responsibilities, as outlined in the Statutory Authority section, below. We issue refuge-specific hunting and sport fishing regulations when we open wildlife refuges to migratory game bird hunting, upland game hunting, big game hunting, or sport fishing. These regulations may list the wildlife species that you may hunt or fish, seasons, bag or creel (container for carrying fish) limits, methods of hunting or sport fishing, descriptions of areas open to hunting or sport fishing, and other provisions as appropriate. You may find previously issued refuge-specific regulations for hunting and sport fishing in 50 CFR part 32. In this rulemaking, we are also proposing to standardize and clarify the language of existing regulations.

Statutory Authority

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee, as amended by the National Wildlife Refuge System Improvement Act of 1997 [Improvement Act]) (Administration Act), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k–460k–4) (Recreation Act) govern the administration and public use of refuges.

Amendments enacted by the Improvement Act built upon the Administration Act in a manner that provides an ''organic act'' for the Refuge System, similar to organic acts that exist for other public Federal lands. The Improvement Act serves to ensure that we effectively manage the Refuge System as a national network of lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The Administration Act states first and foremost that we focus our Refuge System mission on conservation of fish, wildlife, and plant resources and their habitats. The Improvement Act requires the Secretary, before allowing a new use of a refuge, or before expanding, renewing, or extending an existing use of a refuge, to determine that the use is compatible with the purpose for which the refuge was established and the mission of the Refuge System. The Improvement Act established as the policy of the United

States that wildlife-dependent recreation, when compatible, is a legitimate and appropriate public use of the Refuge System, through which the American public can develop an appreciation for fish and wildlife. The Improvement Act established six wildlife-dependent recreational uses as the priority general public uses of the Refuge System. These uses are: hunting, fishing, wildlife observation and photography, and environmental education and interpretation.

The Recreation Act authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that doing so is practicable and not inconsistent with the primary purpose(s) for which Congress and the Service established the areas. The Recreation Act requires that any recreational use of refuge lands be compatible with the primary purpose(s) for which we established the refuge and not inconsistent with other previously authorized operations.

The Administration Act and Recreation Act also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

We develop specific management plans for each refuge prior to opening it to hunting or sport fishing. In many cases, we develop refuge-specific regulations to ensure the compatibility of the programs with the purpose(s) for which we established the refuge and the Refuge System mission. We ensure initial compliance with the Administration Act and the Recreation Act for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at or near the time of acquisition. These regulations ensure that we make the determinations required by these acts prior to adding refuges to the lists of areas open to hunting and sport fishing in 50 CFR part 32. We ensure continued compliance by the development of comprehensive conservation plans and step-down management plans, and by annual review of hunting and sport fishing programs and regulations.

Amendments to Existing Regulations

This document proposes to codify in the Code of Federal Regulations all of the Service's hunting and/or sport fishing regulations that we would update since the last time we published a rule amending these regulations (82 FR 51940; November 8, 2017) and that are applicable at Refuge System units previously opened to hunting and/or sport fishing. We propose this to better inform the general public of the regulations at each refuge, to increase understanding and compliance with these regulations, and to make enforcement of these regulations more efficient. In addition to now finding these regulations in 50 CFR part 32, visitors to our refuges may find them reiterated in literature distributed by each refuge or posted on signs.

TABLE 1—CHANGES FOR 2018–2019 HUNTING/FISHING SEASON

Refuge/region *	State	Migratory bird hunting	Upland game hunting	Big game hunting	Sport fishing
Bear River (6)	Utah	C	C	Closed	Already Open.
Blackwater (5)	Maryland	C	Closed	C	Already Open.
Cedar Point (3)	Ohio	Closed	Closed	B	Already Open.
Charles M. Russell (6)	Montana	Already Open	Already Open	C	Already Open.
Cherry Valley (5)	Pennsylvania	C	C	C	Closed.
Cold Springs (1)	Oregon	Already Open	Already Open	B	Already Open.
Cypress Creek (3)	Illinois	C	C	C	Already Open.
Edwin B. Forsythe (5)	New Jersey	C	B	C/D	Already Open.
Felsenthal (4)	Arkansas	C	C	C	Already Open.
Glacial Ridge (3)	Minnesota	C	C/D	C	Closed.
Great River (3)	Illinois and Missouri	C	C	C	C.
Hackmatack (3)	Illinois and Wisconsin	A	A	A	Closed.
J Clark Salyer (6)	North Dakota	Already Open	Already Open	D	Already Open.
John Heinz (5)	Pennsylvania	Closed	Closed	B	Already Open.
Kankakee (3)	Illinois	Closed	Already Open	Already Open	Closed.
Lake Woodruff (4)	Florida	Closed	Closed	D	Already Open.
Lostwood (6)	North Dakota	Closed	Already Open	D	Closed.
Moosehorn (5)	Maine	C	C	C	Already Open.
Ottawa (3)	Ohio	C/D	B	C/D	Already Open.
Patoka River (3)	Indiana	C	C	C	C.
Patuxent (5)	Maryland	Already Open	Already Open	C	Already Open.
Rachel Carson (5)	Maine	Already Open	Already Open	C	Already Open.
San Pablo Bay (8)	California	C	Already Open	Closed	C.
Sevilleta (2)	New Mexico	C/D	B	Closed	Closed.
Shiawassee (3)	Michigan	C/D	B	C	Already Open.
Swan River (6)	Montana	Already Open	Closed	B	Already Open.
Trempealeau (3)	Wisconsin	C	B	C	Already Open.
Umbagog (5)	Maine and New Hampshire	Already Open	Already Open	C	Closed.
Upper Klamath (8)	Oregon	C	Closed	Closed	Already Open.
Wallkill (5)	New Jersey and New York	C	Already Open	Already Open	C.
William L. Finley (1)	Oregon	Closed	Closed	Already Open	C.

* Number in ( ) refers to the Region as defined in the preamble to this proposed rule under Available Information for Specific Refuges.
Key:
A = New refuge opened.
B = New activity on a refuge previously open to other activities.
C = Refuge already open to activity, but added new lands/waters or modified areas open to hunting or fishing.
D = Refuge already open to activity but added new species to hunt.
E = Activity is being closed on the refuge.

The changes for the 2018–2019 hunting/fishing season noted in the chart above are each based on a complete administrative record which, among other detailed documentation, also includes a hunt plan, a compatibility determination, and the appropriate National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) analysis, all of which were the subject of a public review and comment process. These documents are available upon request.

Fish Advisory

For health reasons, anglers should review and follow State-issued consumption advisories before enjoying recreational sport fishing opportunities on Service-managed waters. You can find information about current fish-consumption advisories on the internet at: *http://www.epa.gov/fish-tech.*

Request for Comments

General Information

You may submit comments and materials on this proposed rule by any one of the methods listed in **ADDRESSES**. We will not accept comments sent by email or fax or to an address not listed in **ADDRESSES**. We will not consider hand-delivered comments that we do not receive, or mailed comments that are not postmarked, by the date specified in **DATES**.

We will post your entire comment on *http://www.regulations.gov.* Before including personal identifying information in your comment, you should be aware that we may make your entire comment—including your personal identifying information—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. We will post all hardcopy comments on *http://www.regulations.gov.*

Kankakee NWR

In our November 8, 2017, final rule (82 FR 51940), we added changes to Kankakee NWR in Illinois that were not included in our August 10, 2017, proposed rule (82 FR 37398). Specifically, we added regulations for upland and big game hunting for Kankakee National Wildlife Refuge to 50 CFR 32.32 (Illinois) based on a pre-acquisition compatibility determination. In this proposed rule, we request public comments on the changes we made to the regulations for Kankakee NWR in our November 8, 2017, final rule; please see that rule for more information.

Public Comment

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. We open refuges through a series of stages, with the fundamental work being performed on the ground at the refuge and in the community where the program is administered. In these stages, we give the public other opportunities to comment, for example, on comprehensive conservation plans and compatibility determinations. The second stage is this document, when we publish the proposed rule in the **Federal Register** for additional comment, usually for a 30-day comment period.

There is nothing contained in this proposed rule outside the scope of the annual review process where we determine whether individual refuges need modifications, deletions, or additions made to them. We make every attempt to collect all of the proposals from the refuges nationwide and process them expeditiously to maximize the time available for public review. A 30-day comment period, through the broader publication following the earlier public involvement, gives the public sufficient time to comment and allows us to establish hunting and fishing programs in time for the upcoming seasons. Many of these rules would also relieve restrictions and allow the public to participate in recreational activities on a number of refuges. In addition, in order to continue to provide for previously authorized hunting opportunities while at the same time providing for adequate resource protection, we must be timely in providing modifications to certain hunting programs on some refuges.

We considered providing a 60-day, rather than a 30-day, comment period. However, we determined that an additional 30-day delay in processing these refuge-specific hunting and sport fishing regulations would hinder the effective planning and administration of our hunting and sport fishing programs. Such a delay would jeopardize enacting amendments to hunting and sport fishing programs in time for implementation this year and/or early next year, or shorten the duration of these programs.

Even after issuance of a final rule, we accept comments, suggestions, and concerns for consideration for any appropriate subsequent rulemaking.

When finalized, we will incorporate these regulations into 50 CFR part 32. Part 32 contains general provisions and refuge-specific regulations for hunting and sport fishing on refuges.

Clarity of This Proposed Rule

Executive Orders 12866 and 12988 and the Presidential Memorandum of June 1, 1998, require us to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Executive Order 13771—Reducing Regulation and Controlling Regulatory Costs

This proposed rule is not an Executive Order (E.O.) 13771 (82 FR 9339, February 3, 2017) regulatory action because this proposed rule is not significant under E.O. 12866.

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rulemaking is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (as amended by the Small Business

Regulatory Enforcement Fairness Act [SBREFA] of 1996) (5 U.S.C. 601 *et seq.*), whenever a Federal agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies that the rule would not have a significant economic impact on a substantial number of small entities. Thus, for a regulatory flexibility analysis to be required, impacts must exceed a threshold for ''significant impact'' and a threshold for a ''substantial number of small entities.'' See 5 U.S.C. 605(b). SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule would not have a significant economic impact on a substantial number of small entities.

This proposed rule adds 4 NWRs to the list of refuges open to sport fishing and hunting and increases hunting or fishing activities on 26 additional national wildlife refuges. As a result, visitor use for wildlife-dependent recreation on these NWRs will change. If the refuges establishing new programs were a pure addition to the current supply of those activities, it would mean an estimated increase of 17,575 user days (one person per day participating in a recreational opportunity, Table 2). Because the participation trend is flat in these activities since 1991, this increase in supply will most likely be offset by other sites losing participants. Therefore, this is likely to be a substitute site for the activity and not necessarily an increase in participation rates for the activity.

TABLE 2—ESTIMATED CHANGE IN RECREATION OPPORTUNITIES IN 2018/2019

[Dollars in thousands]

Refuge	Additional hunting days	Additional fishing days	Additional expenditures
Bear River	0	.....	$0
Blackwater	637	.....	25.7
Charles M. Russell	500	.....	20.1
Cherry Valley	240	.....	9.7
Cold Springs	25	.....	1.0
Cypress Creek	1,650	.....	66.5
Edwin B. Forsythe	350	.....	14.1
Felsenthal	206	.....	8.3
Glacial Ridge	54	.....	2.2
Great River	1,000	200	48.9
Hackmatack	100	30	5.3
J. Clark Salyer	100	.....	4.0
John Heinz	10	.....	0.4
Lake Woodruff	10	.....	0.4
Lostwood	100	.....	4.0
Moosehorn	25	.....	1.0
Ottawa/Cedar Point	1,424	.....	57.4
Patoka River	75	25	4.1
Rachel Carson	57	365	17.9
San Pablo Bay	100	365	19.7
Sevilleta	50	.....	2.0
Shiawassee	1,675	.....	67.5
Swan River	224	.....	9.0
Trempealeau	218	.....	8.8
Umbagog	5,950	.....	239.7
Upper Klamath	900	.....	36.3
Wallkill	180	365	22.9
William L. Finley	365	.....	14.7
Total	16,200	1,350	711.5

To the extent visitors spend time and money in the area of the refuge that they would not have spent there anyway, they contribute new income to the regional economy and benefit local businesses. Due to the unavailability of site-specific expenditure data, we use the national estimates from the 2011 National Survey of Fishing, Hunting, and Wildlife Associated Recreation to identify expenditures for food and lodging, transportation, and other incidental expenses. Using the average expenditures for these categories with the maximum expected additional participation of the Refuge System yields approximately $711,000 in recreation-related expenditures (Table 2). By having ripple effects throughout the economy, these direct expenditures are only part of the economic impact of these recreational activities. Using a national impact multiplier for hunting activities (2.27) derived from the report ''Hunting in America: An Economic Force for Conservation'' and for fishing activities (2.40) derived from the report ''Sportfishing in America'' yields a total economic impact of approximately $1.6 million (2017 dollars) (Southwick Associates, Inc., 2012). Using a local impact multiplier would yield more accurate and smaller results. However, we employed the national impact multiplier due to the difficulty in developing local multipliers for each specific region.

Since we know that most of the fishing and hunting occurs within 100 miles of a participant's residence, then it is unlikely that most of this spending would be ''new'' money coming into a local economy; therefore, this spending would be offset with a decrease in some other sector of the local economy. The

net gain to the local economies would be no more than $1.6 million, and most likely considerably less. Since 80 percent of the participants travel less than 100 miles to engage in hunting and fishing activities, their spending patterns would not add new money into the local economy and, therefore, the real impact would be on the order of about $325,000 annually.

Small businesses within the retail trade industry (such as hotels, gas stations, taxidermy shops, bait-and-tackle shops, and similar businesses) may be affected by some increased or decreased refuge visitation. A large percentage of these retail trade establishments in the local communities around NWRs qualify as small businesses (Table 3). We expect that the incremental recreational changes will be scattered, and so we do not expect that the rule will have a significant economic effect on a substantial number of small entities in any region or nationally. As noted previously, we expect approximately $711,000 to be spent in total in the refuges' local economies. The maximum increase would be less than two-tenths of 1 percent for local retail trade spending (Table 3).

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2018/2019

[Thousands, 2017 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establish-ments in 2012	Establ. with < 10 emp in 2012
Blackwater:					
Dorchester, MD	$308,272	$25.7	<0.01	100	74
Charles M. Russell:					
McCone, MT	24,790	20.1	0.08	10	7
Cherry Valley:					
Monroe, PA	2,285,124	4.8	<0.01	633	424
Northampton, PA	3,872,709	4.8	<0.01	879	603
Cold Springs:					
Umatilla, OR	857,045	1.0	<0.01	224	155
Cypress Creek:					
Pulaski, IL	37,328	66.5	0.18	18	15
Edwin B. Forsythe:					
Atlantic, NJ	4,583,003	4.7	<0.01	1,229	840
Burlington, NJ	7,333,114	4.7	<0.01	1,423	939
Ocean, NJ	8,215,768	4.7	<0.01	1,866	1,327
Felsenthal:					
Ashley, AR	197,731	2.8	<0.01	86	67
Bradley, AR	105,539	2.8	<0.01	39	28
Union, AR	545,629	2.8	<0.01	209	155
Glacial Ridge:					
Polk, MN	354,022	2.2	<0.01	110	74
Great River:					
Pike, MO	203,871	48.9	0.02	64	45
Hackmatack:					
McHenry, IL	3,912,156	2.7	<0.01	940	629
Walworth, WI	1,317,927	2.7	<0.01	359	264
J. Clark Salyer:					
Bottineau, ND	101,939	2.0	<0.01	35	28
McHenry, ND	28,290	2.0	0.01	17	12
John Heinz:					
Delaware, PA	6,906,244	0.2	<0.01	1,704	1,146
Philadelphia, PA	13,069,101	0.2	<0.01	4,524	3,448
Lake Woodruff:					
Volusia, FL	6,585,374	0.4	<0.01	1,871	1,412
Lostwood:					
Burke, ND	41,148	2.0	<0.01	10	6
Montrail, ND	292,497	2.0	<0.01	41	27
Moosehorn:					
Washington, ME	462,433	1.0	<0.01	151	100
Ottawa/Cedar Point:					
Lucas, OH	6,382,144	28.7	<0.01	1,452	965
Ottawa, OH	456,610	28.7	0.01	142	109
Patoka River:					
Gibson, IN	595,275	2.0	<0.01	122	84
Pike, IN	77,438	2.0	<0.01	31	23
Patuxent Research Refuge:					
Ann Arundel, MD	9,351,065	.....	.....	2,014	1,286
Prince George's, MD	9,990,887	.....	.....	2,221	1,439
Rachel Carson:					
York, ME	2,614,299	17.9	<0.01	870	653
San Pablo Bay:					
Napa, CA	1,813,897	6.6	<0.01	526	374
Solano, CA	5,451,956	6.6	<0.01	1,066	682

TABLE 3—COMPARATIVE EXPENDITURES FOR RETAIL TRADE ASSOCIATED WITH ADDITIONAL REFUGE VISITATION FOR 2018/2019—Continued

[Thousands, 2017 dollars]

Refuge/county(ies)	Retail trade in 2012	Estimated maximum addition from new activities	Addition as % of total	Establish-ments in 2012	Establ. with < 10 emp in 2012
Sonoma, CA	6,423,178	6.6	<0.01	1,766	1,274
Sevilleta:					
Socorro, NM	127,902	2.0	<0.01	39	31
Shiawassee:					
Saginaw, MI	3,110,321	67.5	<0.01	871	590
Swan River:					
Lake, MT	286,486	9.0	<0.01	120	89
Trempealeau:					
Buffalo, WI,	83,043	4.4	0.01	47	38
Trempealeau, WI	344,603	4.4	<0.01	104	67
Umbagog:					
Oxford, ME	652,741	119.9	0.02	222	163
Coos, NH	604,938	119.9	0.02	184	143
Upper Klamath:					
Klamath, OR	808,680	36.3	<0.01	241	155
Wallkill River:					
Sussex, NJ	1,942,879	11.4	<0.01	414	299
Orange, NY	6,641,744	11.4	<0.01	1,506	1,017
William L. Finley:					
Linn, OR	1,261,501	14.7	<0.01	339	247

With the small change in overall spending anticipated from this proposed rule, it is unlikely that a substantial number of small entities will have more than a small impact from the spending change near the affected refuges. Therefore, we certify that, if adopted as proposed, this rule would not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). An initial regulatory flexibility analysis is not required. Accordingly, a small entity compliance guide is not required.

Small Business Regulatory Enforcement Fairness Act

The proposed rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. We anticipate no significant employment or small business effects. This rule:

a. Would not have an annual effect on the economy of $100 million or more. The minimal impact would be scattered across the country and would most likely not be significant in any local area.

b. Would not cause a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. This proposed rule would have only a slight effect on the costs of hunting opportunities for Americans. If the substitute sites are farther from the participants' residences, then an increase in travel costs would occur. The Service does not have information to quantify this change in travel cost but assumes that, since most people travel less than 100 miles to hunt, the increased travel cost would be small. We do not expect this proposed rule to affect the supply or demand for hunting opportunities in the United States, and, therefore, it should not affect prices for hunting equipment and supplies, or the retailers that sell equipment.

c. Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This proposed rule represents only a small proportion of recreational spending at NWRs. Therefore, if adopted, this rule would have no measurable economic effect on the wildlife-dependent industry, which has annual sales of equipment and travel expenditures of $72 billion nationwide.

Unfunded Mandates Reform Act

Since this proposed rule would apply to public use of federally owned and managed refuges, it would not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than $100 million per year. The rule would not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

Takings (E.O. 12630)

In accordance with E.O. 12630, this proposed rule would not have significant takings implications. This rule would affect only visitors at NWRs and describe what they can do while they are on a refuge.

Federalism (E.O. 13132)

As discussed in Regulatory Planning and Review and Unfunded Mandates Reform Act, above, this proposed rule would not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement under E.O. 13132. In preparing this proposed rule, we worked with State governments.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Department of the Interior has determined that this proposed rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Energy Supply, Distribution or Use (E.O. 13211)

On May 18, 2001, the President issued E.O. 13211 on regulations that significantly affect energy supply, distribution, and use. E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking

certain actions. Because this proposed rule would add 4 NWRs to the list of refuges open to hunting and sport fishing, increase hunting activities at 26 refuges, and increase fishing activities on 4 NWRs, it is not a significant regulatory action under E.O. 12866, and we do not expect it to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Consultation and Coordination With Indian Tribal Governments (E.O. 13175)

In accordance with E.O. 13175, we have evaluated possible effects on federally recognized Indian tribes and have determined that there are no effects. We coordinate recreational use on NWRs with Tribal governments having adjoining or overlapping jurisdiction before we propose the regulations.

Paperwork Reduction Act (PRA)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). OMB has previously approved the information collection requirements associated with regulations implementing refuge-specific hunting and sport fishing regulations and assigned the following OMB control numbers:

- 1018–0102, ''National Wildlife Refuge Special Use Permit Applications and Reports, 50 CFR 25, 26, 27, 29, 30, 31, 32, & 36'' (expires August 31, 2020),
- 1018–0140, ''Hunting and Fishing Application Forms and Activity Reports for National Wildlife Refuges, 50 CFR 25.41, 25.43, 25.51, 26.32, 26.33, 27.42, 30.11, 31.15, 32.1 to 32.72'' (expires May 31, 2018, and in accordance with 5 CFR 1320.10, an agency may continue to conduct or sponsor this collection of information while the submission is pending at OMB), and
- 1018–0153, ''National Wildlife Refuge Visitor Check-In Permit and Use Report'' (expires December 31, 2018).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Endangered Species Act Section 7 Consultation

We comply with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), when developing comprehensive conservation plans and step-down management plans—which would include hunting and/or fishing plans—for public use of refuges, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We have completed section 7 consultation on each of the affected refuges.

National Environmental Policy Act

We analyzed this proposed rule in accordance with the criteria of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)), 43 CFR part 46, and 516 Departmental Manual (DM) 8.

A categorical exclusion from NEPA documentation applies to publication of proposed amendments to refuge-specific hunting and fishing regulations because they are technical and procedural in nature, and the environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis (43 CFR 46.210 and 516 DM 8). Concerning the actions that are the subject of this proposed rulemaking, we have complied with NEPA at the project level when developing each proposal. This is consistent with the Department of the Interior instructions for compliance with NEPA where actions are covered sufficiently by an earlier environmental document (43 CFR 46.120).

Prior to the addition of a refuge to the list of areas open to hunting and fishing in 50 CFR part 32, we develop hunting and fishing plans for the affected refuges. We incorporate these proposed refuge hunting and fishing activities in the refuge comprehensive conservation plan and/or other step-down management plans, pursuant to our refuge planning guidance in 602 Fish and Wildlife Service Manual (FW) 1, 3, and 4. We prepare these comprehensive conservation plans and step-down plans in compliance with section 102(2)(C) of NEPA, the Council on Environmental Quality's regulations for implementing NEPA in 40 CFR parts 1500 through 1508, and the Department of Interior's NEPA regulations 43 CFR part 46. We invite the affected public to participate in the review, development, and implementation of these plans. Copies of all plans and NEPA compliance are available from the refuges at the addresses provided below.

Available Information for Specific Refuges

Individual refuge headquarters have information about public use programs and conditions that apply to their specific programs and maps of their respective areas. To find out how to contact a specific refuge, contact the appropriate Regional office listed below:

Region 1—Hawaii, Idaho, Oregon, and Washington. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 NE 11th Avenue, Portland, OR 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma, and Texas. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW, Albuquerque, NM 87103; Telephone (505) 248–6937.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; Telephone (612) 713–5360.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Atlanta, GA 30345; Telephone (404) 679–7166.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589; Telephone (413) 253–8307.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 134 Union Blvd., Lakewood, CO 80228; Telephone (303) 236–8145.

Region 7—Alaska. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, AK 99503; Telephone (907) 786–3545.

Region 8—California and Nevada. Regional Chief, National Wildlife Refuge System, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W–2606, Sacramento, CA 95825; Telephone (916) 414–6464.

Primary Author

Katherine Harrigan, Division of Natural Resources and Conservation Planning, National Wildlife Refuge System, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Proposed Regulation Promulgation

For the reasons set forth in the preamble, we propose to amend title 50, chapter I, subchapter C of the Code of Federal Regulations as follows:

PART 32—HUNTING AND FISHING

■ 1. The authority citation for part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115–20, 131 Stat. 86.

§ 32.7 [Amended]

■ 2. Amend § 32.7 by adding, in alphabetical order, an entry for ''Hackmatack National Wildlife Refuge'' in the State of Illinois and in the State of Wisconsin.

■ 3. Amend § 32.23 by:

■ a. Revising the entry Bald Knob National Wildlife Refuge;

■ b. Revising the entry Big Lake National Wildlife Refuge;

■ c. Revising the entry Cache River National Wildlife Refuge;

■ d. Revising the entry Dale Bumpers White River National Wildlife Refuge;

■ e. Revising the entry Felsenthal National Wildlife Refuge;

■ f. Revising the entry Holla Bend National Wildlife Refuge;

■ g. Revising the entry Overflow National Wildlife Refuge; and

■ h. Revising the entry Wapanocca National Wildlife Refuge.

The revisions read as follows:

§ 32.23 Arkansas.

* * * * *

Bald Knob National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits (signed brochure). The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must possess a signed permit at all times.

2. We prohibit migratory game bird hunting on the refuge during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State season.

5. You may possess only approved nontoxic shot shells for hunting while in the field (see § 32.2(k)) in quantities of 25 or fewer. The possession limit includes shells located in or on vehicles and other personal equipment. The field possession limit for shells does not apply to goose hunting during the State Conservation Order.

6. We prohibit hunting closer than 100 yards (90 meters) to another hunter or hunting party.

7. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

8. We open the refuge to daylight use only, 30 minutes before legal sunrise to 30 minutes after legal sunset, with the exception that hunters may enter the refuge beginning at 4 a.m. and must exit by 1 hour after legal shooting time ends.

9. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit the use of boats from 12 a.m. (midnight) to 4 a.m. during duck season.

10. We allow use of dogs for migratory game bird hunting.

11. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A8, and A11 apply.

2. Hunters may use shotguns only with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

3. We allow squirrel hunting September 1 through February 28, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

4. We allow rabbit hunting in accordance with the State season, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

5. We allow quail hunting in accordance with the State season, except for season closure of the refuge during the Quota Gun Deer Hunt. We allow dogs.

6. We allow hunting of raccoon and opossum with dogs. We require dogs for hunting raccoon/opossum at night, 30 minutes after legal sunset to 30 minutes before legal sunrise. We list annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

7. Hunters may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts, subject to applicable State seasons and regulations.

8. We limit nighttime hunting to raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A8, and A11 apply.

2. We divide the refuge into two hunting units: Farm Unit and Mingo Creek Unit.

3. The archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season in the Mingo Creek Unit and Farm Unit except for the season closure of the refuge during the Quota Gun Deer Hunt. We provide annual season dates and bag limits in the hunt brochure/permit (signature required).

4. Muzzleloader hunting season for deer will begin in October and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided on the hunt brochure/permit.

5. The modern gun hunting season for deer will begin in November and continue for a period of up to 9 days in all hunting units with annual season dates and bag limits provided in the hunt brochure/permit.

6. We prohibit spring and fall gun hunting for turkey.

7. All harvested game must be checked according to State regulations. The Refuge zone to be reported is 002.

8. You may use only shotguns with rifled slugs, muzzleloaders, and legal pistols for modern gun deer hunting on the Farm Unit.

9. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, except for stands used by Quota Gun Deer Hunt permit holders (fee/signature required), which you must remove by the last day of the Quota Gun Deer Hunt. You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

10. We prohibit the possession or use of buckshot for hunting on all refuge lands.

11. We prohibit hunting from mowed and/or graveled road rights-of-way.

12. Refuge lands are located in State-designated Flood Prone Region B, and

we will close them to all deer hunting when the White River Gauge at Augusta reaches 31 feet (9.3 meters (m)), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River Gauge at Georgetown falls to, or below, 19 feet (5.7 m).

13. We allow only Quota Gun Deer Hunt permit holders on the refuge during the Quota Gun Deer Hunt and only for the purposes of deer hunting. We close the refuge to all other entry and public use during the Quota Gun Deer Hunt.

14. We close waterfowl sanctuaries to all entry and hunting from November 15 to February 28, except for Quota Gun Deer Hunt permit holders who may hunt in the sanctuary when the season overlaps with these dates.

15. You may enter the refuge at 4 a.m. and remain until 1 hour after legal shooting time.

D. Sport Fishing. We allow fishing in accordance with State regulations and subject to the following conditions:

1. Conditions A8 and B8 apply.

2. We close waterfowl sanctuaries to all entry from November 15 to February 28. We also close the refuge to all entry and fishing during the Quota Gun Deer Hunt.

3. We prohibit commercial fishing.

4. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit mooring houseboats to the refuge bank on the Little Red River.

Big Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, coyote, beaver, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunt permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry the permit at all times.

2. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting in the refuge hunting brochure/permit.

3. We allow take of nutria, beaver, and coyote during any refuge hunt with the device allowed for that hunt subject to applicable State seasons and regulations.

4. You may take opossum when hunting raccoon.

5. We require dogs for night hunting of raccoon and opossum. We prohibit field trials and organized training events.

6. When hunting, you may only use shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges.

7. We prohibit boats from November 1 through February 28, except on that portion of the refuge open for public fishing with electric motors and Ditch 28.

8. We prohibit hunting from mowed and/or gravel road rights-of-way.

9. We limit nighttime use, 30 minutes after legal sunset to 30 minutes before legal sunrise, to fishing, frogging, and/or raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1, B3, and B6 through B9 apply.

2. We allow archery/crossbow hunting for white-tailed deer. We provide annual season dates in the hunt brochure/permit.

3. Hunters may use only bows or crossbows.

4. Hunters may use only biodegradable materials to mark trails.

5. All harvested game must be checked according to State regulations. The Refuge zone to be reported is 030.

6. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them 7 days after the closure of archery season (see § 27.93 of this chapter).

7. Hunters may enter the refuge no earlier than 4 a.m. and must leave one hour after legal sunset.

8. We prohibit leaving any tree stand, ground blind, or game camera on the refuge.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Condition B7 applies.

2. Anglers may launch boats only in designated areas.

3. We prohibit airboats, personal watercraft, Jet Skis, and hovercraft (see § 27.31 of this chapter).

4. We allow frogging from the beginning of the State frogging season through October 31.

5. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

Cache River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, snipe, woodcock, and dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits. These permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable, and anyone on the refuge in possession of hunting equipment must sign and carry the permit at all times.

2. We prohibit migratory game bird hunting on the refuge during the Quota Gun Deer Hunt.

3. With the exception of hunting for woodcock, we prohibit migratory game bird hunting after 12 p.m. (noon) during the regular State waterfowl hunting season.

4. We allow hunting for woodcock daily throughout the State seasons.

5. You must remove decoys, blinds, boats, and all other equipment (see § 27.93 of this chapter) daily by 1 p.m.

6. Waterfowl hunters may enter the refuge at 4 a.m. and hunt until 12 p.m. (noon).

7. Boats with the owner's name and address permanently displayed or displaying valid registration may be left on the refuge from March 1 through October 31. We prohibit boats on the refuge from 12 a.m. (midnight) to 4 a.m. during duck season.

8. We allow use of dogs for migratory game bird hunting.

9. We allow waterfowl hunting on flooded refuge roads.

10. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (fee/signature required) holders to enter the refuge during this hunt and only for the purpose of deer hunting.

11. We prohibit airboats, hovercraft, and personal watercraft (Jet Ski, etc.) (see § 27.31 of this chapter).

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, opossum, beaver, muskrat, nutria, armadillo, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A10, and A11 apply.

2. We allow squirrel hunting September 1 through February 28, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

3. Rabbit season corresponds with the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

4. Quail season corresponds with the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We allow dogs.

5. We allow hunting of raccoon and opossum with dogs. We require dogs for

hunting of raccoon/opossum at night, 30 minutes after legal sunset to 30 minutes before legal sunrise. We provide annual season dates in the refuge hunting brochure/permit. We prohibit field trials and organized training events.

6. You may take beaver, muskrat, nutria, armadillo, and coyote during any refuge hunt with those weapons legal during those hunts subject to applicable State seasons and regulations.

7. We prohibit hunting from mowed and/or graveled refuge roads except by waterfowl hunters during flooded conditions.

8. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

9. We limit nighttime use, 30 minutes after legal sunset to 30 minutes before legal sunrise, to fishing, frogging, and/or raccoon/opossum hunting.

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A10, A11, B6, B7, and B9 apply.

2. Archery/crossbow hunting season for deer begins on the opening day of the State season and continues throughout the State season, except for refuge-wide season closure during the Quota Gun Deer Hunt. We provide annual season dates and bag limits in the refuge hunting brochure/permit.

3. Muzzleloader hunting season for deer will begin in October and will continue for a period of up to 9 days with annual season dates and bag limits provided on the hunt brochure/permit.

4. Modern gun deer hunting will begin in November and continue for a period of up to 11 days with annual season dates and bag limits provided in the refuge hunt brochure/permit.

5. You may take feral hog with weapons legal during those hunts and according to applicable State Wildlife Management Area regulations.

6. The spring gun hunt for turkey will begin on the opening day of the State season and continue throughout the State season on all refuge lands located south of Interstate 40. The remainder of the refuge is closed with the exception of those refuge lands included in the combined Black Swamp Wildlife Management Area/Cache River National Wildlife Refuge quota permit hunts administered by the Arkansas Game and Fish Commission.

7. Hunters may only use shotguns with rifled slugs, muzzleloaders, or legal pistols for modern gun deer hunting on the Dixie Farm Unit Waterfowl Sanctuary, adjacent waterfowl hunt area, and Plunkett Farm Unit Waterfowl Sanctuary.

8. We allow only portable stands. Hunters may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries prior to November 15, and from the rest of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter). We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location.

9. We prohibit the possession or use of buckshot for hunting on all refuge lands.

10. We prohibit hunting from mowed and/or graveled road rights-of-way.

11. We will close refuge lands located in State-designated Flood Prone Region B to all deer hunting when the White River gauge at Augusta reaches 31 feet (9.3 meters (m)), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 30 feet (9.1 m) and the White River gauge at Georgetown falls to, or below, 19 feet (5.7 m).

12. We will close refuge lands located in State-designated Flood Prone Region C to all deer hunting when the Cache River gauge at Patterson exceeds 10 feet (3 m), as reported by the National Weather Service, and reopen them when the same gauge reading falls below 8.5 feet (2.6 m).

13. We will close refuge lands located in Flood Prone Region D to all deer and turkey hunting when the White River gauge at Clarendon reaches 28 feet (8.4 m), as reported by the National Weather Service, and reopen them when the same gauge reading falls to, or below, 27 feet (8.1 m).

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A10 and B9 apply.

2. We close waterfowl sanctuaries to all entrance and fishing/frogging from November 15 to February 28. We prohibit refuge-wide entry and fishing during the Quota Gun Deer Hunt.

3. We prohibit the take or possession of turtles and/or mollusks (see § 27.21 of this chapter).

4. We prohibit the mooring of houseboats to refuge property.

Dale Bumpers White River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require all refuge users to sign and possess a refuge user brochure/permit (signature required).

2. We allow duck hunting from legal shooting hours until 12 p.m. (noon).

3. We allow retriever dogs for migratory game bird hunting.

4. You must remove blinds, blind material, and decoys (see § 27.93 of this chapter) from the refuge by 1 p.m. each day.

5. Waterfowl hunters may enter and access the refuge no earlier than 4 a.m.

6. We prohibit boating November 1 through January 31 in the South Unit Waterfowl Hunt Areas, except from 4 a.m. to 1 p.m. on designated waterfowl hunt days.

7. We prohibit waterfowl hunting on Kansas Lake Area (indicated in refuge user brochure/permit).

8. We allow duck hunting on specific scattered tracts of land, in accordance with the North Unit regulations. Consult the refuge office for further information.

9. We only allow all-terrain vehicles (ATVs) for wildlife-dependent hunting and fishing activities. We restrict ATVs to designated yellow-marked trails throughout the refuge, unless marked otherwise. We prohibit the use of ATVs after December 15 each year in designated South Unit areas as shown in refuge user brochure/permit. We define ATVs as an off-road vehicle with factory specifications not to exceed the following: A maximum dry weight of 1,550 pounds (697.5 kilograms), tires having a centerline lug depth of 1 inch (2.5 centimeters) or less and a maximum tire pressure of 15 pounds per square inch (psi) as indicated on the tire by the manufacturer. We allow only those vehicles originally designed by their manufacturer to be ATVs; we prohibit mini trucks or other modified off-road vehicles.

10. We prohibit the use of decoys that contain moving parts or electrical components, except that you may use manually operated 'jerk strings' to simulate decoy movement.

11. You may not utilize a guide, guide service, outfitter, club, organization, or any other person who provides equipment, services, or assistance on the refuge for compensation.

12. We allow camping only in designated sites and areas identified in the refuge user brochure/permit (signed brochure), and we restrict camping to individuals involved in wildlife-dependent activities. We limit camping on the refuge to no more than 14 days during any 30 consecutive-day period. Campers must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m.

13. We allow refuge users to leave boats 16 feet (4.8 m) or less in length unattended overnight from March 1 to October 31, as long as the owner clearly and prominently displays his or her complete name and physical address.

14. We prohibit all access in the Demonstration and Dry Lake Waterfowl Rest Areas as indicated in the refuge brochure/permit.

15. We prohibit hovercraft, personal watercraft (*e.g.,* jet skis, etc.), and airboats.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, beaver, coyote, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow hunting of rabbit and squirrel on the North Unit from September 1 until January 31.

3. We allow dogs for hunting of rabbit and squirrel from December 1 through January 31 on the North Unit.

4. You may hunt rabbit and squirrel on the South Unit from September 1 until November 30.

5. We prohibit dogs on the South Unit for the purpose of squirrel or rabbit hunting.

6. We close all upland game hunts during quota Gun Deer Hunt and quota Muzzleloader Deer Hunt.

7. We allow furbearer (as defined by State law) hunting in accordance with season dates posted in the refuge user brochure/permit (signed brochure). We allow furbearer hunting only with rimfire weapons and shotguns.

8. We allow the use of dogs for hunting furbearers from legal sunset to legal sunrise. Hunters must tether or pen all dogs used for furbearer hunting from legal sunrise to legal sunset and any time they are not involved in actual hunting.

9. We allow upland game hunting on specific scattered tracts of land, in accordance with Statewide regulations.

C. Big Game Hunting. We allow the hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. Archery deer seasons on the North Unit are from the beginning of October until the end of January except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

3. Archery deer seasons on the South Unit are from the beginning of October until the end of December except during quota muzzleloader and quota gun deer hunts, when the archery season is closed. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

4. Muzzleloader season for deer will begin in October and will continue for a period of up to 3 days of quota hunting and 4 days of non-quota hunting in the North Unit. We provide annual season dates and bag limits in the refuge user brochure/permit (signed brochure).

5. The gun deer hunt will begin in November and will continue for a period of 3 days of quota hunting in the North and South Units, and 2 days of non-quota hunting in the North Unit. We provide annual season dates, bag limits, and areas in the refuge user brochure/permit.

6. We restrict hunt participants for quota hunts to those drawn for a quota permit. The permits are nontransferable and nonrefundable. Hunt dates and application procedures will be available at the refuge office in April.

7. We do not open for the bear season on all refuge-owned lands, including outlying and refuge lands in the Trusten Holder Wildlife Management Area.

8. If you harvest deer or turkey on the refuge, you must immediately record the zone number (Zone 145 for the South Unit or Zone 146 for the North Unit) on your hunting license and later check deer and/or turkey through the State checking system. Outlying tracts use the same zone number as the surrounding State zone.

9. We close the refuge to all non-quota hunting during refuge-wide quota muzzleloader and quota gun deer hunts. 10. You must follow refuge guidance regarding flood-zone closures during the deer hunt. Guidance is found in the refuge brochure, which you must carry at all times.

11. We prohibit the use of dogs other than those specified in the user permit.

12. We prohibit all forms of organized deer drives.

13. We prohibit firearm hunting from or across roads, ATV trails, levees, and maintained utility rights-of-way for deer only.

14. You may only use portable deer stands (see § 27.93 of this chapter). You may erect stands up to 7 days before each hunt, but you must remove them within 7 days after each hunt. All unattended deer stands on the refuge must have the owner's complete name and physical address clearly displayed.

15. We close the Kansas Lake Area to all entry on December 1 and reopen it on March 1.

16. We prohibit the possession of buckshot on the refuge.

17. We prohibit the possession and/or use of toxic shot by hunters using shotguns (see § 32.2(k) of this chapter) when hunting.

18. We provide information on feral hog hunting in the refuge brochure/permit (signed brochure).

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal use on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing year-round in LaGrue, Essex, Prairie, Scrubgrass and Brooks Bayous, Big Island Chute, Moon and Belknap Lakes next to Arkansas Highway 1, Indian Bay, the Arkansas Post Canal and adjacent drainage ditches; borrow ditches located adjacent to the west bank of that portion of the White River Levee north of the Graham Burke pumping station; and all refuge-owned North Unit and scattered tract waters. We open all other South Unit refuge waters to sport fishing from March 1 through November 30 unless posted otherwise.

3. We allow frogging on all refuge-owned waters open for sport fishing as follows: We allow frogging on the South Unit from the beginning of the State season through November 30; we allow frogging on the North Unit for the entire State season.

4. We prohibit all commercial and recreational harvest of turtle on all property administered by Dale Bumpers White River National Wildlife Refuge.

5. We prohibit take or possession of any freshwater mussel, and we do not open to mussel shelling.

Felsenthal National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of duck, goose, and coot during the State waterfowl season except during scheduled quota refuge Gun Deer Hunts.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We allow only portable blinds. You must remove all duck hunting equipment (portable blinds, boats, guns, and decoys) (see § 27.93 of this chapter) from the hunt area by 1:30 p.m. each day.

4. We close areas of the refuge posted with ''Area Closed'' signs and identify them on the refuge hunt brochure map as a waterfowl sanctuary. Waterfowl sanctuaries are closed to all public entry and public use during waterfowl hunting season.

5. Hunters must possess and carry a signed Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

6. We prohibit possession and/or use of herbicides (see § 27.51 of this chapter).

7. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

8. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting and fishing activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify these trails and the dates they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 centimeters). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic, respectively) as a mode of transportation for hunting and fishing activities on the refuge.

9. We prohibit hunting within 150 feet (45 meters (m)) of roads and trails open to motor vehicle use (including ATV/UTV trails).

10. We allow camping only at designated primitive campground sites identified in the refuge hunt brochure, and we restrict camping to individuals involved in wildlife-dependent refuge activities. Campers may stay no more than 14 days during any 30 consecutive-day period in any campground and must occupy camps daily. We prohibit all disturbances, including use of generators, after 10 p.m. You must unload all hunting weapons (see § 27.42(b) of this chapter) within 100 yards (90 m) of a campground.

11. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition allowed for that hunt. There is no bag limit.

12. We allow the use of retriever dogs.

13. We prohibit the use or possession of any electronic call or other electronic device used for producing or projecting vocal sounds of any wildlife species.

14. We prohibit leaving any boat on the refuge.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A4 through A10, and A12 apply.

2. We allow hunting for quail, squirrel, rabbit, and furbearers (as defined by State law) on the refuge during State seasons through January 31. We list specific hunting season dates annually in the refuge hunt brochure. We close upland game hunting during refuge quota deer hunts. We annually publish dates for these quota deer hunts in the refuge hunt brochure.

3. We do not open for spring squirrel hunting season, summer/early fall raccoon hunting season, or spring bobcat hunting season.

4. We prohibit possession of lead ammunition except that you may possess rimfire rifle lead ammunition no larger than .22 caliber for upland game hunting. We prohibit possession of shot larger than that legal for waterfowl hunting. During the deer and turkey hunts, hunters may possess lead ammunition legal for taking deer and turkey. We prohibit buckshot for gun deer hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A5 through A10 apply.

2. We allow archery deer hunting on the refuge from the opening of the State season through January 31.

3. We close archery deer hunting during the quota gun deer hunts.

4. The refuge will conduct no more than two muzzleloader deer hunts and no more than four quota modern gun deer hunts.

5. We allow muzzleloader deer hunting during the October State Muzzleloader season for this deer management zone. The refuge will conduct one 4-day quota modern gun hunt for deer, typically in November. The refuge also may conduct one mobility-impaired hunt for deer typically in early November.

6. Total deer harvested refuge-wide is two deer (two does or one buck and one doe as defined by State law) regardless of method. See refuge brochure for specific bag limit information.

7. Hunters must check all harvested deer during quota hunts at refuge deer check stations on the same day of the kill. We identify the check station locations in the refuge hunt brochure. Carcasses of deer taken must remain intact (except you may field dress) until checked.

8. You may only use portable deer stands erected no earlier than the opening day of Archery Season and you must remove them no later than January 31 each year (see § 27.93 of this chapter).

9. We prohibit the use of deer decoy(s).

10. We prohibit horses and mules during refuge quota deer hunts.

11. We open spring archery turkey hunting during the State spring turkey season. We do not open for fall archery turkey season.

12. We close spring archery turkey hunting during scheduled turkey quota gun hunts.

13. The refuge will conduct no more than three quota permit spring turkey gun hunts and no more than two 3-day quota spring turkey hunts (typically in April). Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult age 21 or older possessing a valid hunting license must accompany the youth hunter age 15 and younger.

14. An adult age 21 or older possessing a valid hunting license must accompany and be within sight and normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

15. We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name and address clearly written in a conspicuous location. Game cameras must be removed from the refuge daily and are prohibited from being left overnight.

16. We restrict hunt participants for quota hunts to those drawn for a quota permit (Quota Deer Hunt Application, FWS Form 3–2354). These permits are nontransferable and permit fees are nonrefundable. If conditions prevent the hunts from taking place, there will be no refunds or permits carried over from year to year. Hunt dates and application procedures will be available at the refuge office in July for deer and January for turkey.

17. The incidental taking of feral hogs will be in accordance with Arkansas Game and Fish Commission regulations concerning the taking of feral hogs on State WMAs. If allowed on State WMAs, feral hogs may be taken incidental to daytime refuge hunts (without the use of dogs) with legal hunting equipment and ammunition allowed for that hunt. No bag limit. Live hogs may not be transported or possessed.

D. Sport Fishing. We allow fishing, frogging, and crawfishing for personal

use on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5, A6, A7, A10, and A14 apply.

2. We prohibit fishing in the waterfowl sanctuary area when the sanctuary is closed, with the exception of the main channel of the Ouachita and Saline Rivers and the borrow pits along Highway 82. We post the waterfowl sanctuary area with ''Area Closed'' signs and identify those areas in refuge hunt brochures.

3. We allow fishing only in areas accessible from the Ouachita and Saline Rivers and Eagle, Jones, and Pereogeethe Lakes during the refuge quota gun hunts.

4. You must reset trotlines when receding water levels expose them.

Holla Bend National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, opossum, beaver, armadillo, coyote, and bobcat on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits (found on the front cover of the annual hunt brochure/permit—signature required). The permits are nontransferable, and anyone on refuge land in possession of hunting equipment must sign and carry the permits at all times. Your hunt permit will also act as your entrance pass to the refuge.

2. During the refuge archery season, you may take only squirrel, rabbit, raccoon, opossum, beaver, armadillo, coyote, or bobcat.

3. We allow gun hunting of raccoon and opossum with dogs every Thursday, Friday, and Saturday until legal sunrise during the month of February. We prohibit field trials and organized training events (see § 26.21(b) of this chapter).

4. We only allow all-terrain vehicles (ATVs) for hunters and anglers with disabilities. We require a refuge ATV permit (Special Use Permit; FWS Form 3–1383–G) issued by the refuge manager.

5. We prohibit hunting from a vehicle.

6. You must enter and exit the refuge from designated roads and parking areas. We prohibit accessing refuge waters and land from the Arkansas River. We prohibit boating over the dam at the Old River Channel from either direction.

7. We prohibit hunting within 100 feet (30 meters) of roads open to motor vehicle use and nature trails.

8. We allow the use of nonmotorized boats during the refuge fishing/boating season (March 1 to October 31), but we prohibit hunters leaving boats on the refuge overnight (see § 27.93 of this chapter).

C. Big Game Hunting. We allow hunting of deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1 and B4 through B8 apply.

2. We allow archery/crossbow hunting for white-tailed deer and turkey. We provide annual season dates in the public use regulations brochure/permit (signature required).

3. The refuge will conduct one youth-only (between ages 6 and 15 at the beginning of the gun deer season in Zone 7) quota gun deer hunt. Specific hunt dates and application procedures will be available at the refuge office in July. We restrict hunt participants to those selected for a quota permit, except that one nonhunting adult must accompany the youth hunter during the youth hunt.

4. We open spring archery turkey hunting during the State turkey season.

5. We close the refuge to all entry and public use during scheduled youth quota gun hunts, except for those allowed to participate in the youth quota gun hunt.

6. The refuge will conduct two youth-only (age 6 to 15 at the beginning of the spring turkey season) quota spring gun turkey hunts, each 2 days in length. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants to those selected for a quota permit (name, address, phone number required), except that one nonhunting adult age 21 or older must accompany the youth hunter during the youth hunt.

7. We allow only portable deer stands. You may erect stands 7 days before the start of the season and must remove the stands from the refuge within 7 days after the season ends (see §§ 27.93 and 27.94 of this chapter).

8. You must permanently affix the owner's name, address, and phone number to all tree stands, ground blinds, or game cameras on the refuge.

9. We prohibit hunting from paved, graveled, and mowed roads and mowed trails (see § 27.31 of this chapter).

10. We prohibit all forms of organized game drives.

11. You must check all game at the refuge check station.

D. Sport Fishing. We allow sport fishing and frogging in accordance with State regulations and subject to the following conditions:

1. Conditions B4, B6, and C5 apply.

2. Waters of the refuge are only open for fishing March 1 through October 31 from legal sunrise to legal sunset.

3. We prohibit anglers from leaving their boats unattended overnight on any portion of the refuge (see § 27.93 of this chapter).

4. We prohibit the take and possession of turtles and/or mollusks (see § 27.21 of this chapter).

5. We prohibit airboats, hovercraft, and personal watercraft (Jet Skis, etc.) (see § 27.31 of this chapter).

Overflow National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a Refuge Public Use Regulations Brochure/Access Permit (signed brochure) while hunting.

2. Hunting of duck, goose, and coot ends at 12 p.m. (noon) each day.

3. We allow only portable blinds. Hunters must remove portable blinds, boats, and decoys from the hunt area by 1:30 p.m. each day (see § 27.93 of this chapter).

4. You may only possess shotshells in quantities of 25 or fewer per day during waterfowl hunting season; hunters may not discharge more than 25 shells per day.

5. Hunters under age 16 do not need to have a hunter education card if they are under the direct supervision (within arm's reach) of a holder of a valid hunting license who is at least age 21.

6. All youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older, possessing a valid hunting license. One adult may supervise no more than two youth hunters.

7. We allow only all-terrain vehicles/utility-type vehicles (ATVs/UTVs) for hunting activities. We restrict ATVs/UTVs to designated times and designated trails (see § 27.31 of this chapter) marked with signs and paint. We identify those trails and the dates that they are open for use in the refuge hunt brochure. We limit ATVs/UTVs to those having an engine displacement size not exceeding 700cc. We limit ATV/UTV tires to those having a centerline lug depth not exceeding 1 inch (2.5 centimeters). You may use horses on roads and ATV/UTV trails (when open to motor vehicle and ATV/UTV traffic respectively) as a mode of transportation for hunting activities on the refuge.

8. We prohibit hunting within 150 feet (45 meters) of roads and trails open

to motor vehicle use (including ATV/UTV trails).

9. You may take beaver, nutria, and coyote during any daytime refuge hunt with weapons and ammunition legal for that hunt. There is no bag limit. We prohibit transportation or possession of live hog.

10. All boats are prohibited on the refuge between the hours of 1:30 p.m. and 4 a.m. during waterfowl season.

11. All boat motors (including surface drive motors, mud motors, etc.) larger than 25 horsepower (HP) are prohibited.

12. Hunters may not enter the refuge until 4 a.m., with the exception of designated parking areas. Hunting ends at 12 p.m. (noon) each day.

B. Upland Game Hunting. We allow hunting of quail, squirrel, rabbit, and furbearers (as defined by State law) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A4 through A9, and A11 apply.

2. We allow hunting during State seasons (see State regulations for the appropriate zone) for quail, squirrel, rabbit, and furbearers (as defined by State law) through January 31. We list specific hunting season dates annually in the refuge hunt brochure.

3. We do not open for the spring squirrel hunting season, summer/fall raccoon hunting season, or the spring bobcat hunting season.

4. When upland game hunting, we prohibit possession of lead ammunition except that you may possess rimfire rifle lead ammunition no larger than .22 caliber. We prohibit possession of shot larger than that legal for waterfowl hunting.

5. You may use dogs for squirrel and rabbit hunting from December 1 through January 31. You may also use dogs for quail hunting and for raccoon/opossum hunting during open season on the refuge for these species.

6. We allow nighttime raccoon and opossum hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A5 through A9, and A11 apply.

2. We allow muzzleloader deer hunting during the first State muzzleloader season for this zone (see State regulations for appropriate zone).

3. We prohibit buckshot for gun deer hunting.

4. Bag limit for the muzzleloader deer hunt is two deer, with no more than one buck.

5. You may only use portable deer stands erected no earlier than the opening day of Archery Season and you must remove them no later than January 31 each year (see § 27.93 of this chapter). Limit is one deer stand, blind, etc., per person.

6. We prohibit the use of deer decoy(s).

7. The refuge will conduct no more than one quota permit youth spring turkey gun hunt. Specific hunt dates and application procedures will be available at the refuge office in January. We restrict hunt participants on these hunts to those selected for a quota permit, except that one nonhunting adult age 21 or older and possessing a valid hunting license must accompany a youth hunter age 15 or younger.

8. An adult age 21 or older possessing a valid hunting license must accompany and be within sight or normal voice contact of hunters age 15 and younger. One adult may supervise no more than one youth hunter.

9. The incidental taking of feral hogs will be in accordance with Arkansas Game and Fish Commission regulations concerning the taking of feral hogs on State WMAs. If allowed on State WMAs, feral hogs may be taken incidental to daytime refuge hunts (without the use of dogs) with legal hunting equipment and ammunition allowed for that hunt. No bag limit. Live hogs may not be transported or possessed.

D. Sport Fishing. [Reserved]

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Wapanocca National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of snow geese on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require refuge hunting permits. The permits (found on the front cover of the annual hunt brochure/permit—signature required) are nontransferable and anyone on refuge land in possession of hunting equipment must sign and carry them at all times.

2. We provide annual season dates on the hunt brochure/permit.

3. Hunters may enter the refuge at 4 a.m. and must leave the refuge by legal sunset.

4. Roundpond and Pigmon Units are closed to all migratory bird hunting.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, nutria, beaver, coyote, feral hog, and opossum in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A4 apply.

2. You may use only shotguns with approved nontoxic shot (see § 32.2(k)) and rifles chambered for rimfire cartridges when hunting.

3. We provide annual season dates for squirrel, rabbit, raccoon, and opossum hunting on the hunt brochure/permit. We allow dogs.

4. You may take nutria, beaver, and coyote during any refuge hunt with those weapons legal during those hunts, subject to applicable State seasons and regulations.

5. You may take feral hog only during the refuge Quota Gun Deer Hunt and according to State WMA regulations.

6. We limit nighttime hunting to raccoon/opossum hunting.

7. We close all other hunts during the Quota Gun Deer Hunt. We allow only Quota Gun Deer Hunt permit (fee/signature required) holders to enter the refuge during this hunt and only for deer hunting.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A4, and B4 through B7 apply.

2. We prohibit hunting from mowed and/or graveled road rights-of-way.

3. We specify annual season dates, bag limits, and hunting methods on the annual hunting brochure/permit.

4. We allow only portable deer stands. You may erect stands 7 days prior to the refuge deer season and must remove them from the waterfowl sanctuaries by December 1. You must remove all stands on the remainder of the refuge within 7 days of the closure of archery season (see § 27.93 of this chapter).

5. We prohibit the possession or use of buckshot for hunting on all refuge lands.

6. We prohibit leaving any tree stand, ground blind, or game camera on the refuge without the owner's name, address, and phone number clearly written in a conspicuous location.

D. Sport Fishing. We allow fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing from March 1 through October 31 from ½ hour before legal sunrise to ½ hour after legal sunset.

2. We prohibit the possession or use of live carp, shad, buffalo, or goldfish for bait.

3. We prohibit the possession or use of yo-yos, jugs, or other floating containers; drops or limb lines; trotlines; and commercial fishing tackle.

4. We allow bank fishing.

5. We prohibit the take or possession of frogs, mollusks, and/or turtles (see § 27.21 of this chapter).

6. Anglers may launch boats only in designated areas.

7. Anglers must remove all boats daily from the refuge (see § 27.93 of this chapter). We prohibit airboats, personal watercraft, and hovercraft.

■ 4. Amend § 32.24 by:

■ a. Revising the entry Kern National Wildlife Refuge;

■ b. Revising the entry Lower Klamath National Wildlife Refuge;

■ c. Revising the entry Merced National Wildlife Refuge;

■ d. Revising the entry Sacramento River National Wildlife Refuge;

■ e. Revising the entry San Luis National Wildlife Refuge;

■ f. Revising the entry San Pablo Bay National Wildlife Refuge; and

■ g. Revising the entry Tule Lake National Wildlife Refuge.

The revisions read as follows:

§ 32.24 California.

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Kern National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, and moorhens on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Hunters assigned to the spaced blind unit must remain within 100 feet (30.5 meters) of the numbered steel post (blind site) except when pursuing cripples, placing decoys, or traveling to and from the parking area.

2. Hunters may not possess more than 25 shells while in the field.

3. We allow only nonmotorized boats.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow pheasant hunting only in the free roam unit.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 and younger who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. Reservations are obtained through the Waterfowl Lottery each year.

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

4. Shooting hours end at 1 p.m. on all California portions of the refuge with the following exceptions:

i. The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

ii. The refuge manager may designate up to 3 days per week of afternoon waterfowl hunting for the general public after December 1.

5. You may not set decoys in retrieving zones.

6. We prohibit air-thrust and inboard water-thrust boats.

7. You may use only nonmotorized boats and boats with electric motors on designated motorless units from the start of the hunting season through November 30. You may use motorized boats on designated motorless units from December 1 through the end of hunting season.

8. Pit style hunting blinds located in the Stearns units and unit 9D are first-come, first-served. We require you to hunt within a 200-foot (61-meter) radius of the blind.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

Merced National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and moorhen on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may possess only 25 or fewer shotshells per day after leaving the parking lot.

2. Each hunter must remain inside his or her assigned blind, except for placing decoys, retrieving downed birds, and traveling to and from the parking area. We prohibit shooting from outside the blind.

3. We restrict hunters in the spaced zone area of the Lonetree Unit to their assigned zone except when they are traveling to and from the parking area, retrieving downed birds, or shooting to retrieve crippled birds.

4. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

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Sacramento River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, dove, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Access to the hunt area on all units open to public hunting is by boat only, except on designated units, which are accessible by foot traffic or boat. We prohibit bicycles or other conveyances. Mobility-impaired hunters should consult with the refuge manager for allowed conveyances. We prohibit waterfowl hunting on the Mooney and Codora Units.

2. On the Codora Unit, we prohibit hunting except for junior hunters on weekends only. Junior hunters must possess a valid junior hunting license and be accompanied by a nonhunting adult.

3. We allow only shotgun hunting.

4. We prohibit hunting within 50 feet (15 meters (m)) of any landward boundary adjacent to private property.

5. We prohibit hunting within 150 yards (45 m) of any occupied dwelling, house, residence, or other building or any barn or other outbuilding used in connection therewith.

6. We prohibit fires on the refuge, except we allow portable gas stoves on gravel bars (see § 27.95(a) of this chapter).

7. We open the refuge for day-use access from 2 hours before legal sunrise until 1½ hours after legal sunset. We allow access during other hours on gravel bars only.

8. We require dogs to be kept on a leash, except for hunting dogs engaged in authorized hunting activities, and under the immediate control of a licensed hunter (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasant, turkey, and quail on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow only shotgun and archery hunting.

2. Conditions A1, A2, and A4 through A8 apply.

C. Big Game Hunting. We allow hunting of black-tailed deer and feral hogs on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, A4 through A8, and B1 apply.

2. Feral hogs may be hunted September 1 through March 15.

3. We prohibit the use of dogs while hunting black-tailed deer and feral hogs.

4. We allow the use of only shotguns not capable of holding more than three rounds and firing single non-lead shotgun slugs, and archery equipment. We prohibit the use or possession of rifles and pistols on the refuge for hunting.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A6 through A8 apply.

2. On Packer Lake and Drumheller North, due to primitive access, we only allow boats up to 14 feet (4.2 m) and canoes. Electric motors only.

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San Luis National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, moorhen, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may only hunt snipe within the free-roaming portion of the San Luis Unit waterfowl hunting area.

2. You may only possess shotshells in quantities of 25 or fewer after leaving your assigned parking lot or boat launch.

3. We prohibit dropping of passengers or equipment, and stopping between designated parking areas. You must return your permits to the check stations immediately upon completion of your hunt and prior to using any tour routes or leaving the refuge vicinity.

4. We restrict hunters in the spaced blind area to their assigned blind except when they are placing decoys, traveling to and from the parking area, retrieving downed birds, or pursuing cripples.

5. We restrict hunters in the spaced zone area of the East Bear Creek Unit to their assigned zone except when they are traveling to and from the parking area, retrieving downed birds, or pursuing crippled birds.

6. Access to the Freitas Unit free-roam hunting area is by boat only with a maximum of 5 miles per hour (mph). Prohibited boats include air-thrust and/or inboard water-thrust types.

7. We prohibit the use of motorized boats in the free-roam units with the exception of the Freitas Unit.

8. We do not allow vehicle trailers of any type or size to be in the refuge hunt areas at any time or to be left unattended at any location on the refuge.

9. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

B. Upland Game Hunting. We allow hunting of pheasants on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may only possess shotshells in quantities of 25 or fewer while in the field.

2. Dogs must remain under the immediate control of their owners at all times (see § 26.21(b) of this chapter).

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow fishing during normal refuge visitation hours in designated areas as posted.

2. We only allow the use of pole and line or rod and reel to take fish, and anglers must attend their equipment at all times.

San Pablo Bay National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow hunting in the open waters of San Pablo Bay and navigable sloughs, the Cullinan Ranch Unit, and the Sears Point Dickson Ranch Unit.

2. You may only hunt from a boat. We prohibit walk-in hunting on the refuge.

3. You may possess shotshells only in quantities of 25 or fewer while in the field.

4. We only allow dogs engaged in hunting activities on the refuge during waterfowl season. We prohibit other domesticated animals or pets.

5. We allow foot access through the refuge to the State's Tolay Creek Unit (Midshipman Slough) for waterfowl hunting.

6. We allow waterfowl hunting from legal sunrise to legal sunset.

7. Hunters may enter closed areas of the refuge (tidal marshes) only to retrieve downed birds, but all weapons must be left in the designated hunting areas.

8. We prohibit launching of boats and access to the Bay or sloughs from refuge property except from designated boat launch sites (Cullinan Ranch Unit and Dickson Ranch Unit).

B. Upland Game Hunting. We allow hunting of pheasant only in areas of the Tolay Creek Unit designated by posted signs in accordance with State regulations and subject to the following conditions:

1. You may only hunt on Wednesdays, Saturdays, and Sundays.

2. You may only possess approved nontoxic shotshells (see § 32.2(k)) in quantities of 25 or fewer while in the field.

3. You may only access the Tolay Creek Unit by foot or bicycle.

4. We only allow dogs engaged in hunting activities on the refuge during pheasant season. We prohibit other domesticated animals or pets.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing on the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. The refuge is only open to fishing from legal sunrise to legal sunset.

2. We only allow fishing in the open waters of San Pablo Bay and navigable sloughs, the Cullinan Ranch Unit, and the Dickson Ranch Unit.

3. We prohibit walking through or over marsh vegetation.

4. We prohibit launching of boats and access to the Bay or sloughs from refuge property except from designated boat launch sites. We allow only nonmotorized crafts at the Cullinan Ranch Unit and Dickson Ranch Unit launch sites.

5. We only allow fishing from the shore at designated areas along the west side of Cullinan Ranch Unit in addition to the fishing and wildlife observation pier and canoe/kayak dock.

6. We allow fishing only with a pole and line or rod and reel. We prohibit bow fishing and gigging.

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Tule Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, moorhens, and snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

2. We require advance reservations for the first 2 days of the hunting season. You may obtain a reservation through the Waterfowl Lottery each year.

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

4. Shooting hours end at 1 p.m. on all portions of the refuge with the following exceptions:

i. The refuge manager may designate up to 6 afternoon special youth, ladies, veteran, or disabled hunter waterfowl hunts per season.

ii. The refuge manager may designate up to 3 days per week of afternoon

waterfowl hunting for the general public after December 1.

5. You select blind sites by lottery at the beginning of each hunt day. You may shoot only from within your assigned blind site.

6. We prohibit the setting of decoys in retrieving zones.

7. We prohibit air-thrust and inboard water-thrust boats.

8. We prohibit the use of all-terrain amphibious or utility-type vehicles (UTVs) in wetland units.

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State laws and regulations, and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

■ 5. Amend § 32.25 by:

■ a. Under the entry Alamosa National Wildlife Refuge:

■ i. Removing paragraphs A.2 and A.4;

■ ii. Redesignating paragraph A.3 as A.2; and

■ iii. Revising paragraphs B and C;

■ b. Revising the entry Arapaho National Wildlife Refuge;

■ c. Revising the entry Baca National Wildlife Refuge; and

■ d. Revising the entry Monte Vista National Wildlife Refuge.

The revisions read as follows:

§ 32.25 Colorado.

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Alamosa National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and whitetailed jackrabbit, on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition A2 applies.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations.

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Arapaho National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, merganser, Canada goose, snipe, Virginia and Sora rail, and mourning dove on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. All migratory bird hunting closes annually on December 31.

2. We allow access to the refuge one hour prior to legal shooting time.

3. We allow use of only portable stands and blinds that the hunter must remove following each day's hunt (see § 27.93 of this chapter).

4. We prohibit hunting 200 feet (60 meters) from any public use road, designated parking area, or designated public use facility located within the hunt area.

B. Upland Game Hunting. We allow hunting of jackrabbit, cottontail rabbit, and sage grouse on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. All upland game hunting closes annually on December 31.

2. Condition A2 applies.

C. Big Game Hunting. We allow hunting of antelope and elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A2 and A3 apply.

2. Elk hunters:

i. Must possess a refuge-specific permit to hunt elk; and

ii. Must attend a scheduled pre-hunt information meeting prior to hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge on the Illinois River in accordance with State regulations and subject to the following conditions:

1. We prohibit fishing between June 1 and July 31 each year.

2. We allow fishing only from legal sunrise to legal sunset.

3. We prohibit ice fishing on the refuge.

4. Fishing is closed in Unit C when the refuge is open to big game rifle hunting.

5. We prohibit lead sinkers and live bait for fishing.

Baca National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of Eurasian collared-doves and mourning doves only in designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. We allow Eurasian collared-dove hunting only during the mourning dove season.

2. The only acceptable methods of take are shotguns, hand-held bows, and hawking/falconry.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and white-tailed jackrabbit, on designated areas of the refuge in accordance with State regulations and subject to the following condition: Shotguns, rifles firing rimfire cartridges less than .23 caliber, hand-held bows, pellet guns, slingshots, and hawking/falconry are the only acceptable methods of take.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess a valid State license and a refuge-specific permit from the State, or a valid State license issued specifically for the refuge, to hunt elk. State license selection will be made via the Colorado Parks and Wildlife hunt selection process.

D. Sport Fishing. [Reserved]

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Monte Vista National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, coots, snipe, Eurasian collared-doves, and mourning doves on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. We allow Eurasian collared-dove hunting only during the mourning dove season.

2. The only acceptable methods of take are shotguns, hand-held bows, and hawking/falconry.

B. Upland Game Hunting. We allow hunting of cottontail rabbit, and black-tailed and white-tailed jackrabbit, on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition A2 applies.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess a valid State license and a refuge-specific permit from the State, or a valid State license issued specifically for the refuge, to hunt elk. State license selection will be made via the Colorado Parks and Wildlife hunt selection process.

D. Sport Fishing. [Reserved]

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§ 32.26 [Amended]

■ 6. Amend § 32.26, the entry Stewart B. McKinney National Wildlife Refuge, by:

■ a. Removing paragraphs A.2, A.3, A.5, A.6, A.7, A.8, A.9, A.12, A.13, and A.14; and

■ b. Redesignating paragraphs A.4, A.10, and A.11 as paragraphs A.2, A.3, and A.4, respectively.

■ 7. Amend § 32.27 by:

■ a. Under the entry Bombay Hook National Wildlife Refuge:

■ i. Revising paragraphs A and B, and introductory paragraph C; and

■ ii. Removing paragraphs C.3 and C.4; and

■ b. Revising the entry Prime Hook National Wildlife Refuge.

The revisions read as follows:

§ 32.27 Delaware.

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Bombay Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require a permit for waterfowl hunting except on the South Upland Hunting Area.

B. Upland Game Hunting. We allow hunting of grey squirrel, cottontail rabbit, ring-necked pheasant, bobwhite quail, raccoon, opossum, red fox, and mourning dove on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of turkey and deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

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Prime Hook National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow the hunting of waterfowl, coot, mourning dove, snipe, and woodcock on designated areas of the refuge during designated seasons in accordance with State regulations and subject to the following conditions:

1. Refuge permits are required for waterfowl hunting except in ''walk-in'' areas as defined in the refuge brochure. You must obtain and possess a refuge permit from the refuge office or website.

2. You must complete and return a Migratory Bird Hunt Report (FWS Form 3–2361), available at the refuge administration office or on the refuge's website, within 15 days of the close of the season.

3. You may access the Lottery Waterfowl hunt area by boat. The maximum horsepower allowed for boat motors is 30 horsepower (HP). You must abide by the slow, no-wake zones on designated portions of refuge waterways as depicted in maps or within the brochure.

4. Disabled Waterfowl Draw Area

i. All disabled hunters must possess and carry a State of Delaware Certified Hunter with Disabilities Card while hunting in disabled areas. We will not accept photocopies or electronic copies of these forms.

ii. Disabled hunters may have a nonhunting assistant who is age 18 or older. The assistant must remain within sight and normal voice contact, must not be engaged in hunting, and must possess a valid refuge hunt brochure signed in ink and a valid government-issued photo identification. Any assistant engaged in hunting must possess and carry all pertinent State and Federal licenses and stamps.

iii. We do not allow assistants to enter a designated disabled hunting area unless they are accompanied by a certified disabled hunter.

B. Upland Game Hunting. We allow hunting of rabbit, quail, pheasant, and red fox on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We do not allow squirrel hunting due to the similarity of gray squirrels and the State endangered Delmarva fox squirrel.

2. You must obtain and possess a refuge permit from the refuge office or website.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit organized deer drives.

2. Hunting on the headquarters deer hunt area will be by lottery. You must obtain and possess a refuge permit from the refuge office or website.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Turkle and Fleetwood ponds are restricted to electric trolling motors only.

2. All crabbing and fishing gear must be attended at all times. No gear may be left overnight.

■ 8. Amend § 32.28 by:

■ a. Revising the entry Arthur R. Marshall Loxahatchee National Wildlife Refuge;

■ b. Under the entry J. N. ''Ding'' Darling National Wildlife Refuge:

■ i. Revising the introductory paragraph D and D.1;

■ ii. Removing paragraphs D.2, D.3, D.4, D.5, D.14, D.17, and D.21;

■ iii. Redesignating paragraphs D.6 through D.10, D.12, D.13, D.15, D.16, and D.18 through D.20 as paragraphs D.2 through D.6, D.7, D.8, D.9, D.10, and D.12 through D.14, respectively; and

■ iv. Revising newly redesignated paragraphs D.6 and D.10, paragraph D.11, and newly redesignated paragraph D.13; and

■ c. Under the entry Lake Woodruff National Wildlife Refuge:

■ i. Revising introductory paragraph C, C.1, and C.2;

■ ii. Removing paragraphs C.3, C.4, C.7, C.10, C.16, and C.17;

■ iii. Redesignating paragraphs C.5, C.8, C.9, C.11 through C.15, and C.18 as paragraphs C.3, C.4, C.5, C.7 through C.11, and C.12, respectively;

■ iv. Revising newly redesignated paragraph C.5, paragraph C.6, and newly redesignated paragraphs C.8 and C.12;

■ v. Removing paragraph D.1; and

■ vi. Redesignating paragraphs D.2 through D.5 as paragraphs D.1 through D.4, respectively.

The revisions read as follows:

§ 32.28 Florida.

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Arthur R. Marshall Loxahatchee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck and coot on designated areas of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. You must possess and carry a signed refuge waterfowl hunt permit (signed brochure) while hunting. These brochures are available at the refuge visitor center and on the refuge's website (*http://www.fws.gov/loxahatchee*).

2. We allow hunting in the interior of the refuge south of latitude line 26.27.130 and north of mile markers 12 and 14 (SEE PERMIT MAP). We prohibit hunting from canals or levees and those areas posted as closed.

3. We do not open to hunting on Mondays, Tuesdays, and Christmas Day.

4. We allow hunting on the refuge from ½ hour before legal sunrise to 1 p.m. Hunters may enter the refuge no earlier than 4 a.m. and must be off the refuge by 3 p.m.

5. Hunters may only enter and leave the refuge at the Headquarters Area (Boynton Beach) and the Hillsboro Area (Boca Raton).

6. We allow only temporary blinds of native vegetation.

7. Hunters must remove decoys and other personal property (see § 27.93 of this chapter) from the hunting area at the end of each hunt day.

8. Hunters must complete a Migratory Bird Hunt Report (FWS Form 3–2361) and place it in an entrance fee canister each day prior to exiting the refuge.

9. All youth hunters age 15 and younger must be supervised by a licensed and permitted adult age 21 or older, and must remain with the adult while hunting. Youth hunters must have completed a hunter education course.

10. We allow only boats equipped with factory-manufactured-water-cooled outboard motors, boats with electric motors, and nonmotorized boats. We prohibit boats with air-cooled engines, airboats, fan boats, hovercraft, and

personal watercraft (Jet Skis, Jet Boats, Wave Runners, etc.).

11. There is a 35 mph speed limit in all waters of the refuge. A 500-foot (150-meter) Idle Speed Zone is at each of the refuge's three boat ramps.

12. We require all boats operating outside of the main perimeter canals (the L–40 Canal, L–39 Canal, L–7 Canal, and L–101 Canal) in interior areas of the refuge and within the hunt area to fly a 12-inch by 12-inch (30-cm by 30-cm) orange flag 10 feet (3 m) above the vessel's waterline.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of alligators on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following conditions:

1. You must possess and carry a signed refuge alligator hunt permit (signed brochure) while hunting. These brochures are available at the refuge visitor center and on the refuge's website (*http://www.fws.gov/loxahatchee/*).

2. We allow hunting in the interior of the refuge south of latitude line 26.27.130 and north of mile markers 12 and 14, including the canals south of that line (SEE PERMIT MAP). We prohibit hunting from levees and those areas posted as closed.

3. We allow hunting on the refuge 1 hour before sunset on Friday night through 1 hour after sunrise Saturday morning, and 1 hour before sunset on Saturday night through 1 hour after sunrise Sunday morning. We allow alligator hunting the first 2 weekends during Harvest Period 1 (August) and the first 2 weekends during Harvest Period 2 (September). Following the close of Harvest Period 2, the remaining weekends in October will be open for alligator harvest permittees who possess unused CITES tags. Specific dates for the alligator hunt will be provided on the harvest permit.

4. Hunters age 18 and older must be in possession of all necessary State and Federal licenses, permits, and CITES tags, as well as a refuge hunt permit (signed hunt brochure) while hunting on the refuge. They must possess an Alligator Trapping License with CITES tags or an Alligator Trapping Agent License, if applicable.

5. Hunters age 17 and younger may not hunt, but may only accompany an adult age 21 or older who possesses an Alligator Trapping Agent License.

6. Hunters may only enter and leave the refuge at the Hillsboro Area (Loxahatchee Road, Boca Raton).

7. You may take alligators using hand-held snares, harpoons, gigs, snatch hooks, artificial lures, manually operated spears, spear guns, and crossbows. We prohibit the taking of alligators using baited hooks, baited wooden pegs, or firearms. We allow the use of bang sticks (a hand-held pole with a pistol or shotgun cartridge on the end in a very short barrel) with nontoxic ammunition only for taking alligators attached to a restraining line (see § 32.2(k)). Once an alligator is captured, it must be killed immediately. We prohibit catch and release of alligators. Once the alligator is dead, you must lock a CITES tag through the skin of the carcass within 6 inches (15.2 centimeters) of the tip of the tail. The tag must remain attached to the alligator at all times.

8. Hunters must remove all personal property (see § 27.93 of this chapter) from the hunting area at the end of each hunt day.

9. We allow only one vessel per hunting group or party.

10. Conditions A9 and A10 apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following conditions:

1. We allow fishing south of a line of latitude of 26.27.130 and in the rim canal in the rest of the refuge. We prohibit fishing in those areas posted as closed to fishing or to the public.

2. We only allow the use of rods and reels and poles and lines, and anglers must attend them at all times.

3. We prohibit commercial fishing and the taking of frogs, turtles, and other wildlife (see § 27.21 of this chapter).

4. We allow 12 fishing tournaments a year by Special Use Permit only (General Activities—Special Use Permit Application, FWS Form 3–1383–G). Contact the Refuge Office at 561–735–6029 for more information.

5. We prohibit the possession or use of cast nets, seines, trot lines, jugs, gigs, and other fishing devices.

6. Anglers may only launch boats at the Headquarters Area (Boynton Beach), the Hillsboro Area (Boca Raton), and 20 Mile Bend (West Palm Beach).

7. Conditions A9 and A10 apply.

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J.N. ''Ding'' Darling National Wildlife Refuge

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D. Sport Fishing. We allow fishing and crabbing in refuge waters in accordance with State regulations and subject to the following conditions:

1. We allow the take of crabs with the use of dip nets only.

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6. We allow launching of canoes and kayaks anywhere on the right (north) side of Wildlife Drive. We prohibit launching motorized vessels over 14 feet (4.2 meters) in length from Wildlife Drive. Motorized vessels less than 14 feet (4.2 meters) in length may only be launched from designated site #2.

* * * * *

10. We prohibit the use of cast nets from the left (south) side of Wildlife Drive or any water control structure, bridge, boardwalk, or rip rap affixed to Wildlife Drive.

11. All fish must remain in whole condition until removed from refuge lands and waters.

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13. We prohibit airboats, hovercraft, personal watercraft, and ''Go-Devil''-style outboard motors.

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Lake Woodruff National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer, feral hog, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require a valid Lake Woodruff Quota Hunt Permit, which can be purchased through Florida Fish and Wildlife Conservation Commission; and a valid Lake Woodruff National Wildlife Refuge hunt permit (signed annual hunt brochure), which is free and nontransferable.

2. All hunters must be on stands or in blinds during deer hunts.

* * * * *

5. You may set up stands or blinds 2 days prior to the hunt for which you are permitted, and you must remove them on or before the last day of your permitted hunt. You must clearly mark stands with the hunter's name and address or the Florida Fish and Wildlife Conservation Commission (FWC) permit number found on your hunting license. No more than one stand or blind per person may be on the refuge at any time, unless a permitted hunter is accompanied by a youth hunter. Stands and/or blinds for youth hunters must be placed within sight and normal voice contact of the permitted hunter's stand and marked with the adult permitted hunter's name and address or the FWC permit number and the word ''YOUTH.''

6. If you use flagging or other trail marking material, you must print your name or FWC permit number on each piece or marker. You may set up flagging and trail markers 2 days prior to the permitted hunt, and you must

remove them on or before the last day of the permitted hunt.

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8. The Western Unit is only accessible by boat.

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12. We prohibit shotgun loads larger than number two shot and slugs during turkey hunts.

* * * * *

■ 9. Amend § 32.29 by:

■ a. Under the entry Blackbeard Island National Wildlife Refuge:

■ i. Removing paragraphs C.7, C.8, C.10, C.13, C.14, and C.21;

■ ii. Redesignating paragraphs C.9, C.11, C.12, and C.15 through C.20 as paragraphs C.7, C.8, C.9, and C.10 through C.15, respectively;

■ iii. Revising newly redesignated paragraph C.12; and

■ iv. Removing paragraph D.3;

■ b. Under the entry Harris Neck National Wildlife Refuge:

■ i. Removing paragraphs C.3, C.4, C.8, C.13, C.14, C.16, and C.20;

■ ii. Redesignating paragraphs C.5, C.6, C.7, C.9 through C.12, C.15, C.17, C.18, and C.19 as paragraphs C.3, C.4, C.5, C.6 through C.9, C.10, C.11, C.12, and C.13, respectively;

■ iii. Revising newly redesignated paragraph C.12;

■ iv. Removing paragraphs D.3 and D.5; and

■ v. Redesignating paragraph D.4 as D.3;

■ c. Revising the entry Okefenokee National Wildlife Refuge;

■ d. Under the entry Savannah National Wildlife Refuge:

■ i. Revising paragraphs A.2 and A.3;

■ ii. Removing paragraphs A.4, A.5, and A.8;

■ iii. Redesignating paragraphs A.6 and A.7 as A.4 and A.5, respectively;

■ iv. Revising paragraph B.1;

■ v. Removing paragraphs B.2, B.4, and B.5;

■ vi. Redesignating paragraphs B.3 and B.6 as paragraphs B.2 and B.3, respectively;

■ vii. Revising newly redesignated paragraph B.3, and paragraphs C.1 and C.2;

■ viii. Removing paragraphs C.3, C.6, and C.11;

■ ix. Redesignating paragraphs C.4, C.5, and C.7 through C.10 as paragraphs C.3, C.4, and C.5 through C.8, respectively;

■ x. Revising newly redesignated paragraph C.8, and paragraph D.3;

■ xi. Removing paragraphs D.5 and D.7; and

■ xii. Redesignating paragraph D.6 as D.5; and

■ e. Under the entry Wassaw National Wildlife Refuge:

■ i. Removing paragraphs C.2, C.3, C.6, C.7, C.14, and C.22;

■ ii. Redesignating paragraphs C.4, C.5, C.8 through C.13, and C.15 through C.21 as paragraphs C.2, C.3, C.4 through C.9, and C.10 through C.16, respectively;

■ iii. Revising newly redesignated paragraphs C.5, C.8, and C.14; and

■ iv. Removing paragraph D.4.

The revisions read as follows:

§ 32.29 Georgia.

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Blackbeard Island National Wildlife Refuge

* * * * *

C. * * *

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

Harris Neck National Wildlife Refuge

* * * * *

C. * * *

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

Okefenokee National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow the hunting of rabbit, squirrel, bobwhite quail, and turkey on the Cowhouse Unit of the refuge. The season will be consistent with the adjacent Dixon Memorial Wildlife Management Area and in accordance with State regulations and subject to the following conditions:

1. We only allow foot and bicycle traffic on the refuge portion of Cowhouse Island.

2. We only allow dogs to locate, point, and retrieve during quail hunts.

3. Feral hogs can only be taken during small game dates after October 31.

C. Big Game Hunting. We allow hunting of turkey only on the Cowhouse Island Unit of the refuge. We allow hunting of white-tailed deer and feral hog, as an incidental take, at the Suwannee Canal Recreation Area, the Pocket Unit, and Cowhouse Island Unit in accordance with State regulations and subject to the following conditions:

1. In the Pocket Unit:

i. We only allow archery hunting and foot traffic.

ii. You must sign in and out daily.

iii. We prohibit possessing a cocked crossbow in a motor vehicle.

iv. We allow nonmotorized scouting 7 days prior to scheduled hunt.

2. In the Suwannee Canal Unit:

i. We only allow two half-day hunts reserved for 30 hunters and 10 mobility-impaired/youth hunters.

ii. We allow only shotguns with slugs or muzzleloaders.

iii. We require a refuge permit (Big/Upland Game Hunt Application, FWS Form 3–2356) obtained through refuge lottery.

iv. You must sign in and sign out daily.

v. You must tag your deer with special refuge tags.

vi. There is a limit of two deer of either sex per day.

vii. We zone Chesser Island Hunt area to accommodate mobility-impaired and youth hunters. Only mobility-impaired hunters may use ATVs and vehicles on firebreaks and unpaved roads.

viii. We allow nonmotorized scouting 7 days prior to scheduled hunt.

ix. Condition C.1.iii applies.

3. In the Cowhouse Island Unit:

i. Dixon Memorial Wildlife Management Area rules, regulations, dates, and times apply.

ii. Conditions B.1, C.1.iii, and C.1.iv apply.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may use only 10 horsepower motors or less on the refuge.

2. We prohibit possession of live bait fish.

3. We only allow the use of pole and line or rod and reel.

4. We prohibit paddleboarding, air boats, swimming, and wading.

5. All boats must be off the water by posted time.

6. In the Suwannee Canal Unit, we prohibit fishing in ponds and canals along Swamp Island Drive.

* * * * *

Savannah National Wildlife Refuge

A. * * *

2. To participate in the quota youth waterfowl hunt, youth hunters must submit the Waterfowl Lottery Application (FWS Form 3–2355). You must pay an application fee to enter the hunt drawing.

3. Youth hunters, defined as those age 15 and younger, must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than two youth hunters.

* * * * *

B. * * *

1. Conditions A1 and A4 apply.

* * * * *

3. Youth hunters, defined as those age 15 and younger, must remain within

sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

C. * * *

1. Conditions A1, A4, and B3 apply.

2. To participate in the quota gun hunt for wheelchair-dependent hunters, hunters must submit the Quota Deer Hunt Application (FWS Form 3–2354). To participate in the quota Youth Turkey Hunt & Learn Weekend, youth hunters must submit the Big/Upland Game Hunt Application (FWS Form 3–2356). You must pay an application fee to enter these hunt drawings.

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8. We prohibit the use of trail or game cameras.

D. * * *

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3. We allow fishing from legal sunrise to legal sunset.

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Wassaw National Wildlife Refuge

* * * * *

C. * * *

5. We allow only shotguns (20 gauge or larger; slug only), center-fire rifles, center-fire pistols, bows, and primitive weapons, in accordance with State regulations, for deer and hog hunting during the gun hunt.

* * * * *

8. We only allow camping at the designated camping area.

* * * * *

14. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

* * * * *

■ 10. Amend § 32.32 by:

■ a. Revising the entry Great River National Wildlife Refuge; and

■ b. Adding, in alphabetical order, an entry for Hackmatack National Wildlife Refuge.

The addition and revision read as follows:

§ 32.32 Illinois.

* * * * *

Great River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot on the Long Island and Slim Island Divisions of the refuge in accordance with State and Federal regulations, and subject to the following conditions:

1. On the Long Island Division, we allow hunting only from blinds constructed on sites posted by the Illinois Department of Natural Resources.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of small game, furbearers, and game birds on the Long Island, Fox Island, and Slim Island Divisions, and Cherry Box and Hickory Creek Units of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies.

2. We open refuge divisions for upland game hunting from ½ hour before legal sunrise to ½ hour after legal sunset. On the Cherry Box and Hickory Creek Units, we allow hunting with shotgun only during the Statewide upland game season.

3. We close Fox Island Division to all upland game hunting from October 16 through December 31.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated portions of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies, except for when hunting for white-tailed deer.

2. We only allow portable tree stands from September 1 through January 31 of each year. The hunter's full name, address, and State-generated hunter identification number must be permanently attached in a visible location on the stand. Limit one stand per hunter.

3. On the Fox Island and Slim Island Divisions, we only allow deer hunting during the Statewide archery deer season and special State-managed hunts.

4. On the Cherry Box and Hickory Creek Units, we allow deer hunting during the Statewide archery deer season only.

5. On the Delair Division, we only allow deer hunting during special managed hunts and subject to the following conditions:

i. You must possess and carry a refuge permit (hunt letter) when hunting.

ii. You must register at the hunter sign-in/out station and record the sex and age of deer harvested on the Big Game Harvest Report (FWS Form 3–2359). Shooting hours end at 3 p.m. each day.

6. On the Long Island Division, we allow deer and turkey hunting in accordance with State seasons and regulations.

7. On the Slim Island Division, we allow turkey hunting in accordance with State seasons and regulations.

8. On the Fox Island Division, Cherry Box Unit, and Hickory Creek Unit, we allow turkey hunting during the State spring season, youth season, and fall archery season.

D. Sport Fishing. We allow fishing on the Long Island, Fox Island, and Slim Island Divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the taking of turtle and frog (see § 27.21 of this chapter).

2. On the Fox Island Division, we only allow bank fishing along any portion of the Fox River from January 1 through October 15.

Hackmatack National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with Federal and State regulations, and subject to the following condition: We allow the use of only portable or temporary blinds.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of only portable or temporary blinds.

2. For hunting, you may possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition B.2 applies.

D. Sport Fishing. [Reserved]

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■ 11. Amend § 32.35 by:

■ a. Under the entry Flint Hills National Wildlife Refuge:

■ i. Revising paragraph A.5;

■ ii. Removing paragraphs A.6, A.7, A.8, and A.10.iii;

■ iii. Redesignating paragraphs A.9 and A.10 as paragraphs A.6 and A.7, respectively;

■ iv. Revising paragraph B.1;

■ v. Removing paragraph B.2;

■ vi. Redesignating paragraphs B.3 and B.4 as paragraphs B.2 and B.3, respectively;

■ vii. Removing paragraphs C.4 and C.7;

■ viii. Revising paragraph C.5;

■ ix. Redesignating paragraph C.6 as paragraph C.4; and

■ x. Revising paragraph D.2;

■ b. Under the entry Kirwin National Wildlife Refuge:

■ i. Revising paragraph A;

■ ii. Removing paragraphs B.3, B.4, and B.5;

■ iii. Revising paragraphs C.2 and C.4;

■ iv. Removing paragraphs C.3, C.6, C.7, C.8, and C.9;

■ v. Redesignating paragraph C.5 as paragraph C.3;

■ vi. Removing paragraphs D.2, D.5, D.8, and D.9; and
■ vii. Redesignating paragraphs D.3, D.4, D.6, and D.7 as paragraphs D.2, D.3, D.4, and D.5, respectively;
■ c. Under the entry Marais des Cygnes National Wildlife Refuge:
■ i. Removing paragraph A.5;
■ ii. Revising introductory paragraph B and B.1;
■ iii. Removing paragraph B.4;
■ iv. Revising paragraph C.1;
■ v. Removing paragraph C.3; and
■ vi. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively; and
■ d. Under the entry Quivira National Wildlife Refuge:
■ i. Removing paragraphs A.2, A.5, A.6, and A.7;
■ ii. Redesignating paragraphs A.3, A.4, A.8, and A.9 as paragraphs A.2, A.3, A.4, and A.5, respectively;
■ iii. Revising paragraphs B.1, D.1, and D.7; and
■ iv. Removing paragraph D.8.

The revisions read as follows:

§ 32.35 Kansas.

* * * * *

Flint Hills National Wildlife Refuge

A. * * *

5. You may leave temporary blinds (other than portable blinds) constructed of natural vegetation found on site overnight. We prohibit bringing any type of live or dead vegetation onto the refuge for any purpose at any time.

* * * * *

B. * * *

1. Conditions A1 and A3 apply.

* * * * *

C. * * *

5. Conditions A1, A3, and B2 apply.

* * * * *

D. * * *

2. We prohibit the take of reptiles and amphibians.

* * * * *

Kirwin National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, merganser, coot, mourning dove, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You may use natural vegetation to construct a temporary blind.

2. You may use portable hunting blinds.

3. We only allow waterfowl hunting by boat in Bow Creek. You may not create a wake while in Bow Creek.

* * * * *

C. * * *

2. You must obtain a refuge-issued permit to hunt deer on the refuge.

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4. We prohibit retrieving deer or turkey from an area closed to deer or turkey hunting.

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Marais des Cygnes National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of cottontail rabbit, squirrel, and upland birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A3 apply.

* * * * *

C. * * *

1. Conditions A1, A3, A4, and B2 apply.

* * * * *

Quivira National Wildlife Refuge

* * * * *

B. * * *

1. Conditions A1 through A3 apply.

* * * * *

D. * * *

1. We prohibit taking of frog, snake, or any other wildlife (see § 27.21 of this chapter).

* * * * *

7. Condition A2 applies.

■ 12. Amend § 32.37 by:
■ a. Under the entry Bayou Sauvage National Wildlife Refuge:
■ i. Revising paragraphs A.1, A.3, and A.8;
■ ii. Removing paragraphs A.9, A.11, A.12, A.14, A.15, A.16, A.17, A.18, and A.19;
■ iii. Redesignating paragraphs A.10, A.13, and A.20 as paragraphs A.9, A.10, and A.11, respectively;
■ iv. Revising paragraph D.6; and
■ v. Removing paragraphs D.7, D.8, and D.9;
■ b. Revising the entry Bayou Teche National Wildlife Refuge;
■ c. Revising the entry Big Branch Marsh National Wildlife Refuge;
■ d. Revising the entry Bogue Chitto National Wildlife Refuge;
■ e. Under the entry Delta National Wildlife Refuge:
■ i. Revising paragraph A.3;
■ ii. Removing paragraphs A.4, A.7, A.12, A.14, A.15, and A.16;
■ iii. Redesignating paragraphs A.5, A.6, A.8 through A.11, and A.13 as paragraphs A.4, A.5, A.6 through A.9, and A.10, respectively;
■ iv. Revising newly redesignated paragraph A.9, and paragraphs B.4, C.1, C.3, and C.5;
■ v. Removing paragraphs C.6 and C.7;
■ vi. Redesignating paragraphs C.8 and C.9 as paragraphs C.6 and C.7, respectively;
■ vii. Removing paragraph D.2;
■ viii. Redesignating paragraphs D.3 through D.5 as paragraphs D.2 through D.4, respectively; and
■ ix. Revising newly redesignated paragraph D.3;
■ f. Under the entry Mandalay National Wildlife Refuge:
■ i. Removing paragraphs A.6, A.8, A.9, A.10, A.11, and A.12;
■ ii. Redesignating paragraphs A.3 through A.5 as paragraphs A.4 through A.6, respectively;
■ iii. Adding new paragraph A.3;
■ iv. Revising newly redesignated paragraph A.4;
■ v. Revising paragraphs C.7 and C.8;
■ vi. Removing paragraph D.1;
■ vii. Redesignating paragraphs D.2 through D.6 as D.1 through D.5, respectively; and
■ viii. Revising newly redesignated paragraph D.4; and
■ g. Revising the entry Tensas River National Wildlife Refuge.

The addition and revisions read as follows:

§ 32.37 Louisiana.

* * * * *

Bayou Sauvage National Wildlife Refuge

A. * * *

1. We consider all waterfowl and coot hunting to be youth hunts. An adult at least age 21 must supervise youth hunters during hunts. State regulations define youth hunter age and hunter-educations requirements. The youth must be capable of and must actively participate in such hunt by the possession and/or firing of a legal weapon during such hunt for the express purpose of harvesting game.

* * * * *

3. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays from one half hour before legal sunrise until 12 p.m. (noon), on Wednesdays, Thursdays, Saturdays, and Sundays, including early teal season, youth waterfowl hunt season, or other such special seasons that may be promulgated by law or statute. We will close the refuge to waterfowl and coot hunting during any segment of goose season that extends beyond the regular duck season.

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8. When hunting migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

* * * * *

D. * * *

6. Condition A10 applies.

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Bayou Teche National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds and waterfowl on designated areas of the refuge in accordance with State regulations and subject to the following conditions.

1. All hunters must possess and carry a signed hunt permit while hunting on the refuge. This permit is free and available on the front cover of the refuge brochure.

2. We prohibit hunting in and/or shooting into or across any agricultural field, roadway, or canal.

3. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts but may supervise only one youth during big game hunts. Youth(s) must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

4. We require waterfowl hunters to remove all portable blinds, boats, decoys, and other personal equipment from the refuge by 1 p.m. daily.

5. All hunters must check-in prior to hunting and check out after hunting at a refuge self-clearing check station. You must report all game taken on the refuge when checking out by using the check card.

6. We prohibit airboats and marsh buggies (tracked vehicles) on the refuge. We restrict motorized boat use to existing canals, ditches, trenasses, ponds, and from areas marked as nonmotorized areas only.

7. We prohibit parking, walking, or hunting within 150 feet (45 meters (m)) of any active oil well site, production facility, or equipment. We also prohibit hunting within 150 feet (45 m) of any public road, refuge road, building, residence, or designated public facility.

8. We allow hunting until 12 p.m. (noon). Hunters may only enter the refuge after 4 a.m.

9. We allow waterfowl hunting in Centerville, Garden City, Bayou Sale, North Bend East, and North Bend West Units during the State waterfowl season. We open no other units to migratory waterfowl hunting.

10. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

11. We prohibit the use of any type of material used as flagging or trail markers, except reflective tacks.

B. Upland Game Hunting. We allow hunting of squirrel and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We only allow hunting from the start of the State squirrel and rabbit seasons until the last day of State waterfowl season in the Coastal Zone, except that the Centerville Unit will be open until the last day of the State waterfowl season in the East Zone.

2. We prohibit squirrel and rabbit hunting in the Franklin Unit.

3. We prohibit upland game hunting on days corresponding with refuge deer gun hunts.

4. We allow hunters to enter the refuge after 4 a.m., but they must leave the refuge 1 hour after legal sunset.

5. We allow hunting 7 days per week beginning with the opening of the State season through the last day of the State waterfowl season in the Coastal Zone in the following refuge units: Garden City, Bayou Sale, North Bend—East, and North Bend—West Units. The Centerville Unit is in the East Zone. We open no other units to the hunting of upland game.

6. Conditions A1 through A3, A5 through A7, and A11 apply, except we allow the use of .17 and .22 caliber rimfire or smaller while hunting small game.

C. Big Game Hunting. We allow the hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of deer only with firearms (see § 27.42 of this chapter) during 5 specific days during October and November. A youth gun hunt will occur during the last weekend of October. The general gun hunt will occur during the final full weekend in November. The youth gun hunt includes both Saturday and Sunday. The general gun hunt includes the Friday immediately before the weekend.

2. We allow archery deer hunting from the start of the State archery season until January 31. Hunters may take deer of either sex in accordance with State-approved archery equipment and regulations. The State season limits apply. The following units are open to archery deer hunting: Bayou Sale, North Bend—East, North Bend—West, and Garden City. The Centerville Unit is open until February 15. We close refuge archery hunting on those days that the refuge deer gun hunts occur.

3. We do not allow hunting within 500 feet (152.4 meters) of the Garden City parking area and boardwalk.

4. The Bayou Sale Unit is not open for big game firearm hunts.

5. We allow each hunter to possess only one deer per day; the deer may be a buck or a doe. State season limits apply.

6. You may take feral hogs only as incidental take with archery equipment while participating in the refuge deer archery hunt.

7. Hunters may use only portable deer stands. Hunters may erect deer stands one day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have owner's name, address, and phone number clearly printed on the stand. Hunters must place stands in a nonhunting position when not in use (see § 27.93 of this chapter).

8. Conditions A1 through A3, A5 through A7, A11, and B3 apply.

9. We prohibit the use of trail cameras.

10. We prohibit the use of deer decoys.

11. We prohibit organized deer drives.

D. Sport Fishing. We allow fishing in all refuge waters in accordance with State regulations and subject to the following conditions:

1. We prohibit the use of unattended nets, traps, or lines (trot, jug, bush, etc.).

2. The refuge is open from legal sunrise until legal sunset unless stated otherwise.

3. The Franklin Unit canals (birdfoot canals) will be open for motorized boats between April 15 and August 31. This unit is open to nonmotorized boats all year.

4. Condition A6 applies.

Big Branch Marsh National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, goose, snipe, rail, gallinule, and woodcock on designated areas of the refuge during the State season for these species in accordance with State regulations and subject to the following conditions:

1. We allow waterfowl hunting on Wednesdays, Thursdays, Saturdays, and Sundays from ½ hour before legal sunrise until 12 p.m. (noon), including the State special teal season and State youth waterfowl hunt.

2. We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

3. We allow only temporary blinds, and hunters must remove the blinds and decoys by 1 p.m. (see § 27.93 of this chapter).

4. Hunters must possess and carry a valid refuge hunt permit (signed brochure).

5. We prohibit air-thrust boats, aircraft, mud boats, and air-cooled propulsion engines on the refuge.

6. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-education requirements. One adult may supervise two youths during small game hunts and migratory bird hunts, but is only allowed to supervise one youth during big game hunts. Youths must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting or discharge of firearm (see § 27.42 of this chapter) within 150 feet (45 meters (m)) of any residence or structure adjacent to the refuge, from the centerline of any road, railroad, designated public use maintained trails, designated parking area, or other designated public use facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits (see § 27.31 of this chapter).

8. We open the refuge to public entry from ½ hour before legal sunrise to ½ hour after legal sunset with the exception that hunters may enter the refuge earlier, but not before 4 a.m. and must exit the refuge no later than 2 hours after legal sunset for that day.

9. We only allow reflective tacks to be left on the refuge as trail markers.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, and quail on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow upland game hunting during the open State season. When hunting, you must possess only approved nontoxic shot (see § 32.2(k) of this chapter), shot size 4 or smaller, or 0.22 caliber rim-fire rifles or smaller.

2. We allow the use of dogs for hunting squirrel and rabbit only after the close of the State archery deer season.

3. We only allow dogs to locate, point, and retrieve when hunting for quail.

4. Conditions A4 through A9 apply.

5. All hunters, including archers (while on the ground), except waterfowl hunters must wear a hunter orange cap or hat during the dog season for squirrel and rabbit that is hunter orange, blaze pink, or other such color that meets State hunter safety requirements.

C. Big Game Hunting. We allow hunting of white-tailed deer and feral hog on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We are open only during the State season for archery hunting of deer.

2. We prohibit organized deer drives.

3. We allow the take of either-sex deer in accordance with State-approved archery equipment and regulations. The State season limits apply. Archery equipment, which State regulations define as legal gear for archery season, will be a legal means of take during the deer archery season.

4. We allow placement of temporary deer stands 1 day prior to the start of deer archery season. Hunters must remove all deer stands within 1 day after the archery deer season closes. Hunters are allowed to place only one deer stand on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand. We prohibit hunting stands on trees painted with white bands.

5. We allow take of feral hogs only as incidental take with archery equipment while participating in the refuge deer archery hunt.

6. Conditions A4 through A9 apply.

7. We prohibit the use of trail cameras.

8. We prohibit the use of deer decoys.

D. Sport Fishing. We allow fishing in designated waters of the refuge in accordance with State regulations and subject to the following conditions:

1. You may fish only from ½ hour before legal sunrise until ½ hour after legal sunset, except we allow night fishing from the bank and pier on Lake Road.

2. You must only use rods and reel or pole and lines while fishing.

3. We prohibit the use of trotlines, limblines, slat traps, gar sets, nets, or alligator lines on the refuge. We allow take of bait with cast nets 8 feet (2.4 meters) in diameter or less.

4. We allow recreational crabbing.

5. Condition A5 applies.

6. You must attend to any fishing, crabbing, and crawfishing equipment at all times.

* * * * *

Bogue Chitto National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting from ½ hour before legal sunrise until 12 p.m. (noon), including the State special teal season and State youth waterfowl hunt. You must remove blinds and decoys by 1 p.m. (see § 27.93 of this chapter). We do not open the refuge to goose hunting for that part of the season that extends beyond the regular duck season.

2. We allow woodcock hunting in accordance with State regulations using only approved nontoxic shot (see § 32.2(k)) size #4 or smaller.

3. We allow public hunting on designated areas during the open State season for duck, goose, coot, and woodcock. We designate areas where public use is restricted in the refuge hunt permit (signed brochure) or by designated signage.

4. When hunting for migratory game birds, we only allow dogs to locate, point, and retrieve.

5. Hunters must possess and carry a valid refuge hunt permit (signed refuge brochure).

6. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-education requirements. One adult is allowed to supervise two youths during small game hunts and migratory bird hunts but may supervise only one youth during big game hunts. Youths must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

7. We prohibit hunting or discharge of firearms (see § 27.42 of this chapter) within 150 feet (45.7 meters) from the centerline of any public road, refuge road, designated or maintained trail, building, residence, designated camping area, designated public facility, or from or across aboveground oil, gas, or electric facilities. We prohibit hunting in refuge-designated closed areas, which we post on the refuge and identify in the refuge hunt permits (signed brochure).

8. For the purpose of hunting, we prohibit possession of slugs, buckshot, rifle, or pistol ammunition unless otherwise specified.

9. We allow primitive camping within 100 feet (30 meters) of designated streams. These include either bank of the Boque Chitto River, Wilson Slough, and West Pearl River south of Wilson Slough; refuge lands along the East Pearl River; and Holmes Bayou. Campers must mark their campsite with the owner's name, address, phone number, and dates of occupancy placed in a conspicuous location in the center of camp.

10. We prohibit horses, trail cameras, all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs), except UTVs are allowed on designated physically challenged hunt trails and are restricted to physically challenged State-issued permit holders and persons 60 years or

older with proof of age for all refuge designated hunts. Those users may utilize Physically Challenged UTV trails as indicated on the refuge hunt permit (signed brochure) map. Physically Challenged UTV users must not deviate from the designated UTV trails on the area map. Vehicles must park in designated parking areas. We prohibit blocking gates, trails, or roads with a vehicle or UTV.

11. We only allow reflective tacks to be left on the refuge as trail markers.

12. We allow State-licensed physically challenged hunters and persons 60 years or older with proof of age exclusive use of designated physically challenged hunt trails for any open hunt seasons on the refuge. Specific hunt trails are designated on the refuge hunt permit (signed brochure). An assistant may accompany the physically challenged or person 60 years or older while hunting, but the assistant may not hunt.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of dogs for rabbit, squirrel, raccoon, and opossum on specific dates listed in the refuge hunt brochure.

2. We will close the refuge to hunting (except waterfowl) and camping when the Pearl River reaches 15.5 feet (4.65 meters) on the Pearl River Gauge at Pearl River, Louisiana.

3. We prohibit the take of feral hog during any upland game hunts.

4. All hunters, except waterfowl hunters and nighttime raccoon and opossum hunters, must abide by State WMA hunter-orange or blaze pink (or other approved colors by the State) regulations during any open deer firearm or primitive firearm season on the refuge. During the dog season for squirrels and rabbits, all hunters, including archery hunters (while on the ground), except waterfowl hunters, must wear a hunter-orange (or blaze pink in Louisiana, or other approved color by the State) hat or cap. Deer hunters hunting from concealed blinds must display State WMA hunter-orange or blaze-pink (as required by State regulations) above or around their blinds; this must be visible from 360 degrees.

5. Conditions A5 through A12 apply, except you may use .22- caliber rifles or smaller, and the nontoxic shot in your possession while hunting must be size 4 or smaller (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer, turkey, and feral hog on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. Conditions A5 through A7, A9 through A10, A12, B2, and B4 apply.

2. Hunters may erect deer stands one day before the deer archery season and must remove them from the refuge within 1 day after this season closes. We allow only one deer stand per hunter on the refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

3. We allow take of hog as incidental game while participating in the refuge archery, primitive weapon, and general gun deer hunts and where otherwise specified using legal methods of take for the hunt. We list specific dates for the special hog hunt in February in the refuge hunt permit (signed brochure). During the special hog hunt in February, you must use trained hog-hunting dogs to aid in the take of hog. During the special hog hunt, we allow take of hog from ½ hour before legal sunrise until ½ hour after legal sunset. You must possess only approved nontoxic shot or pistol or rifle ammunition not larger than .22 caliber rim-fire to take the hog after it has been caught by dogs. Condition A8 applies during special hog hunt in February.

4. You must kill all hogs prior to removal from the refuge.

5. We prohibit the use of deer and turkey gobbler decoys.

6. We prohibit using shot larger than BB lead or T steel while hunting during turkey season.

D. Sport Fishing. We allow recreational fishing year-round in accordance with State regulations and subject to the following conditions:

1. We only allow cotton limb lines.

2. Conditions A8 and A10 apply.

3. We close the fishing ponds at the Pearl River Turnaround to fishing from April through the first full week of June and to boating during the months of April, May, June, and July.

4. When the Pearl River Turnaround area is open, we allow boats that do not have gasoline-powered engines attached in the fishing ponds at the Pearl River Turnaround. Anglers must hand-launch these boats into the ponds. When open, we only allow hook and line as a legal method of take in the fishing ponds at the Pearl River Turnaround.

5. We allow trotlines, but the last 5 feet of trotline must be 100% cotton.

6. The Pearl River Turnaround area, when open, is open ½ hour before legal sunrise to ½ hour after legal sunset.

* * * * *

Delta National Wildlife Refuge

A. * * *

3. When hunting for migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

* * * * *

9. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts but must supervise only one youth during big game hunts. Youth(s) must remain within normal voice contact of the adult who is supervising them. Adult guardians are responsible for ensuring that youth hunters do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

B. * * *

4. Conditions A4 through A10 apply.

* * * * *

C. * * *

1. Conditions A4 through A10 apply with the following exception to condition A9: Each adult is allowed to supervise only one youth hunter.

* * * * *

3. We only allow portable deer stands (see § 27.93 of this chapter). Hunters may erect deer stands 1 day before the deer archery season and must remove them from the refuge within 1 day after the season closes. Hunters may place only one deer stand on a refuge. Deer stands must have the owner's name, address, and phone number clearly printed on the stand.

* * * * *

5. We allow the take of hog(s) only with archery equipment during the archery deer season.

* * * * *

D. * * *

3. Conditions A6 and A7 apply.

* * * * *

Mandalay National Wildlife Refuge

A. * * *

3. When hunting migratory game birds, we only allow the use of dogs to locate, point, and retrieve.

4. An adult age 21 or older must supervise youth hunters during all hunts. State regulations define youth hunter age and hunter-educations requirements. One adult may supervise two youths during small game and migratory game bird hunts. An adult may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for

ensuring that hunters age 16 or younger do not engage in conduct that would constitute a violation of refuge regulations.

* * * * *

C. * * *

7. We prohibit organized deer drives.

8. Conditions A3, A4, and A7 apply.

* * * * *

D. * * *

4. Condition A7 applies.

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Tensas River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, coot, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of duck and coot on Tuesdays, Thursdays, Saturdays, and Sundays until 2:00 p.m. during the State season. We prohibit migratory bird hunting during refuge gun hunts for deer.

2. We allow refuge hunters to enter the refuge no earlier than 4 a.m., and they must leave no later than 2 hours after legal sunset unless they are participating in the refuge nighttime raccoon hunt.

3. In areas posted ''Area Closed'' or ''No Waterfowl Hunting Zone,'' we prohibit hunting of migratory birds at any time. The Public Use Regulations brochure will be available at the refuge headquarters no later than August.

4. We allow nonmotorized boats, electric motors, and boats with motors 10 horsepower (hp) or less in refuge lakes, streams, and bayous. Boaters must follow State boating regulations, including those for navigation lights. We prohibit boat storage on the refuge. Hunters/anglers must remove boats daily (see § 27.93 of this chapter).

5. We allow all-terrain vehicle (ATV) travel on designated trails for access typically from September 15 to the last day of the refuge squirrel season. We open designated trails from 4 a.m. to no later than 2 hours after legal sunset unless otherwise specified. We define an ATV as an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: Weight 750 pounds (337.5 kilograms (kg)), length 85 inches (212.5 centimeters (cm)), and width 48 inches (120 cm). We restrict ATV tires to those no larger than 26 inches (66 cm) by 12 inches (30 cm) with a 1-inch (2.5-cm) lug height and maximum allowable tire pressure of 12 psi. Hunters/anglers using the refuge physically challenged all-terrain trails must possess the State's Physically Challenged Program Hunter Permit or be age 60 or older. Additional physically challenged access information will be available at the refuge headquarters.

6. We prohibit field dressing of game within 150 feet (45 meters (m)) of parking areas, maintained roads, and trails.

7. An adult age 18 or older must supervise youth hunters age 17 or younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters age 17 or younger do not engage in conduct that would constitute a violation of refuge regulations.

B. Upland Game Hunting. We allow hunting of raccoon, squirrel, and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow nighttime raccoon hunting beginning typically the third Saturday in December and typically ending January 31. We allow raccoon hunters to hunt from legal sunset to legal sunrise with the aid of dogs, horses, and mules, and with use of lights. We allow such use of lights on the refuge only at the point of kill. We prohibit all other use of lights for hunting on the refuge. Hunt dates will be available at refuge headquarters typically in July. We prohibit ATVs during the raccoon hunt. Hunters must attempt to take treed raccoons.

2. We allow squirrel and rabbit hunting with and without dogs:

i. We allow hunting without dogs from the beginning of the State season to December 31; during this time period, we do not require hunters to wear hunter orange.

ii. We allow squirrel and rabbit hunting with or without dogs from January 1 to the last day of February; during this time period, we require a minimum of a solid-hunter-orange cap.

iii. We allow no more than three dogs per hunting party.

3. We close squirrel and rabbit hunting during the following gun hunts for deer: refuge-wide youth hunt, primitive firearms hunt, and modern firearms hunt.

4. In areas posted ''Area Closed'' and ''No Hunting Zone,'' we prohibit upland game hunting at any time.

5. When hunting, we allow .22 caliber and smaller rimfire weapons.

6. Conditions A2 and A4 through A7 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of refuges in accordance with State regulations and subject to the following conditions:

1. Deer archery season will begin the first Saturday in November and will conclude on January 31. We prohibit archery hunting during the following refuge-wide deer hunts: youth gun hunt and modern firearms hunts. We prohibit possession of pods, drug-tipped arrows, or other chemical substances.

2. The deer primitive firearms season will occur between November 1 and January 31. We allow all legal primitive firearms as defined by State regulations.

3. During the deer primitive firearms season, hunters may fit any legal primitive firearms with magnified scopes. We allow hunters using primitive weapons to hunt reforested areas. We prohibit youth hunters from using modern firearms during the primitive weapon hunt.

4. We will conduct two quota-modern-firearms hunts for deer typically in the months of November and/or December. Hunt dates and permit application procedures will be available at refuge headquarters no later than August. Hunters using primitive weapons or muzzleloaders must follow all modern firearm regulations (no hunting in reforested areas). We prohibit hunting and/or shooting into or across any reforested area during the quota hunt for deer. We require a quota hunt permit for these hunts.

5. We will conduct guided quota youth deer hunts and guided quota deer hunts for the Full-Time Wheelchair Users in the Greenlea Bend area typically in December and January. Hunt dates and permit application procedures will be available at the refuge headquarters typically in July. For the guided quota youth hunts, we consider youth to be ages 8 through 15.

6. We will conduct a refuge-wide youth deer hunt. Hunt dates will be available at refuge headquarters typically in July. An adult at least age 18 must supervise youth hunters age 15 and younger during all hunts. One adult may supervise two youths during small game and migratory bird hunts but may supervise only one youth during big game hunts. Youth must remain within normal voice contact of the adult who is supervising them. Parents or adult guardians are responsible for ensuring that hunters age 16 and younger do not engage in conduct that would constitute a violation of refuge regulations.

7. Hunters may take only one deer (one buck or one doe) per day during refuge deer hunts except during guided youth and wheelchair-bound hunts where the limit will be one antlerless and one antlered deer per day.

8. We allow turkey hunting the first 16 days of the State turkey season. We will conduct a youth turkey hunt the Saturday and Sunday before the regular State turkey season. Hunters may harvest two bearded turkeys per season. We allow the use and possession of lead shot while turkey hunting on the refuge (see § 32.2(k)). We allow use of nonmotorized bicycles on designated all-terrain vehicle trails. Although you may hunt turkey without displaying a solid-hunter-orange cap or vest during your turkey hunt, we do recommend its use.

9. Conditions A2, A4, A5, and A6 apply.

10. In areas posted ''Area Closed'' or ''No Hunting Zone,'' we prohibit big game hunting at any time. We close ''Closed Areas'' (designated on the Public Use Regulations brochure map) to all hunts. We prohibit shooting into or across any closed area with a gun or archery equipment.

11. We allow muzzleloader hunters to discharge their primitive firearms at the end of each hunt safely into the ground at least 150 feet (135 meters) from any designated public road, maintained road, trail, fire break, dwelling, or above-ground oil and gas production facility. We define a maintained road or trail as one that has been mowed, disked, or plowed, or one that is free of trees.

12. We prohibit deer hunters leaving deer stands unattended before the opening day of the refuge archery season. Hunters must remove stands by the end of the last day of the refuge archery season (see § 27.93 of this chapter). Hunters must clearly mark stands left unattended on the refuge with the name and address of the stand owner. Hunters must remove portable stands from trees daily and place freestanding stands in a nonhunting position when unattended.

13. We allow hunting with slugs, rifle, or pistol ammunition larger than .22 caliber rimfire only during the quota hunts for deer. We prohibit use of buckshot when hunting.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow anglers to enter the refuge no earlier than 4 a.m., and they must depart no later than 2 hours after legal sunset.

2. We prohibit the taking of turtle (see § 27.21 of this chapter).

3. Condition A4 applies.

4. We prohibit fish cleaning within 150 feet (45 meters) of parking areas, maintained roads, and trails.

* * * * *

■ 13. Amend § 32.38 by:
■ a. Under the entry Moosehorn National Wildlife Refuge:
■ i. Revising paragraphs A, B, and C.1;
■ ii. Removing paragraph C.3;
■ iii. Redesignating paragraphs C.4 and C.6 as paragraphs C.3 and C.4, respectively;
■ iv. Revising paragraph C.5;
■ v. Redesignating paragraph C.11 as paragraph C.6;
■ vi. Removing paragraph C.7;
■ vii. Redesignating paragraph C.12 as paragraph C.7;
■ viii. Revising paragraphs C.8, C.9, and C.10;
■ ix. Adding paragraph C.11; and
■ x. Removing paragraphs C.13, C.14, and C.15;
■ b. Under the entry Petit Manan National Wildlife Refuge:
■ i. Revising paragraph A.2;
■ ii. Removing paragraph A.3;
■ iii. Revising paragraphs B.1, B.2, and B.5;
■ iv. Adding new paragraph B.6;
■ v. Revising introductory paragraph C, C.1, C.2, and C.4; and
■ vi. Removing paragraph C.5;
■ c. Revising the entry Rachel Carson National Wildlife Refuge;
■ d. Revising the entry Sunkhaze Meadows National Wildlife Refuge; and
■ e. Revising the entry Umbagog National Wildlife Refuge.

The additions and revisions read as follows:

§ 32.38 Maine.

* * * * *

Moosehorn National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, American woodcock, and snipe on designated areas of the Baring and Edmunds Division of the refuge in accordance with State regulations and subject to the following conditions:

1. We require every hunter to possess and carry a personally signed Migratory Bird Hunt Application (FWS Form 3–2357). Permits and information are available from the refuge.

2. We allow hunters to enter the refuge 2 hours before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours.

3. You may hunt American woodcock and snipe on the Edmunds Division and that part of the Baring Division that lies west of State Route 191.

4. You may hunt waterfowl (duck and goose) in that part of the Edmunds Division that lies north of Hobart Stream and west of U.S. Route 1, and in those areas east of U.S. Route 1, and refuge lands that lie south of South Trail; and in that portion of the Baring Division that lies west of State Route 191.

5. We prohibit hunting waterfowl in the Nat Smith Field and Marsh or Bills Hill Field or Ponds on the Edmunds Division.

6. We only allow portable or temporary blinds and decoys that must be removed from the refuge following each day's hunt. We prohibit construction or use of any permanent blind.

7. You may possess only approved nontoxic shot when hunting woodcock and snipe on the refuge (see § 32.2(k)).

8. We prohibit use of motorized or mechanized vehicles and equipment in designated Wilderness Areas. This includes all vehicles and items such as winches, pulleys, and wheeled game carriers. You must remove animals harvested within the Wilderness Areas by hand without the aid of mechanical equipment of any type.

9. We prohibit dog training on the refuge.

B. Upland Game Hunting. We allow hunting of ruffed grouse, snowshoe hare, red fox, gray and red squirrel, raccoon, skunk, and woodchuck on designated areas of the Edmunds Division and that part of the Baring Division that lies west of State Route 191 in accordance with State regulations and subject to the following conditions:

1. We require every hunter to possess and carry a personally signed Big/Upland Game Hunt Application (FWS Form 3–2356). Permits and regulations are available from the refuge.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. We prohibit use of motorized or mechanized vehicles and equipment in designated Wilderness Areas. This includes all vehicles and items such as winches, pulleys, and wheeled game carriers. You must remove animals harvested within the Wilderness Areas by hand without the aid of mechanical equipment of any type.

4. We allow hunters to enter the refuge 2 hours before legal shooting hours, and they must exit the refuge by 1 hour past legal shooting hours, except for hunters pursuing raccoons at night.

5. We prohibit hunting of upland game species on refuge lands between April 1 and September 30.

6. You must notify the refuge office prior to hunting raccoon or red fox with trailing dogs.

7. We prohibit dog training on the refuge.

C. * * *

1. Conditions B1 and B3 apply.

* * * * *

5. We allow portable tree stands, blinds, and ladders. You must clearly

label any tree stand, blind, or ladder left on the refuge overnight with your name, address, phone number, and hunting license number. We require all tree stands, blinds, and ladders to be removed from the refuge on the last day of the muzzleloader deer season. We prohibit construction or use of permanent tree stands, blinds, or ladders.

* * * * *

8. We prohibit use of firearms to hunt bear and coyote during the archery deer season on that part of the Baring Division that lies east of Route 191. We prohibit the use of firearms, other than a muzzleloader, to hunt coyote during the deer muzzleloader season on that part of the Baring Division that lies east of Route 191.

9. You must notify the refuge office prior to hunting black bear, bobcat, or eastern coyote with trailing dogs.

10. We prohibit dog training on the refuge.

11. We prohibit hunting in the following areas:

i. The South Magurrewock Area.

ii. The North Magurrewock Area.

iii. The posted safety zone around the refuge headquarters.

iv. The Southern Gravel Pit.

* * * * *

Petit Manan National Wildlife Refuge

A. * * *

2. You may only possess approved nontoxic shot when hunting woodcock and snipe (see § 32.2(k)).

B. * * *

1. You may only possess approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

2. We allow the use of dogs for hunting; however, the dogs must be under the hunter's control at all times.

* * * * *

5. Hunters must retrieve all species, including coyotes, harvested on the refuge.

6. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

C. Big Game Hunting. We allow hunting of white-tailed deer and black bear on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow white-tailed deer hunting on Sawyers Marsh and Gouldsboro Bay Divisions, Bois Bubert Island, and designated areas of the Petit Manan Point. Petit Manan Point is open only during the State-prescribed muzzleloader season.

2. We allow black bear hunting on the Sawyers Marsh and Gouldsboro Bay Divisions during the firearm season for white-tailed deer.

* * * * *

4. We allow hunters to enter the refuge 1 hour prior to legal sunrise and remain on the refuge 1 hour after legal sunset.

* * * * *

Rachel Carson National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, woodcock, and snipe in accordance with State regulations on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, and Spurwink River Divisions of the refuge and subject to the following conditions:

1. Prior to entering designated refuge hunting areas, you must obtain a Migratory Bird Hunt Application (FWS Form 3–2357), pay a recreation fee, and sign and carry the permit at all times.

2. We open Designated Youth Hunting Areas to hunters age 15 and younger who possess and carry a refuge hunting permit. Youth hunters must be accompanied by an adult age 18 or older. The accompanying adult must possess and carry a refuge hunting permit and may also hunt.

3. You may only possess approved nontoxic shot for hunting woodcock and snipe on the refuge (see § 32.2(k)).

4. You may use seasonal blinds with a Special Use Permit (FWS Form 3–1383–G). A permitted seasonal blind is available to permitted hunters on a first-come, first-served basis. The permit holder for the blind is responsible for the removal of the blind at the end of the season and compliance with all conditions of the Special Use Permit.

5. We close the Moody, Little River, Biddeford Pool, and Goosefare Brook divisions of the refuge to all migratory bird hunting.

B. Upland Game Hunting. We allow hunting of pheasant, quail, and grouse on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Goosefare Brook, Spurwink River, and York River divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A5 apply.

2. For upland game, you may only take pheasant, quail, and grouse (no mammals) by falconry on the refuge during State seasons.

3. You may only possess approved nontoxic shot for hunting upland game on the refuge (see § 32.2(k)).

4. We close the Moody, Little River, and Biddeford Pool divisions of the refuge to all upland game hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the Brave Boat Harbor, Lower Wells, Upper Wells, Mousam River, Goose Rocks, Little River, Goosefare Brook, and Spurwink River divisions of the refuge in accordance with State regulations and subject to the following conditions:

1. Prior to entering designated refuge hunting areas, you must obtain a Big/Upland Game Hunt Application (FWS Form 3–2356), pay a recreation fee, and sign and carry the permit at all times.

2. Condition A5 applies.

3. We allow hunting of deer and turkey with shotgun and archery only. We prohibit rifles and muzzleloading firearms for hunting.

4. We allow turkey hunting during the fall season only, as designated by the State.

5. We close the Moody and Biddeford Pool divisions of the refuge to white-tailed deer and turkey hunting.

6. We allow archery on only those areas of the Little River division open to hunting.

7. We allow hunting of fox and coyote with archery or shotgun with a refuge big game permit, during State firearm deer season. We prohibit night hunting from ½ hour after sunset until ½ hour before sunrise the following day.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow sport fishing along the shoreline on the following areas of the refuge:

i. At the Brave Boat Harbor division on the north side (York) of the stream crossing under Route 103, beginning at Route 103 then downstream to the first railroad trestle.

ii. At the Moody division on the north side of the Ogunquit River and downstream of Route 1, beginning at the refuge boundary then downstream a distance of 500 feet (150 meters).

iii. At the Moody division on the east side of Stevens Brook and downstream of Bourne Avenue, beginning at Bourne Avenue then downstream to where the refuge ends near Ocean Avenue.

iv. At the Lower Wells division on the west side of the Webhannet River downstream of Mile Road, from Mile Road north to the first creek.

v. At the Upper Wells division on the south side of the Merriland River downstream of Skinner Mill Road, beginning at the refuge boundary and then east along the oxbow to the woods.

vi. At the Mousam River division on the north side of the Mousam River downstream of Route 9, beginning at the refuge boundary and then east to a point

opposite Great Hill Road. Access is from the Bridle Path along the first tidal creek.

vii. At the Goosefare Brook division on the south side of Goosefare Brook where it flows into the Atlantic Ocean.

viii. At the Spurwink River division on the west side (Scarborough) of the Spurwink River upstream of Route 77, beginning at Route 77 and then upstream approximately 1,000 feet (300 meters) to a point near the fork in the river.

2. We allow car-top launching from legal sunrise to legal sunset on the following areas of the refuge:

i. At Brave Boat Harbor division on Chauncey Creek at the intersection of Cutts Island Road and Sea Point Road.

ii. At Little River division at the end of Granite Point Road into the Little River.

iii. At Spurwink River division on the upstream side of Route 77 at the old road crossing.

3. We allow fishing from legal sunrise to legal sunset.

4. We prohibit lead jigs and sinkers.

5. We prohibit collection of bait on the refuge.

Sunkhaze Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot when hunting crow, woodcock, and snipe on the refuge (see § 32.2(k)).

2. We prohibit dog training on the refuge.

B. Upland Game Hunting. We allow hunting of upland game on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

2. We allow eastern coyote hunting from October 1 to March 31.

3. We allow hunters to enter the refuge 1 hour before legal shooting hours and they must exit the refuge by 1 hour past legal shooting hours, except for hunters pursuing raccoons and coyotes at night.

4. The hunter must retrieve all species, including coyotes, harvested on the refuge.

5. We prohibit dog training on the refuge.

C. Big Game Hunting. We allow hunting of black bear, bobcat, moose, and white-tailed deer on all areas of the refuge, including Sunkhaze Meadows Unit in Milford, Carlton Pond Waterfowl Production Area in Troy, Benton Unit in Benton, and Sandy Stream Unit in Unity in accordance with State regulations and subject to the following conditions:

1. We allow hunters to enter the refuge 1 hour before legal shooting hours and they must exit the refuge by 1 hour past legal shooting hours.

2. We allow portable tree stands, blinds, and ladders. You must clearly label any tree stand, blind, or ladder left on the refuge overnight with your name, address, phone number, and hunting license number. We require all tree stands, blinds, and ladders to be removed from the refuge on the last day of the muzzleloader deer season. We prohibit construction or use of permanent tree stands, blinds, or ladders.

3. We prohibit dog training on the refuge.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing on the waters of and from the banks of Baker Brook, Birch Stream, Buzzy Brook, Dudley Brook, Johnson Brook, Little Birch Stream, Little Buzzy Brook, Sandy Stream, and Sunkhaze Stream.

2. We prohibit trapping of bait fish on the refuge.

Umbagog National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, snipe, coot, crow, and woodcock in accordance with State regulations and subject to the following conditions:

1. Hunters must remove temporary blinds, boats, and decoys from the refuge following each day's hunt (see § 27.93 of this chapter).

2. We prohibit dog training on the refuge.

3. You may possess only approved nontoxic shot when hunting snipe, crow, and woodcock on the refuge (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of fox, raccoon, woodchuck, squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, and ruffed grouse in accordance with State regulations, seasons, and bag limits, and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. Condition A2 applies.

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, coyote, wild turkey, and moose in accordance with State regulations and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. Condition A2 applies.

3. Hunters must retrieve all species, including coyotes, harvested on the refuge.

4. We allow temporary blinds and tree stands that are clearly marked with the owner's name and address. Temporary blinds and tree stands may be erected no earlier than 14 days prior to the hunting season and must be removed within 14 days after the hunting season.

D. Sport Fishing. [Reserved]

■ 14. Amend § 32.39 to read as follows:

§ 32.39 Maryland.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Blackwater National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose and duck on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a refuge waterfowl hunting permit (signed brochure) by signing the corresponding season's refuge waterfowl hunting brochure in ink. You must abide by the terms and conditions outlined in the ''Blackwater NWR Waterfowl Hunting Brochure'' (see § 32.2(e) of this chapter). This brochure contains seasons, bag limits, methods of hunting, maps depicting areas open to hunting, hunt unit reservation procedures, and the terms and conditions under which we issue hunting permits. They are available at the refuge visitor center and on the refuge's website.

2. Up to three additional hunters may accompany you on your reserved unit.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow the hunting of white-tailed and sika deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. General Hunt Regulations.

i. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt

Application, FWS Form 3–2356 or Quota Deer Hunt Application, FWS Form 3–2354).

ii. We prohibit organized deer drives, unless otherwise authorized by the refuge manager on designated hunt days.

iii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

iv. We prohibit leaving deer or turkey entrails or other waste within 50 feet (15.2 meters) of any road, parking area, trail, or refuge structure on the refuge.

v. You must check all deer harvested at the refuge-sponsored check station during hunt days when the refuge-sponsored check station is open. If you fail to check deer during operation hours of the check station, you must notify the hunt coordinator by 12 p.m. (noon) on the day after your kill.

vi. You must adhere to the bag limits set forth annually in the brochure. Deer harvested on the refuge do not count toward State bag limits but must be recorded and checked with the State. Deer harvested on the refuge must be checked pursuant to the refuge hunt in which they are taken, regardless of the weapon used or corresponding State season.

vii. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

2. Archery Deer Hunt. We do not allow archery hunters to hunt within areas designated for the youth hunt on designated days.

3. Turkey Hunt. We allow turkey hunt permit holders to have an assistant, who must remain within sight and normal voice contact.

4. Youth Deer and Turkey Hunt.

i. We allow youth hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

ii. Deer taken during youth days do not count toward the State bag limit and are in addition to any other deer taken during any other hunts on the refuge.

5. Designated Disabled Hunt.

i. Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas.

ii. Disabled hunters may have an assistant, age 18 or older, who must remain within sight and normal voice contact while hunting. Assistants must possess a valid refuge hunt brochure (permit), signed in ink, and a valid government-issued photo identification.

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing only from April 1 through September 30 during daylight hours in refuge waters, unless otherwise authorized by the refuge manager.

2. We allow only fishing and crabbing in the Big Blackwater and the Little Blackwater River by boat and from designated areas listed in the refuge fishing brochure.

3. We prohibit boat launching from refuge lands except from the car-top boat launch located near the Blackwater River Bridge on Route 335. Only canoes, kayaks, and small jon boats under 17 feet are considered car-top boats.

4. We prohibit the use of airboats on refuge waters.

Eastern Neck National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State hunting regulations and subject to the following conditions:

1. General Hunt Regulations.

i. You must obtain a deer or turkey hunting permit (Big/Upland Game Hunt Application, FWS Form 3–2356). Hunting brochures contain hunting application procedures, seasons, bag limits, methods of hunting, maps depicting areas open to hunting, and the terms and conditions under which we issue hunting permits.

ii. We prohibit shooting a projectile from a firearm, muzzleloader, bow, or crossbow from, down, or across any refuge road. A refuge road is any road that is traveled by vehicular traffic.

iii. We prohibit leaving deer entrails or other waste within 50 feet (15.2 meters) of any refuge road, trail, parking area, or structure.

iv. We prohibit the use of rimfire or centerfire rifles and all handguns, including muzzleloading pistols, for hunting.

2. Youth Deer Hunt. We allow hunters to hunt on designated areas on designated days (Youth Hunt) if they meet the criteria of a ''youth hunter'' as defined by State law.

3. Designated Disabled Hunt.

i. All disabled hunters must possess a Federal Government Access pass (OMB Control 1024–0252). Disabled hunters are required to have their Federal Government Access pass (OMB Control 1024–0252) in their possession while hunting in disabled areas.

ii. Disabled hunters may have an assistant who must be age 18 or older and remain within sight and normal voice contact. Assistants must possess a valid refuge hunt brochure (permit), signed in ink, and a valid government-issued photo identification.

D. Sport Fishing. We allow fishing and crabbing in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing from designated shoreline areas located at the Ingleside Recreation Area from legal sunrise to legal sunset, April 1 through September 30.

2. We allow fishing from designated shoreline areas located at the Chester River end of Boxes Point and Duck Inn Trails from legal sunrise to legal sunset.

3. We prohibit boat launching from refuge lands except for canoes/kayaks at the canoe/kayak ramp located at the Ingleside Recreation Area.

Patuxent Research Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, and dove on the North Tract in accordance with State regulations and subject to the following conditions:

1. We require a Refuge Hunt Application (PRR Hunt Form #1).

2. Goose, duck, and dove hunting is suspended during the muzzleloader and firearms seasons, with the exceptions that waterfowl hunting will remain open during the 2-day January firearms season and during the early muzzleloader season, and waterfowl hunters are restricted to hunting only Blue Heron Pond, Lake Allen, and Area Z.

B. Upland Game Hunting. We allow hunting of gray squirrel, eastern cottontail rabbit, and woodchuck on the North Tract in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. You may possess only approved nontoxic shot while hunting in the field (see § 32.2(k)), except for the use of .22-caliber rimfire rifles during the months of December and January only to hunt squirrel.

C. Big Game Hunting. We allow hunting of turkey on North Tract only and white-tailed deer on the North, Central, and South Tracts in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We require turkey hunters to use #4, #5, or #6 nontoxic shot; vertical bows; or crossbows.

3. We prohibit deer drives or anyone taking part in any deer drive. We define

a ''deer drive'' as an organized or planned effort to pursue, drive, chase, or otherwise frighten or cause deer to move in the direction of any person(s) who is part of the organized or planned hunt and known to be waiting for the deer.

D. Sport Fishing. We allow sport fishing in accordance with State hook and line fishing regulations and subject to the following conditions:

1. We prohibit the use and/or possession of lead sinkers.

2. We allow the use of earthworms as the only source of live bait. We prohibit bloodworms, fish, or other animals or parts of animals to be used as bait.

3. Anglers may take the following species: Chain pickerel, catfish, golden shiner, eel, and sunfish (includes bluegill, black crappie, warmouth, and pumpkinseed). Maryland State daily harvest limits apply unless otherwise noted. We allow take of one chain pickerel per day.

4. We prohibit the use of any type of watercraft on North Tract.

■ 15. Amend § 32.40 by:

■ a. Revising the entry Assabet River National Wildlife Refuge:

■ b. Revising the entry Great Meadows National Wildlife Refuge;

■ c. Revising the entry Nantucket National Wildlife Refuge;

■ d. Revising the entry Oxbow National Wildlife Refuge; and

■ e. Revising the entry Parker River National Wildlife Refuge.

The revisions read as follows:

§ 32.40 Massachusetts.

* * * * *

Assabet River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of woodcock on designated portions of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow woodcock hunting within the portions of the refuge located north of Hudson Road, except those areas north of Hudson Road that are designated as ''archery only'' hunting as shown on the current refuge hunting map. Hunters must obtain and possess a refuge-specific hunting permit to hunt woodcock on the refuge.

2. You may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting.

3. We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun hunting for ruffed grouse, cottontail rabbit, and gray squirrel within those portions of the refuge located north of Hudson Road, except those areas north of Hudson Road designated as ''archery only'' hunting as shown on the current refuge hunting map.

2. Hunters must obtain and possess a refuge-specific hunting permit to hunt designated upland game on the refuge.

3. You may possess only approved nontoxic shot while hunting upland game on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun and muzzleloader hunting of white-tailed deer, as well as shotgun hunting of turkey, within the portions of the refuge located north of Hudson Road, except those areas north of Hudson Road that are designated as ''archery only'' hunting as shown on the current refuge hunting map.

2. We allow archery deer and archery turkey hunting within all portions of the refuge during the hunting seasons for these species.

3. Hunters must obtain and possess a refuge-specific hunting permit to hunt deer and turkey on the refuge.

4. You may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting.

5. We prohibit driving deer by any means on the refuge.

6. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they may assist in other means. All companions must carry identification and stay with the hunter.

7. You may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader deer seasons or while hunting turkey. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season. Hunters must mark ground blinds with the hunter's permit number. Hunters must mark tree stands with the hunter's permit number in such a fashion that all numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the hunter's permitted season.

D. We allow sport fishing in Puffer Pond in accordance with State regulations and subject to the following conditions:

1. We allow fishing from designated locations on the banks of Puffer Pond. We prohibit the use of motorized and nonmotorized boats on Puffer Pond.

2. We allow catch and release fishing only.

3. We allow the use of live bait with the exception of any amphibians or reptiles (frogs, salamanders, etc.)

4. We prohibit ice fishing on the refuge except for special refuge events.

Great Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of ducks and geese on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit the training of dogs on the refuge.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of whitetail deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow archery hunting of whitetail deer within the portions of the Concord Unit of the refuge that are located north of Massachusetts Route 225. We also allow archery hunting of whitetail deer within the portions of the Sudbury Unit of the refuge that are located north of Stonebridge Road in Wayland, Massachusetts, and south of Lincoln Road/Sherman's Bridge Road on the Sudbury and Wayland Town Line. Hunters must obtain and possess a valid refuge hunting permit to hunt deer on the refuge.

2. We prohibit the use of firearms for hunting deer on the refuge.

3. Hunters may begin scouting hunting areas beginning 4 weeks prior to the opening day of their permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

4. We allow one nonhunting companion to accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

5. We prohibit driving deer by any means on the refuge.

6. You may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery season. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season. Hunters must mark ground blinds with their permit number. Hunters must mark tree stands with their permit number in such a fashion that all

numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the permitted deer season.

D. Sport Fishing. We allow sport fishing in designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow fishing along the main channels of the Concord and Sudbury Rivers and from designated banks of Heard Pond.

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Nantucket National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing in accordance with State regulations and subject to the following conditions:

1. We may close the refuge shoreline and beach area to surf fishing and over-sand vehicle use during varying times of the year based on biological needs and beach conditions. Seasonal closures are delineated with posted signs.

2. We require a permit obtained from the Trustees of Reservations for the use of over-sand vehicles on the refuge.

Oxbow National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, woodcock, and common snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow waterfowl and common snipe hunting within the portions of the refuge located south of Massachusetts Route 2 and west of Tank Road.

2. We allow woodcock hunting within the portions of the refuge south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts. Hunters must obtain and possess a refuge-specific hunting permit to hunt woodcock on the refuge.

3. Hunters may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

4. We prohibit the training of dogs on the refuge.

5. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

B. Upland Game Hunting. We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun hunting of ruffed grouse, cottontail rabbit, and gray squirrels within the areas of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks; north of Massachusetts Route 2 and south of Hospital Road; and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts. Hunters must obtain and possess a refuge-specific hunting permit to hunt upland game on the refuge.

2. You may possess only approved nontoxic shot while hunting upland game on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow shotgun, archery, and muzzleloader hunting of white-tailed deer, as well as shotgun and archery hunting of turkey, within the portions of the refuge located south of Massachusetts Route 2 and west of the B&M railroad tracks.

2. We allow archery deer and archery turkey hunting within the portions of the refuge located south of Massachusetts Route 2 and east of the B&M railroad tracks, and within the portions of the refuge along the easterly side of the Nashua River located north of the commuter rail tracks in Ayer, Massachusetts.

3. We allow archery deer hunting as well as shotgun and archery turkey hunting within the portions of the refuge located north of Massachusetts Route 2 and south of Hospital Road, and within the portions of the refuge along the westerly side of the Nashua River located north of the commuter rail tracks in Shirley, Massachusetts.

4. Hunters must obtain and possess a refuge-specific hunting permit to hunt deer and turkey on the refuge.

5. Hunters may begin scouting hunting areas 4 weeks prior to the opening day of your permitted season. We require possession of valid refuge hunting permits while scouting. We prohibit the use of dogs during scouting.

6. One nonhunting companion may accompany each permitted hunter. We prohibit nonhunting companions from hunting, but they can assist in other means. All companions must carry identification and stay with the hunter.

7. We prohibit driving deer by any means on the refuge.

8. Hunters may use temporary tree stands and/or ground blinds while engaged in hunting deer during the applicable archery, shotgun, or muzzleloader deer seasons or while hunting turkey. We allow hunters to keep one tree stand or ground blind on each refuge during the permitted season. Hunters must mark ground blinds with their permit number. Hunters must mark tree stands with their permit number in such a fashion that all numbers are visible from the ground. Hunters must remove all temporary tree stands and ground blinds by the 15th day after the end of the permitted season.

D. Sport Fishing. We allow sport fishing along the Nashua River in accordance with State regulations.

Parker River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting in designated areas for waterfowl in accordance with Federal and State hunting regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the Plum Island portion of the refuge in accordance with Federal, State, and local hunting regulations and subject to the following condition: We require hunters to obtain and possess a refuge deer hunting permit, issued pursuant to an annual selection lottery.

D. Sport Fishing. We allow saltwater fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow saltwater fishing on the ocean beach and the surrounding waters of the Broad Sound with the following conditions:

i. We prohibit fishing during closures.

ii. We allow persons using refuge fishing areas access from legal sunrise to legal sunset without a refuge permit. They are, however, subject to entrance fee requirements.

iii. Nelson Island is open to fishing from legal sunrise to legal sunset, except during waterfowl seasons, or other closures. We limit access to the trail, and fishing within 100 feet (30 meters) on either side of the trail at the shoreline of Broad Sound.

iv. The south-facing shoreline of Stage Island is open to fishing. Access to the fishing area is permitted from the refuge's Stage Island Trail, as well as Sandy Point State Reservation, along the shoreline below mean high tide to a point 250 feet (73 meters) beyond the terminus, or most western point, of the

Stage Island peninsula known as Ipswich Bluff.

2. We allow walk-on night fishing after legal sunset with the following conditions:

i. Anglers must enter the refuge through the entrance gate, pay an entrance fee, and arrive prior to legal sunset.

ii. We require a valid refuge permit (vehicle sticker issued by the refuge office) and permit fee for walk-on night fishing.

3. We allow anglers to use over-the-sand, surf-fishing vehicles (ORVs) with the following conditions:

i. Anglers must enter the refuge through the entrance gate, pay an entrance fee, and arrive prior to legal sunset.

ii. We require a valid refuge permit and permit fee for persons wishing access to the refuge beach with ORVs as determined in an annual lottery. Drive-on information, as provided in the ''Parker River National Wildlife Refuge Drive-on Surf Fishing Information'' sheet, will be in effect.

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■ 16. Amend § 32.41 by revising the entry Shiawassee National Wildlife Refuge to read as follows:

§ 32.41 Michigan.

* * * * *

Shiawassee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl (ducks and geese), American coot, common gallinule, sora, Virginia rail, and Wilson's snipe on designated areas in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We allow waterfowl hunting on Saturdays, Sundays, Tuesdays, and Thursdays during regular goose season after September 30.

3. We allow hunter access 1½ hours before legal shooting time.

4. We allow hunters to shoot ½ hour before legal sunrise until 12:00 p.m. (noon).

5. You may possess no more than 25 shotgun shells while hunting in the field.

6. We allow hunting with dogs.

7. We allow the take of feral hogs incidental to other lawful hunting using legal methods of take.

B. Upland Game Hunting. We allow hunting of turkey, small game (eastern fox squirrel, eastern cottontail, ring-necked pheasant, American woodcock, and American crow), and furbearers (raccoon, coyote, and red fox) on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A6 applies.

2. You may only hunt turkey during spring season.

3. We allow hunter access for spring wild turkey season from 1½ hour before legal shooting time.

4. We allow hunter access for small game from ½ hour before legal shooting time to ½ hour after legal shooting time.

5. We allow hunting with dogs, but we prohibit training of dogs. Raccoon hunting dogs must wear GPS or radio collars.

6. You may only hunt furbearers from ½ hour before legal sunrise to ½ hour after legal sunset.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A6 applies.

2. You must possess and carry a refuge permit.

D. Sport Fishing. We allow sport fishing on designated areas in accordance with State regulations and subject to the following conditions:

1. We allow fishing by boat in navigable waterways but not within any managed refuge units.

2. We allow bank fishing from legal sunrise to legal sunset only at designated sites along the Tittabawassee and Cass Rivers.

■ 17. Amend § 32.42 by revising the entry Glacial Ridge National Wildlife Refuge to read as follows:

§ 32.42 Minnesota.

* * * * *

Glacial Ridge National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, woodcock, snipe, rail, and mourning dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit the use of motorized boats. We allow nonmotorized boats in areas open to migratory bird hunting during the migratory bird hunting seasons.

2. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

3. We prohibit hunting during the Spring Light Goose Conservation Order.

4. We allow hunting during special State-administered youth seasons.

5. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times.

6. We allow the use of wheeled, nonmotorized conveyance devices (*e.g.,* bikes, game carts).

7. We prohibit entry onto the refuge earlier than 2 hours before legal shooting time and require hunters to leave the refuge no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of prairie chicken, sharp-tailed grouse, ring-necked pheasant, gray (Hungarian) partridge, ruffed grouse, rabbit (cottontail and jack), snowshoe hare, squirrel (fox and gray), and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions A2, A5, A6, and A7 apply.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit shooting from, across, or within 30 feet (9 meters) of a road edge open to public vehicle transportation.

2. Conditions A2, A4, A6, and A7 apply.

D. Sport Fishing. [Reserved]

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■ 18. Amend § 32.45 by:

■ a. Revising the entry Benton Lake National Wildlife Refuge;

■ b. Revising the entry Benton Lake Wetland Management District;

■ c. Revising paragraphs A and B in the entry Bowdoin National Wildlife Refuge;

■ d. Revising the entry Bowdoin Wetland Management District;

■ e. Revising the entry Creedman Coulee National Wildlife Refuge;

■ f. Revising the entry Lake Mason National Wildlife Refuge;

■ g. Revising the entry Lake Thibadeau National Wildlife Refuge;

■ h. Revising the entry Lamesteer National Wildlife Refuge;

■ i. Revising the entry Swan River National Wildlife Refuge;

■ j. Revising the entry UL Bend National Wildlife Refuge; and

■ k. Revising the entry War Horse National Wildlife Refuge.

The revisions read as follows:

§ 32.45 Montana.

* * * * *

Benton Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, and coot in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunters to enter and remain in open hunting areas 2 hours before legal sunrise until 2 hours after legal sunset.

2. We allow hunting with the opening of waterfowl season and close hunting at the end of waterfowl season.

3. We allow hunting during a youth-only, special waterfowl hunt in accordance with State regulations.

4. Hunters with a documented mobility disability may reserve an accessible blind in advance by contacting the refuge office.

5. We only allow nonmotorized boats on refuge waters.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and gray partridge in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunting during a youth-only, special pheasant hunt in accordance with State regulations.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. Anglers may sport fish on designated areas of the refuge as posted by signs.

Benton Lake Wetland Management District

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on Waterfowl Production Areas (WPAs) throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

B. Upland Game Hunting. We allow the hunting of coyotes, skunks, red fox, raccoons, hares, rabbits, and tree squirrels on WPAs throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following conditions:

1. Hunters may possess only approved nontoxic shot (see § 32.2(k)).

2. We prohibit the use of horses for any purposes.

C. Big Game Hunting. We allow big game hunting on WPAs throughout the District, excluding Sands WPA in Hill County and H2–0 WPA in Powell County, in accordance with State regulations and subject to the following condition: Condition B2 applies.

D. Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

* * * * *

Bowdoin National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit the use of air-thrust boats or boats with motors greater than 25 horsepower.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a refuge Special Use Permit (FWS Form 3–1383–G) to hunt fox and coyotes.

2. Fox and coyote hunters may only use centerfire rifles, rimfire rifles, or shotguns with approved nontoxic shot.

3. Any person hunting or accompanying a hunter must wear a minimum of 400 square inches of hunter orange (fluorescent) material above the waist, visible at all times.

* * * * *

Bowdoin Wetland Management District

A. Migratory Game Bird Hunting. We allow migratory game bird hunting on all Waterfowl Production Areas (WPAs) (except Holm WPA) throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

B. Upland Game Hunting. We allow upland game hunting on all WPAs (except Holm WPA) throughout the District in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on all WPAs (except Holm WPA) throughout the District in accordance with State regulations and subject to the following conditions:

1. We allow portable tree stands, portable blinds, and freestanding elevated platforms to be left on WPAs from August 15 to December 15.

2. You must label portable tree stands, portable blinds, and freestanding elevated platforms with your automated licensing system (ALS) number. The label must be legible from the ground.

3. We only allow the use of archery, muzzleloader (as defined by State regulations), or shotgun on the McNeil Slough WPA and Hammond WPA.

D. Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorboats.

* * * * *

Creedman Coulee National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

* * * * *

Lake Mason National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations and subject to the following condition: You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

Lake Thibadeau National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, swan, sandhill crane, and mourning dove in designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, sage grouse, gray partridge, fox, and coyote on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow big game hunting on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. [Reserved]

Lamesteer National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game on designated areas of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

* * * * *

Swan River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese, ducks, and coots on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow archery hunting of black bear, elk, white-tailed deer, and mule deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow the use of portable blinds and stands. You may install stands and blinds no sooner than August 1, and you must remove them by December 15 of each year. We limit each hunter to one stand or blind. The hunter must have their name, address, phone number, and automated licensing system number (ALS) visibly marked on the stand.

2. We prohibit the use of game or trail cameras.

D. Sport Fishing. The refuge is open to sport fishing in accordance with State regulations on Swan River, Swan Lake, and Spring Creek North of Bog Trail Road.

UL Bend National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow coyote hunting from the first day of antelope rifle season through March 1 annually.

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

War Horse National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of upland game birds on designated areas of the refuge in accordance with State regulations and subject to the following condition: You may possess only approved nontoxic shot while in the field (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations.

■ 19. Amend § 32.46 by:

■ a. Revising paragraphs A, B.1, B.2, C, D.1, and D.4 in the entry Crescent Lake National Wildlife Refuge;

■ b. Revising paragraph C in the entry Fort Niobrara National Wildlife Refuge;

■ c. Revising paragraphs C.1 and D in the entry North Platte National Wildlife Refuge; and

■ d. Under the entry Rainwater Basin Wetland Management District:

■ i. Removing paragraphs A.2, A.3, A.5, A.6, A.7, and A.8,

■ ii. Redesignating paragraph A.4 as A.2;

■ iii. Removing paragraph B.1;

■ iv. Redesignating paragraphs B.2 and B.3 as paragraphs B.1 and B.2, respectively; and

■ v. Revising newly redesignated paragraph B.2 and paragraphs C and D.

The revisions read as follows:

§ 32.46 Nebraska.

* * * * *

Crescent Lake National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl and coot in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Hunters may enter the designated hunting area 2 hours before legal sunrise and must be back to their vehicle in the process of leaving the refuge 2 hours after legal sunset. Official shooting hours are from ½ hour before legal sunrise until ½ hour after legal sunset for deer, coyote, and furbearer hunters; and from ½ hour before legal sunrise until legal sunset for all other hunters.

2. We only allow you to unleash dogs used to locate, point, and retrieve upland and small game and migratory birds on the refuge while hunting (see § 26.21(b) of this chapter).

3. We open the refuge to hunting from September 1 through January 31.

4. We allow parking within one vehicle length of the road.

5. We prohibit publicly organized hunts unless authorized under a Special Use Permit (FWS Form 3–1383–C).

6. We only allow floating blinds on Island Lake. We prohibit all boats (including a floating device of any kind) on all other refuge lakes.

B. * * *

1. Conditions A1 through A5 apply.

2. We allow electronic calls for coyote and furbearer hunting.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and mule deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions A1, A4, and A5 apply.

D. * * *

1. Anglers may enter the refuge 1 hour before legal sunrise and remain until 1 hour after legal sunset.

* * * * *

4. We only allow boating and float tubes on Island Lake. We prohibit use of internal combustion motors for boats on Island Lake.

* * * * *

Fort Niobrara National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer and elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require the submission of a Big/Upland Game Hunt Application (FWS Form 3–2356). You must possess and carry a signed refuge hunt permit (signed brochure) when hunting. We require hunters to complete a Big Game Harvest Report (FWS Form 3–2359) and return it to the refuge at the conclusion of the hunting season.

2. We allow hunting with muzzleloader and archery equipment. We prohibit hunting with firearms capable of firing cartridge ammunition.

3. We allow hunting in the area defined as those refuge lands situated north and west of the Niobrara River. We allow access to this area only from designated refuge parking areas and the Niobrara River.

4. We prohibit hunting within 200 yards (180 meters) of any public use facility.

5. We allow hunter access from 2 hours before legal sunrise until 2 hours after legal sunset.

6. We allow horses within the wilderness area. We limit horse use to three groups at a time and no more than five horses per group. We prohibit horses from 2 hours after legal sunset until 2 hours before legal sunrise. We require registration at the refuge headquarters prior to horse use during the hunting season. We limit horse access to the wilderness area via the refuge corrals and buffalo bridge.

7. We prohibit leaving tree stands and ground blinds in the same location for more than 7 consecutive days. You must label unattended tree stands, elevated platforms, and ground blinds with your name and address; the label must be legible from the ground. You may put up tree stands, elevated platforms, and ground blinds, but no earlier than opening day of deer season; you must

remove them by the last day of deer season.

8. We prohibit hunting during the Nebraska November Firearm Deer Season.

9. We prohibit the use of electronic or photographic trail monitoring devices.

* * * * *

North Platte National Wildlife Refuge

* * * * *

C. * * *

1. Condition B1 applies.

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: Fishing is only allowed on the Winter's Creek Unit.

Rainwater Basin Wetland Management District

* * * * *

B. * * *

2. Condition A2 applies.

* * * * *

C. Big Game Hunting. We allow big game hunting on Waterfowl Production Areas (WPAs) throughout the District, excluding McMurtrey WPA in Clay County, in accordance with State regulations and subject to the following condition: Condition A2 applies.

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas (WPAs) throughout the District, excluding McMurtrey WPA in Clay County, in accordance with State regulations and subject to the following condition: Condition A1 applies.

* * * * *

■ 20. Amend § 32.47 by:

■ a. Under the entry Ash Meadows National Wildlife Refuge:

■ i. Removing paragraphs A.1 and A.4;

■ ii. Redesignating paragraphs A.2 and A.3 as paragraphs A.1 and A.2, respectively; and

■ iii. Revising paragraph B; and

■ b. Under the entry Pahranagat National Wildlife Refuge:

■ i. Removing paragraph A.1;

■ ii. Redesignating paragraphs A.2 and A.3 as paragraphs A.1 and A.2, respectively; and

■ iii. Revising newly redesignated paragraph A.2 and paragraphs B and D.2.

The revisions read as follows:

§ 32.47 Nevada.

* * * * *

Ash Meadows National Wildlife Refuge

* * * * *

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following condition: Condition A2 applies.

* * * * *

Pahranagat National Wildlife Refuge

A. * * *

2. From October 1 to February 1, you may only possess shotshells in quantities of 25 or fewer when in the field.

B. Upland Game Hunting. We allow hunting of quail and rabbit on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow hunting of jackrabbits only during the State cottontail season.

* * * * *

D. * * *

2. We only allow motorless boats or boats with electric motors on the Upper Lake, Middle Marsh, and Lower Lake, with the exception that we close Upper Lake to all boating from October 1 through February 1.

* * * * *

■ 21. Amend § 32.48 to read as follows:

§ 32.48 New Hampshire.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Great Bay National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl in accordance with State regulations and subject to the following conditions:

1. We allow hunting within the refuge boundary upon navigable waters from within a boat.

2. We prohibit access to land areas, mud flats, rocks, or marsh grass above mean high tide within the refuge.

3. We prohibit hunters retrieving birds inland of the boundary signs.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State and local regulations, and subject to the following conditions:

1. We require hunters to obtain and possess a refuge deer hunting permit, issued pursuant to an annual selection lottery.

2. We require deer hunters to wear in a visible manner on the head, chest, and back, a minimum of 400 square inches (2,600 square centimeters) of solid-colored, blaze-orange clothing or material.

D. Sport Fishing. [Reserved]

Silvio O. Conte National Fish and Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, common snipe, and American woodcock on the Pondicherry Division of the refuge in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, American crow, snowshoe hare, ring-necked pheasant, and ruffed grouse on the Pondicherry Division of the refuge in accordance with State regulations.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey on the Pondicherry Division of the refuge in accordance with State regulations and subject to the following condition: You may use portable tree stands and blinds. Your name and address must be clearly visible on the tree stands or blinds, and you must remove your tree stands or blinds by the end of the season.

D. Sport Fishing. [Reserved]

Umbagog National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, snipe, coot, crow, and woodcock in accordance with State regulations and subject to the following conditions:

1. Hunters must remove temporary blinds, boats, and decoys from the refuge at the end of each day's hunt (see § 27.93 of this chapter).

2. We prohibit dog training on the refuge.

3. You may possess only approved nontoxic shot when hunting snipe, crow, and woodcock on the refuge (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of fox, raccoon, woodchuck, squirrel, porcupine, skunk, snowshoe hare, ring-necked pheasant, and ruffed grouse in accordance with State regulations, seasons, and bag limits, and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. You may possess only approved nontoxic shot when hunting upland game on the refuge (see § 32.2(k)).

3. Condition A2 applies.

C. Big Game Hunting. We allow hunting of bear, white-tailed deer, coyote, wild turkey, and moose in accordance with State regulations and subject to the following conditions:

1. We prohibit night hunting from ½ hour after legal sunset until ½ hour before legal sunrise the following day.

2. Condition A2 applies.

3. Hunters must retrieve all species, including coyotes, harvested on the refuge.

4. We allow temporary blinds and tree stands that are clearly marked with the owner's name and address. Temporary blinds and tree stands may be erected no earlier than 14 days prior to the hunting season and must be removed within 14 days after the hunting season.

D. Sport Fishing. [Reserved]

■ 22. Amend § 32.49 by:

■ a. Under the entry Cape May National Wildlife Refuge:

■ i. Revising paragraphs A, B.1, and B.2;

■ ii. Removing paragraph B.4;

■ iii. Revising paragraph C;

■ iv. Revising introductory paragraph D and D.5; and

■ v. Removing paragraphs D.6, D.7, D.8, and D.9;

■ b. Revising the entry Edwin B. Forsythe National Wildlife Refuge;

■ c. Revising the entry Great Swamp National Wildlife Refuge;

■ d. Revising paragraphs A, C, and D.1 in the entry Supawna Meadows National Wildlife Refuge; and

■ e. Revising the entry Wallkill River National Wildlife Refuge.

The revisions read as follows:

§ 32.49 New Jersey.

* * * * *

Cape May National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, rail, common snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting only on those refuge tracts located west of Route 47 in the Delaware Bay Division and on those tracts north of Route 550 in the Great Cedar Swamp Division. We prohibit hunting on the Two Mile Beach Unit.

2. The common snipe season on the refuge begins with the start of the State early woodcock south zone season and continues through the end of the State common snipe season.

3. You may possess only approved nontoxic shot while hunting woodcock on the refuge (see § 32.2(k)).

4. We allow the use of dogs for hunting; however, the dogs must be under the hunter's control at all times. We prohibit dog training on the refuge.

5. We prohibit falconry.

B. * * *

1. Conditions A1 and A5 apply.

2. We allow rabbit and squirrel hunting following the end of the State's Six-Day Firearm Season for white-tailed deer, until the close of the regular rabbit and squirrel season.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We allow hunting of white-tailed deer on all areas of the refuge except for the Two Mile Beach Unit.

2. We allow turkey hunting only on refuge tracts located north of County Route 550 in the Great Cedar Swamp Division. We prohibit turkey hunting on the Two Mile Beach Unit.

3. We prohibit the use of dogs for turkey hunting.

4. You must mark tree stands with owner information (name, address, and phone number). You must remove all deer hunting stands, blinds, and hunting materials at the end of the State deer hunting season. We prohibit permanent stands or blinds.

D. Sport Fishing. We allow saltwater sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

5. We prohibit fishing for, or possession of, shellfish on refuge lands.

Edwin B. Forsythe National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of waterfowl, coot, moorhen, and rail on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge.

B. Upland Game Hunting. We allow hunting of squirrel on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge.

2. We prohibit the use of dogs while hunting.

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting deer and turkey on the refuge.

2. We require deer stands to be marked with the hunter's Conservation Identification Number and removed at the end of the last day of the hunting season (no permanent stands).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: We prohibit use of internal combustion engines on Lily Lake and the Loveladies Kayak Area.

Great Swamp National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State regulations and subject to the following refuge hunting regulations:

1. We require hunters to obtain and possess a State permit for the appropriate New Jersey Deer Management Zone at all times while hunting or scouting on the refuge.

2. Hunters must purchase a refuge Deer Hunting Permit, and possess the signed refuge permit at all times while hunting or scouting on the refuge. Youth hunters age 16 years or younger must obtain a permit, but are only charged a processing fee.

3. On scouting days, hunters must access the refuge between legal sunrise and legal sunset. On hunting days, hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

4. Hunters may put up tree stands beginning on the first scouting day, except on the day of the refuge's youth hunt. They must retrieve their stands by 12 p.m. (noon) on the Sunday after the last day of the hunt. All hunters must put their name and phone number on their stand, and they may have only one stand in the field at any one time. The refuge is not responsible for any stolen stands.

5. We allow hunters to use sleds to slide deer out (no wheeled game carriers allowed) in the Wilderness Area east of Long Hill/New Vernon Road.

6. We prohibit organized deer drives.

7. The refuge hunt season consists of several scouting days, a 1-day youth hunt, and a 4-day regular hunt, usually in late October and early November. Dates are available annually from the refuge website and in the Great Swamp NWR Hunter Information Sheet.

8. Refuge bag limits and hunt areas are determined annually by the refuge. Please refer to the most recent Great Swamp NWR Hunter Information Sheet and Refuge Hunt Map for specific information on annual bag limits and areas open to hunting.

D. Sport Fishing. [Reserved]

Supawna Meadows National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of geese and ducks on

designated areas of the refuge in accordance with State regulations.

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow only bow hunting on the refuge.

D. * * *

1. We prohibit the taking of frogs and turtles from all nontidal waters and refuge lands.

* * * * *

Wallkill River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of coyote, fox, crow, ruffed grouse, opossum, raccoon, pheasant, chukar, rabbit/hare/jackrabbit, squirrel, and woodchuck on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Deer, Bear, or Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. The Armstrong tract is archery only for deer (see hunt map).

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State of New Jersey regulations and subject to the following conditions:

1. Owens Station Crossing is open for catch and release only.

2. Fishing is permitted ½ hour before legal sunrise to ½ hour after legal sunset. We prohibit night fishing.

3. We prohibit the taking of amphibians and reptiles.

4. We prohibit minnow/bait trapping.

■ 23. Amend § 32.50 by revising the entry Sevilleta National Wildlife Refuge to read as follows:

§ 32.50 New Mexico.

* * * * *

Sevilleta National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, white-winged dove, light geese, ducks, and coot on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. In Units A and B, legal hunting hours will run from ½ hour before legal sunrise and will not extend past 1:00 p.m. (local time) on each hunt day. Hunters may access Units A and B from 1 hour before legal sunrise until 1 hour after legal sunset. We allow falcons to hunt dove in the Rio Puerco Unit only.

2. Hunters may not possess more than 25 shotgun shells while in the field.

3. We allow unleashed hunting and/or retrieving dogs on the refuge when hunters are legally present in areas where hunting is allowed, only if the dogs are under the immediate control of hunters at all time, and only to pursue species legally in season at that time.

4. We prohibit hunting along/on the river within the refuge boundary.

5. At Unit A, in the Cornerstone Marsh Unit, hunters who are disabled (per Mobility-Impaired Certification in the State Hunting Rules and Information pamphlet) are given priority use.

B. Upland Game Hunting. We allow hunting of Gambel's quail and Eurasian collared-dove on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A2 through A5 apply.

2. In the Rio Puerco Unit, legal hunting hours will run from ½ hour before legal sunrise to legal sunset.

3. We allow Eurasian collared-dove hunting in all three hunt units. We allow Gambel's quail hunting only in the Rio Puerco Unit as designated on the refuge hunting map.

4. While all State and Federal hunting regulations regarding methods of take, bag limits, and other factors apply to Eurasian collared-dove hunting on the refuge, hunting dates for Eurasian collared-dove are limited to the same dates as the New Mexico Department of Game and Fish (NMDGF) Dove South Zone.

C. Big Game Hunting. [Reserved]

D. Sport Fishing. [Reserved]

* * * * *

■ 24. Amend § 32.51 by:

■ a. Revising paragraph D in the entry Amagansett National Wildlife Refuge;

■ b. Revising paragraph D in the entry Elizabeth A. Morton National Wildlife Refuge;

■ c. Revising the entry Iroquois National Wildlife Refuge;

■ d. Revising the entry Montezuma National Wildlife Refuge;

■ e. Revising paragraph D in the entry Oyster Bay National Wildlife Refuge;

■ f. Revising paragraph D in the entry Seatuck National Wildlife Refuge;

■ g. Revising paragraph C in the entry Shawangunk Grasslands National Wildlife Refuge;

■ h. Revising paragraph D in the entry Target Rock National Wildlife Refuge;

■ i. Revising the entry Wallkill River National Wildlife Refuge; and

■ j. Under the entry Wertheim National Wildlife Refuge:

■ i. Revising paragraph C and introductory paragraph D;

■ ii. Removing paragraph D.3; and

■ iii. Redesignating paragraph D.4 as D.3.

The revisions read as follows:

§ 32.51 New York.

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Amagansett National Wildlife Refuge

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D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Anglers may only surf fish in the Atlantic Ocean from the refuge shoreline in accordance with State regulations.

2. Seasonal closure applies from April 1 to August 31.

Elizabeth A. Morton National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: We allow fishing only from the beach and in areas not designated as closed.

Iroquois National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, rail, coot, gallinule, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. For hunting of duck, goose, and coot:

i. We allow hunting on Saturday of the New York State Youth Days.

ii. We allow hunting Tuesdays, Thursdays, and Saturdays from opening day of regular waterfowl season until the end of the first split. We require proof of successful completion of the New York State Waterfowl Identification Course, the Iroquois Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt in the refuge; all hunters must show proof each time they hunt, in addition to showing their valid hunting license and signed Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

iii. We require refuge waterfowl hunting permits.

iv. We only allow hunting from legal starting time until 12 p.m. (noon) and require hunters to check out no later than 1 p.m., and return the Migratory Bird Hunt Report (FWS Form 3–2361) to the waterfowl hunter check station.

v. We require hunters to stay in designated hunting areas, unless actively pursuing downed or crippled birds.

vi. You may only possess approved nontoxic shotshells (see § 32.2(k)) in the field.

vii. We only allow the use of nonmotorized boats.

2. For hunting of rail, gallinule, snipe, and woodcock:

i. We only allow hunting east of Sour Springs Road from October 1 until the opening of regular waterfowl season.

ii. You may only possess approved nontoxic shot in the field (see § 32.2(k)).

B. Upland Game Hunting. We allow hunting of ruffed grouse, gray squirrel, cottontail rabbit, pheasant, coyote, fox, raccoon, skunk, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Small game hunting;

i. We allow hunting from October 1 until the last day of February.

ii. We prohibit the use of raptors to take small game.

iii. Condition A.2.ii applies.

2. Furbearer hunting:

i. Condition B.1.i applies.

ii. We prohibit night hunting.

iii. Condition A.2.ii applies.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following condition: We require a refuge permit for spring turkey hunting.

D. Sport Fishing. We allow fishing and frogging on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and frogging from legal sunrise to legal sunset.

2. We prohibit the collection and/or releasing of baitfish.

Montezuma National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow waterfowl, Canada goose, and snow goose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. For the regular waterfowl season:

i. We require daily refuge permits (Migratory Bird Hunt Report, FWS Form 3–2361) and reservations; we issue permits to hunters with a reservation for that hunt day. We require you to complete and return your permit by the end of the hunt day.

ii. We allow hunting only on Tuesdays, Thursdays, and Saturdays during the established refuge season set within the State western zone season. We allow a youth waterfowl hunt during New York State's established youth waterfowl hunt each year.

iii. All hunters with reservations and their hunting companions must check-in at the Route 89 Hunter Check Station area at least 1 hour before legal shooting time or forfeit their reservation. Forfeited reservations become available on a first-come, first-served basis to standby hunters at the Route 89 Hunter Check Station.

iv. We allow motorless boats to hunt waterfowl. We limit hunters to one boat per reservation and one motor vehicle in the hunt area per reservation.

v. We prohibit shooting from any dike or within 50 feet (15.2 meters) of any dike or road, or from within 500 feet (152.4 meters) of the Tschache Pool observation tower.

vi. We require proof of successful completion of the New York State Waterfowl Identification Course, the Montezuma Nonresident Waterfowl Identification Course, or a suitable nonresident State Waterfowl Identification Course to hunt in the refuge; all hunters must show proof each time they hunt, in addition to showing their valid hunting license and signed Federal Migratory Bird Hunting and Conservation Stamp (Federal Duck Stamp).

2. For Canada goose and snow goose hunting:

i. We allow hunting of Canada goose during the New York State September (or ''early'') season and of snow goose during portions of the New York State snow goose season and portions of the period covered by the Light Goose Conservation Order.

ii. We allow Canada goose and snow goose hunting 7 days per week during the refuge's set hunting dates.

iii. You must possess a valid daily hunt permit card (Migratory Bird Hunt Report, FWS Form 3–2361). We require you to complete and return the daily hunt permit card by the end of the hunt day. Entry onto the refuge to obtain a permit is authorized no earlier than 1½ hours before legal sunrise.

B. Upland Game Hunting. We allow hunting of wild turkey only during the New York State fall and youth turkey seasons on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must carry a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). We require you to complete and return the daily hunt permit card by the end of the hunt day.

2. We prohibit parking and walking along the Wildlife Drive for the purpose of hunting, unless otherwise posted by refuge personnel.

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close Esker Brook and South Spring Pool Trails to hunting before November 1 each year. We close Wildlife Drive to hunting before December 1 each year. We open Seneca Trail and the Refuge Headquarters area during New York State's late archery/muzzleloader season only. We allow a youth white-tailed deer hunt during the State's established youth white-tailed deer hunt each year.

2. You must possess a valid daily hunt permit card (Big/Upland Game Hunt Application, FWS Form 3–2356). We require you to complete and return

the daily hunt permit card by the end of the hunt day.

3. We allow advanced scouting of the refuge, prior to the hunting season, during a time set by the refuge manager.

4. We allow white-tailed deer hunters to be on the refuge during the period that begins 2 hours before legal sunrise and ends 2 hours after legal sunset.

5. We prohibit parking and walking along the Wildlife Drive for the purpose of hunting, unless otherwise posted by refuge personnel.

D. Sport Fishing. Anglers may access the New York State Barge Canal System Waters at established fishing access sites on the refuge. You may either bank fish or boat fish in accordance with State regulations.

Oyster Bay National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: Anglers may fish from designated areas on the refuge shoreline at Mill Pond from legal sunrise until legal sunset.

Seatuck National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations subject to the following condition: Anglers may fish in refuge-controlled waters of Great South Bay from boats only.

Shawangunk Grasslands National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Shawangunk Grasslands NWR Deer Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Deer may be taken using archery equipment only.

3. We prohibit organized deer drives.

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

* * * * *

Target Rock National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following condition: We allow fishing in Huntington Bay from the refuge shoreline when the refuge is open to visitors.

Wallkill River National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of rabbit/hare, gray/black/fox squirrel, pheasant, bobwhite quail, ruffed grouse, crow, red/gray fox, coyote, bobcat, raccoon, skunk, mink, weasel, and opossum on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Hunters must purchase a Wallkill River NWR Deer, Bear, or Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. We prohibit the use of rifles.

4. Hunters may enter the refuge 2 hours before legal shooting time and leave no later than 2 hours after legal shooting time.

D. Sport Fishing. We allow sport fishing on the refuge in accordance with State of New York regulations and subject to the following conditions:

1. Owens Station Crossing is open for catch and release only.

2. Fishing is permitted ½ hour before legal sunrise to ½ hour after legal sunset. We prohibit night fishing.

3. We prohibit the taking of amphibians and reptiles.

4. We prohibit minnow/bait trapping.

Wertheim National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer within designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow archery and shotgun hunting of white-tailed deer within portions of the refuge during specific days between October 1 and January 31.

2. We require refuge permits. We limit the number of deer hunters permitted to hunt on the refuge. We will issue permits by random selection.

3. You must take the specified number of antlerless deer as noted in the refuge hunting regulations before taking an antlered deer.

4. We prohibit driving deer by any means. We define a ''drive'' as two or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer to make the animal more susceptible to harvest.

5. Hunters assigned to Unit 5 must hunt from portable tree stands and must direct aim away from a public road and/or dwelling.

6. We allow scouting of hunting areas on the refuge only during designated times and days. We prohibit the use of dogs during scouting.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

■ 25. Amend § 32.53 by:

■ a. Under the entry Arrowwood National Wildlife Refuge:

■ i. Removing paragraphs B.3, B.4, and C.6,

■ ii. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively;
■ iii. Revising newly redesignated paragraph C.4, and paragraphs D.1, D.3, and D.4; and
■ iv. Removing paragraphs D.5 and D.6;
■ b. Under the entry J. Clark Salyer National Wildlife Refuge:
■ i. Removing paragraphs B.8 and B.9;
■ ii. Revising introductory paragraph C;
■ iii. Removing paragraphs C.5, C.6, and C.9;
■ iv. Redesignating paragraphs C.3, C.4, C.7, and C.8 as paragraphs C.4, C.5, C.6, and C.7, respectively;
■ v. Adding new paragraph C.3;
■ vi. Revising paragraph D.6; and
■ vii. Removing paragraphs D.7 and D.8;
■ c. Revising the entry Lostwood National Wildlife Refuge;
■ d. Under the entry Tewaukon National Wildlife Refuge:
■ i. Revising paragraph B.2; and
■ ii. Adding new paragraphs C.4, D.3, D.4, and D.5; and
■ e. Under the entry Upper Souris National Wildlife Refuge:
■ i. Revising paragraphs A, B.6, and B.7;
■ ii. Removing paragraphs B.9 and B.10;
■ iii. Revising paragraph C.2;
■ iv. Removing paragraphs C.3, C.4, and C.5;
■ v. Redesignating paragraph C.6 as paragraph C.3;
■ vi. Revising paragraphs D.6 and D.7;
■ vii. Removing paragraphs D.8, D.9, and D.10;
■ viii. Redesignating paragraphs D.11 through D.14 as paragraphs D.8 through D.11, respectively; and
■ ix. Adding new paragraph D.12.

The additions and revisions read as follows:

§ 32.53 North Dakota.

* * * * *

Arrowwood National Wildlife Refuge

* * * * *

C. * * *

4. We allow temporary tree stands, blinds, and game cameras for daily use; you must remove them by the end of the day.

D. * * *

1. We allow boats at idle speed only on Arrowwood Lake and Jim Lake from May 1 to September 30 of each fishing year.

* * * * *

3. We allow ice fishing and dark house spearfishing. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

4. You may use and leave fish houses on the ice overnight until March 15; after March 15, you must remove fish houses from the refuge before leaving for the day. We prohibit leaving fish houses overnight or unattended on refuge uplands or in parking areas.

* * * * *

J. Clark Salyer National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and moose on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

* * * * *

3. We open the entire refuge to moose hunting except the closed areas listed in C2.

* * * * *

D. * * *

6. We allow ice fishing and dark house spearfishing. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

* * * * *

Lostwood National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of sharp-tailed grouse, Hungarian partridge, and ring-necked pheasant on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We open the refuge daily from 5 a.m. to 10 p.m.

2. We prohibit upland game hunting on the portion of the refuge south of Highway 50 during regular deer gun season.

3. We allow upland game hunting on the portion of the refuge north of Highway 50 on the day following the close of the regular deer gun season through the end of the State season.

4. You may use hunting dogs to retrieve upland game. Dogs must be under your direct control at all times.

C. Big Game Hunting. We allow deer and moose hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition B1 applies.

2. We prohibit entry to the refuge before 12 p.m. (noon) on the first day of the respective archery, gun, or muzzleloader deer hunting season.

3. We prohibit the use of trail cameras.

D. Sport Fishing. [Reserved]

* * * * *

Tewaukon National Wildlife Refuge

B. * * *

2. We open the refuge daily from 5 a.m. to 10 p.m.

C. * * *

4. Condition B2 applies.

D. * * *

3. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points.

4. We prohibit leaving fish houses overnight or unattended on refuge uplands or in parking areas.

5. Condition B2 applies.

* * * * *

Upper Souris National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. * * *

6. We allow hunters on the refuge from 5:00 a.m. until 10:00 p.m.

7. We prohibit the use of bicycles or similar vehicles on the refuge.

* * * * *

C. * * *

2. Conditions B5 through B8 apply.

* * * * *

D. * * *

6. We prohibit the use of amphibious vehicles, personal watercraft (PWCs), bicycles, or similar vehicles on the refuge.

7. We allow snowmobiles, ATVs, UTVs, motor vehicles, and fish houses on the ice as conditions allow from Lake Darling Dam north to Carter Dam (Dam 41) for ice fishing. We restrict snowmobile, ATV, UTV, and motor vehicle use to unvegetated ice areas, designated roads, and access points. Consult with the refuge manager or refuge fishing brochure for specific areas.

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12. Condition B6 applies.

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■ 26. Amend § 32.54 to read as follows:

§ 32.54 Ohio.

The following refuge units have been opened to hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Cedar Point National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow white-tailed deer hunting on designated

dates in the controlled hunt areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must possess and carry a State-issued permit. All hunters must check in and out at the refuge check station. We require hunters to check out with the State-issued Harvest Card no later than 2 hours after the conclusion of their controlled hunt.

2. We require hunters to remain within their assigned unit.

3. We require hunters to obtain permission from refuge officials before tracking a wounded deer out of the assigned hunting unit.

4. We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset during designated dates.

2. We allow boats and flotation devices.

Ottawa National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, rails, gallinule, coot, dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. On controlled waterfowl hunt units, we allow hunting of goose, duck, and coot in accordance with State regulations and subject to the following conditions:

i. You must stop hunting at 12 p.m. (noon) each day.

ii. You must stay in your assigned hunt unit.

iii. You may possess no more than 25 shot shells.

2. On public hunting units, we allow hunting of ducks, geese, rails, gallinule, coot, dove, woodcock, and snipe in accordance with State regulations and subject to the following conditions:

i. We allow refuge access from 1½ hours prior to the State-listed morning shooting time and 1 hour after the State-listed evening shooting time.

ii. We allow the use of hunting dogs, provided the dog is under the immediate control of the hunter at all times.

iii. We allow nonmotorized boats in areas open to waterfowl hunting during the waterfowl hunting seasons with the following exception: We allow motorized boats in the Metzger Marsh and Two Rivers units.

B. Upland Game Hunting. We allow hunting of pheasant, squirrel, rabbit, fox, raccoon, skunk, opossum, groundhog, and coyote on designated public hunting units of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A.2.i and A.2.ii apply.

2. We prohibit the use of buckshot for any hunting on the refuge.

C. Big Game Hunting. We allow hunting of white-tailed deer and wild turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. On controlled deer hunt units, we allow hunting of white-tailed deer only in accordance with State regulations and subject to the following conditions:

i. We require hunters to possess and carry a State-issued permit. You must check in and out at the refuge check station using the State-issued Harvest Card no later than 2 hours after the conclusion of your hunt.

ii. You must remain within your assigned unit.

iii. You must obtain permission from refuge officials before tracking a wounded deer out of your assigned hunting unit.

iv. We prohibit hunting or shooting within 150 feet (45.7 meters) of any structure, building, or parking lot.

2. We allow hunting of white-tailed deer and turkey on designated public hunting units of the refuge in accordance with State regulations and subject to the following conditions:

i. Conditions A.2.i and B2 apply.

ii. We allow only portable deer stands for hunting. We allow only one tree stand per hunter per refuge unit. We allow placement of tree stands after September 1 and require hunters to remove tree stands by March 1 of each year. We require deer stands to be labeled with owner's name and address.

iii. For hunting, you may use or possess only approved nontoxic shot shells while in the field, including shot shells used for hunting wild turkey (see § 32.2(k)).

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing from legal sunrise to legal sunset during designated dates.

2. We allow boats and flotation devices in designated areas.

■ 27. Amend § 32.56 by:

■ a. Under the entry Cold Springs National Wildlife Refuge:

■ i. Revising paragraphs A.2, A.3, and A.4;

■ ii. Removing paragraphs A.5, A.6, and A.7; and

■ iii. Revising paragraphs B.2 and C;

■ b. Under the entry Lower Klamath National Wildlife Refuge:

■ i. Revising introductory paragraph A, and paragraphs A.1 and A.3;

■ ii. Removing paragraphs A.4 and A.7;

■ iii. Redesignating paragraphs A.5 and A.6 as paragraphs A.4 and A.5, respectively; and

■ iv. Revising paragraph B; and

■ c. Under the entry William L. Finley National Wildlife Refuge:

■ i. Removing paragraphs C.3, C.6, C.7, C.8, C.9, and C.10;

■ ii. Redesignating paragraphs C.4 and C.5 as paragraphs C.3 and C.4, respectively;

■ iii. Revising paragraphs D.1 and D.2; and

■ iv. Adding new paragraphs D.3 and D.4.

The additions and revisions read as follows:

§ 32.56 Oregon.

* * * * *

Cold Springs National Wildlife Refuge

A. * * *

2. We prohibit discharge of any firearm within ¼ mile (396 meters (m)) of any maintained building or Federal facility, such as, but not limited to, a structure designed for storage, human occupancy, or shelter for animals. You may not shoot or discharge any firearm from, across, or along a public highway, designated route of travel, road, road shoulder, road embankment, or designated parking area.

3. We allow hunting only on Tuesdays, Thursdays, Saturdays, Sundays, and all federally recognized holidays within the State season, with the exception of dove. We only allow hunting for all dove species within the State mourning dove season.

4. On the Memorial Marsh Unit, we allow waterfowl hunting only from numbered field blind sites, and hunters must park their vehicles only at the numbered post corresponding to the numbered field blind site they are using (see § 27.31 of this chapter). Selection of parking sites/numbered posts is on a first-come, first-served basis at parking lot F. We prohibit free-roam hunting or jump shooting, and you must remain within 100 feet (30 m) of the numbered field blind post unless retrieving birds or setting decoys. We allow a maximum of four persons per blind site.

B. * * *

2. We allow hunting from 12 p.m. (noon) to legal sunset.

C. Big Game Hunting. We allow hunting of elk on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunting under emergency hunt permit or kill permit only (issued by the State).

* * * * *

Lower Klamath National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, and common snipe on designated areas of the refuge in accordance with State laws and regulations, and subject to the following conditions:

1. In the controlled waterfowl hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

* * * * *

3. Entry hours begin at 4:30 a.m. unless otherwise posted.

* * * * *

B. Upland Game Hunting. We allow hunting of pheasant on designated areas of the refuge in accordance with State regulations, and subject to the following condition: In the controlled pheasant hunting area, we require a valid Refuge Recreation Pass for all hunters age 16 or older. An adult with a valid Recreation Pass must accompany hunters age 17 or younger who are hunting in the controlled area.

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William L. Finley National Wildlife Refuge

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D. * * *

1. We allow fishing on Muddy Creek.

2. We allow bank fishing on the Snag Boat Bend Unit only on the Willamette River and Lake Creek.

3. We allow fishing from legal sunrise to legal sunset.

4. We allow anglers to use pole and line, or rod and reel. Anglers must attend their line.

■ 28. Amend § 32.57 by:

■ a. Revising the entry Cherry Valley National Wildlife Refuge;

■ b. Revising the entry Erie National Wildlife Refuge; and

■ c. Revising paragraph C in the entry John Heinz National Wildlife Refuge at Tinicum.

The revisions read as follows:

§ 32.57 Pennsylvania.

* * * * *

Cherry Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory birds, including waterfowl (*i.e.,* ducks, mergansers, coots, and geese), doves, woodcock, snipe, rails, moorhens, and gallinules, on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Migratory Bird Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

B. Upland Game Hunting. We allow hunting of squirrels, grouse, rabbit, pheasant, quail, woodchuck, crow, fox, raccoon, opossum, skunk, weasel, coyote, and bobcat on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Small Game Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit night hunting.

3. We prohibit the use of dogs.

4. We prohibit the use of rifles.

5. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

C. Big Game Hunting. We allow hunting of white-tailed deer, bear, and wild turkey on designated areas of the refuge in accordance with State of Pennsylvania regulations and subject to the following conditions:

1. Hunters must purchase a Cherry Valley NWR Deer, Bear, or Wild Turkey Hunting Permit from the refuge's hunt permit website. We require hunters to possess a signed refuge hunt permit at all times while scouting and hunting on the refuge. We charge a fee for all hunters except youth age 16 and younger. We provide hunters with refuge hunt regulations, hunt maps, and a Refuge Parking Permit.

2. We prohibit organized deer drives.

3. Hunters may enter the refuge 2 hours before legal shooting time and must leave no later than 2 hours after legal shooting time.

D. Sport Fishing. [Reserved]

Erie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of mourning dove, rail, common snipe, Canada goose, duck, coot, and crow on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting activities on the refuge from September 1 through the end of February. We allow scouting for those same dates, and for the 7 days prior to the start of each season.

2. We only allow nonmotorized boats for waterfowl hunting in permitted areas.

3. We prohibit field possession of migratory game birds in areas of the refuge closed to migratory game bird hunting, unless authorized by the refuge to retrieve downed or crippled animals.

B. Upland Game Hunting. We allow hunting of ruffed grouse, squirrel, rabbit, woodchuck, pheasant, quail, raccoon, fox, coyote, skunk, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow woodchuck hunting on the refuge from September 1 through the end of February.

2. We prohibit the use of raptors to take small game.

C. Big Game Hunting. We allow hunting of deer, bear, and turkey on designated areas of the refuge in accordance with State regulations.

D. Sport Fishing. We allow fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow bank fishing only on the Seneca Unit of the refuge. We prohibit wading.

2. We prohibit the use of watercraft for fishing, with the exception of Area 5 where we allow nonmotorized watercraft use. Watercraft must remain in an area from the dike to 3,000 feet (900 meters) upstream.

3. We prohibit the taking of turtle or frog.

4. We prohibit the collecting or releasing of baitfish.

5. We prohibit the taking or possession of shellfish on the refuge.

John Heinz National Wildlife Refuge at Tinicum

* * * * *

C. Big Game Hunting. We allow archery-only hunting of white-tailed deer on designated areas of the refuge, during specified dates, in accordance with State regulations and subject to the following conditions:

1. Hunters must possess a valid refuge hunting special use permit and comply with all terms and conditions.

2. Junior hunters age 15 and younger must be accompanied by an adult member of the family (age 18 or older),

or by an adult serving in the place of a parent.

* * * * *

■ 29. Amend § 32.59 by:
■ a. Revising the entry Block Island National Wildlife Refuge;
■ b. Revising the entry Ninigret National Wildlife Refuge;
■ c. Revising paragraph D in the entry Sachuest Point National Wildlife Refuge; and
■ d. Revising paragraphs A and D in the entry Trustom Pond National Wildlife Refuge.

The revisions read as follows:

§ 32.59 Rhode Island.

* * * * *

Block Island National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to submit a Big/Upland Game Hunt Application (FWS Form 3–2356) to be selected to hunt on the refuge.

2. Hunters must mark portable tree stands/blinds with refuge permit number.

3. We prohibit hunting within 100 feet (30 meters) of a refuge trail.

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with State regulations.

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Ninigret National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require hunters to submit a Big/Upland Game Hunt Application (FWS Form 3–2356) to be selected to hunt on the refuge.

2. Hunters must mark portable tree stands/blinds with refuge permit number.

3. We prohibit hunting within 100 feet (30 meters) of a refuge trail.

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline in accordance with State regulations. Anglers may saltwater fish and shellfish in Ninigret Pond from the refuge shoreline only from legal sunrise to legal sunset in accordance with State and refuge regulations.

Sachuest Point National Wildlife Refuge

* * * * *

D. Sport Fishing. We allow saltwater fishing on the refuge in accordance with State regulations and subject to the following conditions:

1. Anglers may saltwater fish in the Sakonnet River and Sachuest Bay from the refuge shoreline.

2. Anglers may saltwater fish at Sachuest Beach shoreline from September 16 to March 31.

3. Anglers may night-fish after legal sunset with a refuge permit.

Trustom Pond National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of Canada geese and mourning doves on designated areas of the refuge in accordance with State regulations.

* * * * *

D. Sport Fishing. Anglers may saltwater fish from the refuge shoreline from September 16 to March 31 in accordance with State and refuge regulations.

■ 30. Amend § 32.60, the entry Pinckney Island National Wildlife Refuge, by:
■ a. Revising paragraphs C.3 and C.4;
■ b. Removing paragraphs C.5, C.8, and C.10;
■ c. Redesignating paragraphs C.6, C.7, C.9, C.11, C.13, and C.14 as paragraphs C.5, C.6, C.7, C.8, C.9, and C.10, respectively;
■ d. Revising paragraphs C.11 and C.12;
■ e. Removing paragraphs C.15, C.16, and C.18;
■ f. Redesignating paragraph C.17 as paragraph C.13; and
■ g. Removing paragraph D.3.

The revisions read as follows:

§ 32.60 South Carolina.

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Pinckney Island National Wildlife Refuge

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C. * * *

3. Hunters must check-in at the designated check station and park in the designated area prior to hunting. We require personal identification at check-in.

4. We prohibit entry by boat, and we prohibit hunters to leave by boat to reach other parts of the island.

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11. We will close the refuge to the nonhunting public on hunt days.

12. Youth hunters age 15 and younger must remain within sight and normal voice contact of an adult age 21 or older. One adult may supervise no more than one youth hunter.

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■ 31. Amend § 32.62 by:
■ a. Revising the entry Chickasaw National Wildlife Refuge;
■ b. Revising the entry Hatchie National Wildlife Refuge;
■ c. Revising the entry Lake Isom National Wildlife Refuge;
■ d. Revising the entry Lower Hatchie National Wildlife Refuge; and
■ e. Revising the entry Reelfoot National Wildlife Refuge.

The revisions read as follows:

§ 32.62 Tennessee.

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Chickasaw National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge sanctuary area to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon) CST. We allow hunters to access the refuge no more than 2 hours before legal sunrise.

4. We close mourning dove, woodcock, and snipe seasons during all firearms, youth, and muzzleloader deer seasons.

5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.

3. We do not open for spring squirrel season on the refuge.

4. We close squirrel, rabbit, and quail seasons during all firearms, youth, and muzzleloader deer seasons.

5. We close raccoon and opossum seasons on Friday and Saturday nights during all firearms, youth, and

muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.

6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

7. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, B2, B6, and B7 apply.

2. You may only participate in the refuge quota hunts with a special quota permit issued through random drawing. Information for permit applications is available at the refuge headquarters.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing only with pole and line, or rod and reel.

3. We allow the use of bow and arrow, or a gig to take nongame fish on refuge waters.

4. We prohibit taking frog or turtle on the refuge.

* * * * *

Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the sanctuary areas of the refuge to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow waterfowl hunting only on Tuesdays, Thursdays, and Saturdays. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise until 12 p.m. (noon) CST. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise.

4. We close mourning dove, woodcock, and snipe seasons during all quota gun and youth deer gun hunts.

5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.

3. We do not open to spring squirrel season on the refuge.

4. We close all small game hunts during the refuge deer quota and youth gun hunts.

5. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

6. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1 through A2, B2, B5, and B6 apply.

2. You may only participate in the refuge deer quota hunts with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. We allow archery deer and turkey hunting on designated areas of the refuge as defined annually in the refuge Public Use Regulations available at the refuge office and in accordance with State regulations.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A1 applies.

2. We allow fishing only with pole and line, or rod and reel.

3. We allow use of a bow and arrow, or gig to take nongame fish on refuge waters.

4. We prohibit taking frog or turtle on the refuge.

5. We open Oneal Lake for fishing during a restricted season and for authorized special events. Information on events and season dates is available at the refuge headquarters.

6. We only allow fishing boats of 18 feet (5.5 meters) or less in length on refuge lakes.

7. We allow the use of nonmotorized boats and boats with electric motors only; we prohibit the use of gas and diesel motors on refuge lakes except in the waterfowl hunting area.

Lake Isom National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon hunters may access the refuge from legal sunset to legal sunrise.

4. We allow horses only on roads opened to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

5. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

6. We do not open for spring squirrel season on the refuge.

C. Big Game Hunting. We allow only archery hunting for white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following condition: Conditions B1 through B5 apply.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We open all waters of Lake Isom to fishing only from March 16 through November 14 and from legal sunrise to legal sunset.

2. We allow boats with only electric or outboard motors of 10 horsepower or less.

3. We prohibit taking frog or turtle from refuge waters.

4. We allow fishing only with pole and line, or rod and reel.

5. We allow use of a bow and arrow, or a gig to take nongame fish on refuge waters.

Lower Hatchie National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of duck, goose, coot, merganser, mourning dove, woodcock, and snipe on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal laws.

3. We allow hunting for duck, goose, coot, and merganser from ½ hour before legal sunrise to 12 p.m. (noon) CST. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise.

4. We close mourning dove, woodcock, and snipe seasons during all firearms, youth, and muzzleloader deer seasons.

5. You may use only portable blinds, and you must remove all boats, blinds, and decoys from the refuge by 1 p.m. CST daily.

6. We close Sunk Lake Public Use Natural Area to all migratory game bird hunting, and we close the southern unit of Sunk Lake Public Use Natural Area to all hunting.

B. Upland Game Hunting. We allow hunting of squirrel, rabbit, quail, raccoon, and opossum on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, and A6 apply.

2. We allow hunters to access the refuge no more than 2 hours before legal sunrise to no more than 2 hours after legal sunset, except that raccoon and opossum hunters may access the refuge from legal sunset to legal sunrise.

3. We do not open for spring squirrel season on the refuge.

4. We close squirrel, rabbit, and quail seasons during all firearms, youth, and muzzleloader deer seasons.

5. We close raccoon and opossum seasons on Friday and Saturday nights during all firearms, youth, and muzzleloader deer hunts and seasons, including the Friday night prior to any hunt or season that opens on a Saturday morning.

6. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

7. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

C. Big Game Hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A2, A6, B2, B6, and B7 apply.

2. You may participate in the refuge quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

3. We allow archery deer hunting only on the northern unit of Sunk Lake Public Use Natural Area.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge and the Sunk Lake Public Use Natural Area in accordance with State regulations and subject to the following conditions:

1. We allow fishing only from legal sunrise to legal sunset.

2. We allow fishing only with pole and line, or rod and reel.

3. We allow use of a bow and arrow, or a gig to take nongame fish on refuge waters.

4. We prohibit taking frog or turtle on the refuge.

5. We seasonally close the sanctuary area of the refuge and the southern unit of Sunk Lake Public Use Natural Area to the public from November 15 through March 15.

6. We allow the use of only nonmotorized boats and boats with electric motors on Sunk Lake Public Use Natural Area.

Reelfoot National Wildlife Refuge

A. Migratory Game Bird Hunting. [Reserved]

B. Upland Game Hunting. We allow hunting of squirrel and raccoon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We seasonally close the refuge to the public from November 15 through March 15.

2. You must possess and carry a signed refuge permit (signed refuge brochure) and comply with all permit provisions and other applicable State and Federal law.

3. We allow hunters to access the refuge no earlier than 2 hours before legal sunrise to no later than 2 hours after legal sunset, except that raccoon hunters may access the refuge from legal sunset to legal sunrise.

4. We allow horses only on roads open to motorized traffic. We prohibit the use of horses and other animal conveyances from all other areas including fields, woods, and foot trails.

5. You may take coyote and beaver incidental to legal hunting activities with legal methods of take for those hunts.

6. We do not open for spring squirrel season on the refuge.

C. Big Game Hunting. We allow hunting for white-tailed deer and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions B1 through B5 apply.

2. You may participate in the refuge firearms deer and turkey quota hunts only with a special quota permit (name and address only) issued through random drawing. Information for permit applications is available at the refuge headquarters.

D. Sport Fishing. We allow sport fishing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow access to the Long Point Unit (north of Upper Blue Basin) for fishing from March 16 through November 14, and the Grassy Island Unit (south of Upper Blue Basin) for fishing from February 1 through November 14.

2. We allow fishing on the refuge from legal sunrise to legal sunset.

3. We prohibit taking of frog or turtle on the refuge.

4. We prohibit airboats, hovercraft, or personal watercraft (*e.g.,* Jet Skis) on any waters within the refuge boundary.

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■ 32. Amend § 32.63 by revising the entry Anahuac National Wildlife Refuge to read as follows:

§ 32.63 Texas.

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Anahuac National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, coot, white-winged dove, mourning dove, Eurasian collared-dove, and rock pigeon on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must carry a current signed refuge hunting permit (signed brochure—Hunting Regulations) while waterfowl hunting on all refuge hunt units.

2. Hunters age 17 and younger must be under the direct supervision of an adult age 18 or older.

3. We close refuge hunt units on Thanksgiving, Christmas, and New Year's Day.

4. We prohibit the use of airboats, marsh buggies, ATVs (see § 27.31(f) of this chapter), and personal watercraft.

5. On inland waters of refuge hunt areas open to motorized boats, we restrict the operation of motorized boats to lakes, ponds, ditches, and other waterways. We prohibit the operation of motorized boats on or through emergent wetland vegetation.

6. On inland waters of the refuge hunt areas open to motorized boats, we restrict the use of boats to those

powered by a single engine of 25 horsepower or less and utilizing a propeller 9 inches (22.5 centimeters) in diameter or less.

7. For waterfowl hunting, we allow hunting in portions of the East Unit on specified days during the regular waterfowl seasons. We prohibit motorized boats launching from the East Unit.

8. We allow hunting in portions of the Middleton Tract and the Pace Tract during early teal season and regular waterfowl season during designated dates and on designated areas of the refuge.

9. Light goose conservation order will be concurrent with State regulations in designated areas and on designated dates.

10. We allow dove hunting in designated areas and concurrent with State regulations.

B. Upland Game Hunting. [Reserved]

C. Big Game Hunting. [Reserved]

D. Sport Fishing. We allow fishing and crabbing on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow fishing and crabbing on shoreline areas on East Galveston Bay, along East Bay Bayou on the East Bay Bayou Tract, along West Line Road to the southern end of Shoveler Pond, along the canal from the Oyster Bayou Boat Ramp to the southwest corner of Shoveler Pond, and along the banks of Shoveler Pond.

2. We allow fishing and crabbing only with pole and line, rod and reel, or handheld line. We prohibit the use of any method not expressly allowed, including trotlines, setlines, jug lines, limb lines, bows and arrows, gigs, spears, or crab traps.

3. We allow cast netting for bait for personal use along waterways in areas open to the public and along public roads.

4. We prohibit boats and other floatation devices on inland waters. You may launch motorized boats in East Bay at the East Bay Boat Ramp on Westline Road and at the Oyster Bayou Boat Ramp (boat canal). We prohibit the launching of airboats or personal watercraft on the refuge. You may launch nonmotorized boats only along East Bay Bayou and along the shoreline of East Galveston Bay.

5. We prohibit fishing from or mooring to water control structures.

* * * * *

■ 33. Amend § 32.64 by:

■ a. Under the entry Bear River Migratory Bird Refuge:

■ i. Removing paragraphs A.2, A.3, A.4, A.6, A.7, A.8, A.10, A.11, A.15, A.16, A.17, A.18, A.19, A.20, B.2, and D.4; and

■ ii. Redesignating paragraphs A.5, A.9, and A.12 through A.14 as paragraphs A.2, A.3, and A.4 through A.6, respectively; and

■ b. Under the entry Ouray National Wildlife Refuge:

■ i. Removing paragraphs A.3, A.4, A.5, A.6, A.8, and A.10;

■ ii. Redesignating paragraphs A.7 and A.9 as paragraphs A.3 and A.4, respectively;

■ iii. Revising introductory paragraph B;

■ iv. Removing paragraph B.1;

■ v. Redesignating paragraphs B.2 through B.4 as paragraphs B.1 through B.3, respectively;

■ vi. Revising introductory paragraph C;

■ vii. Removing paragraphs C.1 and C.8;

■ viii. Redesignating paragraphs C.2 through C.7, and C.9 as paragraphs C.1 through C.6, and C.7, respectively; and

■ ix. Revising paragraph D.3.

The revisions read as follows:

§ 32.64 Utah.

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Ouray National Wildlife Refuge

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B. Upland Game Hunting. We allow hunting of pheasant and turkey in designated areas in accordance with State regulations and subject to the following conditions:

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C. Big Game Hunting. We allow hunting of deer and elk in designated areas in accordance with State regulations and subject to the following conditions:

D. * * *

3. You must release unharmed any of the four federally endangered fish if caught (razorback sucker, Colorado pike minnow, humpback chub, or bonytail chub).

■ 34. Amend § 32.65 to read as follows:

§ 32.65 Vermont.

The following refuge units have been opened for hunting and/or fishing, and are listed in alphabetical order with applicable refuge-specific regulations.

Missisquoi National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, brant, merganser, coot, woodcock, and snipe in accordance with State regulations and subject to the following conditions:

1. Waterfowl: For the hunting of goose, brant, duck, merganser, and coot, we divide the refuge into six discrete waterfowl hunting units: The Delta Lakeshore Area, the Maquam Shore Area, the Saxes Pothole/Creek and Shad Island Area, the Junior Waterfowl Hunting Area (including Long Marsh Bay, Patrick Marsh, and Charcoal Creek), the Long Marsh Channel and Metcalfe Island Area, and the Maquam Swamp Area. See the Missisquoi National Wildlife Refuge Migratory Game Bird Hunting Map and Regulations for further information. Conditions for each area are as follows:

i. Delta Lakeshore Area, which includes lakeshore areas from Shad Island to the south side of Martindale Point but does not include Saxes Pothole/Creek and Shad Island Pothole, is open to migratory bird hunting with the following special requirements:

a. We do not require a refuge permit to hunt or scout in this area.

b. We prohibit blind staking, permanent blinds, and unattended decoys.

ii. Maquam Shore Area encompasses a 30-acre area along the lakeshore of Maquam Bay and is bounded by private land on the west and a Vermont wildlife management area on the east. We do not require a refuge permit to hunt or scout in this area.

iii. Saxes Pothole/Creek and Shad Island Pothole, which encompass Saxes Creek, Saxes Pothole, and Shad Island Pothole, are open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. Each hunting party must possess and carry a permit for the specific zone on the specific day they are hunting in this area. Permits are not transferable.

c. You must use a retrieving dog.

iv. Junior Waterfowl Hunting Area, which encompasses Long Marsh Bay, Patrick Marsh, and that portion of Charcoal Creek south of Vermont Route 78, is open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. Each junior hunter must possess and carry a permit for the assigned blind site and day. On Mentor Day, mentors must also possess and carry this permit for the assigned blind site. Each adult hunting party must possess and carry a permit for the blind site and day they are hunting. Permits are not transferable.

c. Shooting hours end at 11 a.m.

v. Long Marsh Channel and Metcalfe Island, which encompass the Metcalfe Island Pothole and Long Marsh Channel, are open to migratory bird hunting with the following special requirements:

a. This is a controlled hunting area. We require a refuge permit to hunt in this area.

b. We will limit hunting to Tuesdays, Thursdays, and Saturdays throughout the waterfowl hunting season for duck.

c. Each hunting party must possess and carry a permit for the blind on the specific day they are hunting in this area. Permits are not transferable.

d. Shooting hours end at 11 a.m.

e. You must use a retrieving dog.

f. We will close this area to waterfowl hunting during split seasons when geese are the only waterfowl that hunters may legally take.

vi. Maquam Swamp Area encompasses about 200 acres (80 hectares) west of the Central Vermont Railroad and south of Coleman's inholding, and is open to migratory bird hunting with the following special requirements:

a. We prohibit blind staking, permanent blinds, or unattended decoys.

b. You must use a retrieving dog.

2. Other migratory birds (including woodcock, snipe and crow): You may hunt woodcock and snipe in the Delta Lakeshore Waterfowl Hunting Area, excluding the Saxe's Creek/Pothole and Shad Island Pothole controlled areas and Maquam Swamp area. We do not require a refuge permit to hunt or scout in these areas.

3. On the Eagle Point Unit, we allow hunting of migratory birds in accordance with State regulations.

B. Upland Game Hunting. We allow hunting of cottontail rabbits, snowshoe hare, ruffed grouse, and gray squirrels on open areas of the refuge in accordance with State regulations and subject to the following conditions:

1. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license. We will collect a fee for each permit we issue. The permit applies for the calendar year of issue.

2. We only allow shotguns or muzzleloaders on open areas east of the Missisquoi River and on Shad Island.

3. You must use approved nontoxic shot for the shotgun hunting of all upland game species (see § 32.2(k)).

4. We prohibit hunting from the end of snowshoe hare and rabbit season through September 1.

5. On the Eagle Point Unit, we allow hunting in accordance with State regulations; conditions B1 through B4 do not apply on the Eagle Point Unit.

C. Big Game Hunting. We allow hunting of big game in accordance with State regulations and subject to the following conditions:

1. We allow hunting of white-tailed deer.

2. You must obtain a permit at refuge headquarters prior to hunting, and you must hold a valid State hunting license.

3. We only allow shotguns, muzzleloaders, or archery equipment on open areas east and north of Vermont Route 78. We prohibit rifles in these areas at any time.

4. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas with the following exception: We allow only one tree stand or ground blind for each big game/upland game permit we issue.

5. On the Eagle Point Unit, we allow hunting in accordance with State regulations and subject to the following conditions:

i. You may use portable tree stands in accordance with State regulations guiding their use on State Wildlife Management Areas. We prohibit permanent stands and blinds.

ii. We allow training of hunting dogs during the regular hunting seasons as regulated by the State. Dog training outside the regular hunting seasons (June 1 to July 31) will be permitted by Special Use Permit (Permit Application Form: National Wildlife Refuge System General Special Use, FWS Form 3–1383–G) only.

iii. You must request a permit in writing from the refuge manager, Missisquoi National Wildlife Refuge.

D. Sport Fishing. We allow fishing on areas described below in accordance with State regulations and subject to the following conditions:

1. We allow sport fishing by boat (including bow fishing) and ice fishing in the west branch, east branch, and main channel of the Missisquoi River; Dead Creek; and shallow water areas of the Missisquoi River delta from Goose Bay to Charcoal Creek (north of Vermont Route 78) with the following exceptions:

i. We close the following areas from ice out to July 15—Goose Bay, Saxes Creek and Pothole, Metcalfe Island Pothole, Long Marsh Channel, and Clark Marsh.

ii. We close the following areas from Labor Day to December 31—Long Marsh Bay and Long Marsh Channel.

2. We allow bank fishing along Charcoal Creek where it passes under Route 78, and along the shoreline of the Missisquoi River from refuge headquarters to Mac's Bend boat launch. Bank fishing is accessible only by foot along the Missisquoi River from Louie's Landing to Mac's Bend.

3. We prohibit taking fish with firearms within refuge boundaries.

4. We allow boat launching from Louie's Landing year-round. We allow boat launching from Mac's Bend boat launch area from September through November inclusive.

Silvio O. Conte National Fish and Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of ducks, geese, crows, and American woodcock at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations and subject to the following condition: We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

B. Upland Game Hunting. We allow hunting of coyote, fox, raccoon, bobcat, woodchuck, red squirrel, eastern gray squirrel, porcupine, skunk, snowshoe hare, eastern cottontail, and ruffed grouse at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations, seasons, and bag limits, and subject to the following conditions:

1. We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

2. To monitor and mitigate potential disturbances to wildlife and neighboring landowners, we require hunters hunting at night to possess a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

C. Big Game Hunting. We allow hunting of white-tailed deer, moose, black bear, and wild turkey at the Nulhegan Basin Division and Putney Mountain Unit in accordance with State of Vermont regulations, seasons, and bag limits subject to the following conditions:

1. We allow disabled hunters to hunt from a vehicle on refuge roads if the hunter possesses a State-issued disabled hunting license in accordance with State regulations and a Special Use Permit (FWS Form 3–1383–G) issued by the Refuge Manager.

2. You may use portable tree stands and blinds in accordance with State regulations guiding their use on State Wildlife Management Areas, and you must remove them by the end of the final deer season.

3. Moose may be retrieved at the Nulhegan Basin Division by a commercial moose hauler, if the hauler possesses a Special Use Permit (FWS Form 3–1383–C) issued by the Refuge Manager.

D. Sport Fishing. [Reserved]

■ 35. Amend § 32.66 by:

■ a. Revising paragraphs C and D in the entry Back Bay National Wildlife Refuge;

■ b. Under the entry Chincoteague National Wildlife Refuge:

■ i. Removing paragraphs A.3, A.4, and A.6;

■ ii. Redesignating paragraph A.5 as paragraph A.3; and

■ iii. Revising paragraphs C and D.1;

■ c. Revising paragraph C in the entry Eastern Shore of Virginia National Wildlife Refuge;

■ d. Under the entry Great Dismal Swamp National Wildlife Refuge:

■ i. Revising paragraphs C and D.1;

■ ii. Removing paragraph D.3; and

■ iii. Redesignating paragraph D.4 as paragraph D.3;

■ e. Revising paragraph C in the entry James River National Wildlife Refuge;

■ f. Under the entry Mason Neck National Wildlife Refuge:

■ i. Revising paragraph C.2; and

■ ii. Removing paragraphs C.3, C.4, C.5, and C.6;

■ g. Revising paragraph C in the entry Occoquan Bay National Wildlife Refuge;

■ h. Under the entry Plum Tree Island National Wildlife Refuge:

■ i. Revising paragraph A.1; and

■ ii. Removing paragraphs A.4, A.5, and A.6;

■ i. Revising paragraph C in the entry Presquile National Wildlife Refuge;

■ j. Under the entry Rappahannock River Valley National Wildlife Refuge:

■ i. Revising paragraph C;

■ ii. Removing paragraphs D.6 and D.9; and

■ iii. Redesignating paragraphs D.7 and D.8 as paragraphs D.6 and D.7, respectively; and

■ k. Under the entry Wallops Island National Wildlife Refuge:

■ i. Removing paragraphs C.4 and C.6; and

■ ii. Redesignating paragraphs C.5 and C.7 as paragraphs C.4 and C.5, respectively.

The revisions read as follows:

§ 32.66 Virginia.

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Back Bay National Wildlife Refuge

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C. Big Game Hunting. We allow hunting of white-tailed deer and feral hogs on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We prohibit use of dogs.

2. We allow scouting on designated days prior to the start of each refuge hunt period. Hunters may enter the hunt zones on foot, on bicycle, or through transportation provided by the refuge only.

3. Hunters may go to Hunt Zone 1 (Long Island) only by hand-launched watercraft (canoe, punt, rowboat, and similar watercraft) from the canoe launch at refuge headquarters. We prohibit use of trailers.

4. We prohibit hunting or discharging of firearms within designated Safety Zones. We prohibit retrieval of wounded game from a ''No Hunting Area'' or ''Safety Zone'' without the consent of the refuge employee on duty at the check station.

5. We prohibit use of tree stands, except on Long Island (Hunt Zone 1).

D. Sport Fishing. We allow fishing, noncommercial crabbing, and clamming on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We close all areas within the hunting zones, as well as the oceanfront, to fishing, crabbing, and clamming during the annual refuge white-tailed deer and feral hog hunt.

2. You may surf fish, crab, and clam south of the refuge's beach access ramp. We allow night surf fishing by Special Use Permit (FWS Form 3–1383–G) in this area in accordance with dates and times designated on the permit.

3. For sport fishing in D Pool:

i. We only allow fishing from the docks or banks in D Pool. We prohibit boats, canoes, or kayaks on D Pool and all other refuge pools and impoundments.

ii. We prohibit live minnows or other live bait fish.

iii. We prohibit hooks other than barbless or flattened.

iv. You must catch and release all freshwater game fish. The daily creel limit for D Pool for other species is a maximum combination of any 10 nongame fish.

v. Parking for nonambulatory visitors only is available adjacent to the dock at D Pool.

Chincoteague National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and sika with archery tackle and firearms in designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow holders of a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) to access areas of the refuge typically closed to the nonhunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

2. You may not hunt within 100 feet (30.5 meters) of any building.

3. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

4. You may not hunt, discharge a firearm, or nock an arrow or crossbow bolt within 50 feet (15.2 meters) of the centerline of any road, whether improved or unimproved, or paved trail.

D. * * *

1. You may not wade or launch a vessel in Swan's Cove Impoundment.

* * * * *

Eastern Shore of Virginia National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow archery and shotgun hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow holders of a refuge hunt permit (Quota Deer Hunt Application, FWS Form 3–2354) to access areas of the refuge typically closed to the nonhunting public. All occupants of a vehicle or hunt party must possess a refuge hunt permit and be actively engaged in hunting. We allow an exception to exist for those persons aiding a disabled person who possesses a valid State-issued Commonwealth of Virginia Disabled Resident Lifetime License or Commonwealth of Virginia Resident Disabled Veteran's Lifetime License.

2. You must sign in before entering the hunt zones and sign out upon leaving the zone.

3. We prohibit deer drives. We define a ''drive'' as four or more persons involved in the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animal more susceptible to harvest.

4. We prohibit nocked arrows or loaded firearms outside of the designated hunting areas.

5. We only allow shotguns loaded with buckshot during the firearm season.

* * * * *

Great Dismal Swamp National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer and bear on designated areas of the refuge in accordance with State regulations and subject to the following condition: You must possess and carry a refuge permit.

D. * * *

1. We allow fishing in Lake Drummond from a boat and from the piers at Washington Ditch and Interior Ditch.

* * * * *

James River National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations subject to the following conditions:

1. We require hunters to possess and carry a refuge hunting permit.

2. We require persons who wish to hunt during the refuge's archery season to obtain a refuge hunting permit through a lottery administered by the Virginia Department of Game and Inland Fisheries. We notify successful applicants by mail or email, and if we receive the hunting fee by the date identified in the mailing, we mail refuge hunting permits to successful applicants.

3. We prohibit dogs.

4. We require that hunters during firearms and muzzleloader seasons remain within 100 feet (30 meters) of their assigned stand while hunting.

5. We require that hunters using a muzzleloader must hunt from a stand elevated 10 feet (3 meters) or more above the ground.

* * * * *

Mason Neck National Wildlife Refuge

* * * * *

C. * * *

2. Hunters must certify/qualify weapons and ammunition and view the orientation session online prior to issuance of a permit. Consult the refuge office or website for certification and orientation information and procedures.

* * * * *

Occoquan Bay National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of deer on designated areas of the refuge in accordance with State and County regulations, and subject to the following conditions:

1. You must possess and carry a refuge permit.

2. We select hunters by lottery. Consult the refuge office or website for application information and procedures.

3. Hunters must certify/qualify weapons and ammunition and view an orientation session online prior to issuance of a permit. Consult the refuge office or website for certification and orientation information and procedures.

* * * * *

Plum Tree Island National Wildlife Refuge

A. * * *

1. We require hunters to possess and carry a refuge hunting permit (see condition A2) along with their State hunting license and stamps, while hunting migratory game birds on the refuge. We open the Cow Island unit of the refuge only to migratory game bird hunting. We close all other areas of the refuge to public entry.

* * * * *

Presquile National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require big game hunters to obtain a permit through a lottery administered by the Virginia Department of Game and Inland Fisheries. We require a fee to obtain a refuge hunting permit. We will notify successful applicants by mail or email, and if we receive the hunting fee by the date identified in the mailing, we will mail refuge hunting permits to successful applicants.

2. We prohibit the use of ''deer drives,'' defined as individual or group efforts intended to ''push'' or ''jump'' deer for the purposes of hunting.

3. We allow shotgun hunting on designated days as indicated on refuge hunting permits, in the State hunting guide, and on the refuge website, *https://www.fws.gov/refuge/presquile/.*

4. We prohibit dogs.

5. We require hunters to dock their boats at designated locations on the refuge.

* * * * *

Rappahannock River Valley National Wildlife Refuge

* * * * *

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require big game hunters to obtain a permit. Please contact the refuge on how to obtain a permit.

2. We prohibit dogs.

* * * * *

■ 36. Amend § 32.68 by:

■ a. Revising paragraphs A, B.1, B.4, B.5, and C in the entry Canaan Valley National Wildlife Refuge; and

■ b. Revising the entry Ohio River Islands National Wildlife Refuge.

The revisions read as follows:

§ 32.68 West Virginia.

* * * * *

Canaan Valley National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of goose, duck, rail, coot, gallinule, mourning dove, snipe, and woodcock on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We require each hunter to possess and carry a signed refuge hunting permit.

2. We prohibit camping. We prohibit overnight parking except by Special Use Permit (FWS Form 3–1383–G) on Forest Road 80.

3. We allow the use of dogs for hunting migratory game birds. We prohibit more than 2 dogs per hunter. We require all dogs to wear a collar displaying the owner's name, address, and telephone number.

4. We prohibit dog training except during legal hunting seasons.

B. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

4. You may use dogs for hunting upland game species. We prohibit more than six dogs per hunting party. All dogs must wear a collar displaying the owner's name, address, and telephone number.

5. We prohibit the hunting of upland game species between March 1 and August 31.

C. Big Game Hunting. We allow the hunting of white-tailed deer, black bear, and turkey on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. Conditions A1, A3, A4, and B3 apply.

2. We prohibit permanent tree stands, but we allow use of temporary tree stands. You must clearly print your name and address in an easily read area on the stand while the stand is affixed to the tree. You must remove tree stands (see § 27.93 of this chapter) at the end of the deer season.

3. We prohibit hunting for turkey with a rifle. You must use a shotgun or muzzleloader with a shot size of #4 or smaller.

4. We allow dogs for hunting black bear during the gun season. We prohibit more than six dogs per hunting party. All dogs must wear a collar displaying

the owner's name, address, and telephone number.

* * * * *

Ohio River Islands National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds (waterfowl, coots, rails, gallinules, snipe, woodcock, and dove) on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. We require each hunter to possess and carry a signed refuge hunting permit; the free refuge hunting permit is available to download from the refuge website and at the refuge headquarters.

2. The refuge opens 1 hour before legal sunrise and closes 1 hour after legal sunset, including parking areas.

3. We only allow dogs to locate, point, and retrieve when hunting for migratory game birds.

B. Upland Game Hunting. We allow hunting of rabbit and squirrel on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Grandview Island, Grape/Bat Island, Broadback Island, Buckley Island, Muskingum Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit the use of pursuit dogs for hunting rabbit or squirrel.

3. We prohibit the use of rifles, muzzleloaders, or pistols for hunting rabbit or squirrel.

C. Big Game Hunting.

We allow hunting of white-tailed deer only by archery on designated areas of the refuge (Pennsylvania: Phillis Island, Georgetown Island; West Virginia: Paden Island, Captina Island, Captina Mainland, Fish Creek Island, Williamson Island, Witten Towhead, Wells Island, Mill Creek Island, Grandview Island, Grape/Bat Island, zoned area of Middle Island, Broadback Island, Buckley Island, Buckley Mainland, Muskingum Island, Neal Island, Buffington Island, Letart Island; and Kentucky: Manchester 1 Island, Manchester 2 Island) in accordance with State regulations and subject to the following conditions:

1. Conditions A1 and A2 apply.

2. We prohibit organized deer drives by two or more individuals. We define a deer drive as the act of chasing, pursuing, disturbing, or otherwise directing deer so as to make the animals more susceptible to harvest.

3. We only allow the use of temporary tree stands and blinds, which must be removed at the end of each hunt day. All tree stands and blinds must have the name and address of the owner clearly printed in an easily readable area.

D. Sport Fishing. We allow sport fishing throughout the refuge in accordance with State regulations and subject to the following conditions:

1. Condition A2 applies.

2. We prohibit trotlines (setlines) and turtle lines.

■ 37. Amend § 32.69 by:

■ a. Adding an entry, in alphabetical order, for Hackmatack National Wildlife Refuge;

■ b. Revising paragraph D in the entry St. Croix Wetland Management District; and

■ c. Revising the entry Trempealeau National Wildlife Refuge.

The revisions read as follows:

§ 32.69 Wisconsin.

* * * * *

Hackmatack National Wildlife Refuge

Refer to § 32.32 Illinois for regulations.

* * * * *

St. Croix Wetland Management District

* * * * *

D. Sport Fishing. We allow sport fishing on Waterfowl Production Areas throughout the District in accordance with State regulations and subject to the following condition: We prohibit the use of motorized boats.

Trempealeau National Wildlife Refuge

A. Migratory Game Bird Hunting. We allow hunting of migratory game birds on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

1. We allow hunting of ducks, mergansers, geese, coots, mourning dove, sora, Virginia rail, woodcock, snipe, and crow on refuge lands north of the main channel of the Trempealeau River and north of State Highway 35/54, subject to the following conditions:

i. We allow only the use of portable or temporary blinds.

ii. We allow the use of hunting dogs for bird hunting, provided the dog is under the immediate control of the hunter at all times.

2. We allow hunting of ducks, mergansers, geese, and coots on refuge lands south of the main channel of the Trempealeau River and south of State Highway 35/54, subject to the following condition: We require a refuge permit.

B. Upland Game Hunting. We allow hunting of wild turkey, ruffed grouse, ring-necked pheasant, bobwhite quail, Hungarian partridge, sharp-tailed grouse, coyote, gray and red fox, bobcat, raccoon, snowshoe hare, cottontail rabbit, and gray and red squirrel only on refuge land north of the main channel of the Trempealeau River and north of State Highway 35/54 in accordance with State regulations and subject to the following condition: Conditions A.1.i and A.1.ii apply on the refuge (see § 32.2(k)).

C. Big Game Hunting. We allow hunting of white-tailed deer on designated areas of the refuge subject to the following conditions:

1. We prohibit the use of rifles for deer hunting on all refuge land south of the main channel of the Trempealeau River and south of State Highway 35/54.

2. On refuge land north of the main channel of the Trempealeau River and north of State Highway 35/54, we allow white-tailed deer hunting during the state archery, muzzleloader, and firearms seasons. We allow hunting during the Youth Gun Deer Hunt and the Gun Hunt for Hunters with Disabilities in accordance with State regulations.

3. On refuge land south of the main channel of the Trempealeau River and south of State Highway 35/54, we allow white-tailed deer hunting only by refuge permit.

D. Sport Fishing. We allow fishing on designated areas of the refuge from legal sunrise to legal sunset in accordance with State laws for inland waters and subject to the following conditions:

1. We allow only boats propelled by hand or electric motors on refuge pools. We do not prohibit the possession of other watercraft motors, only their use.

2. We prohibit harvest of turtle.

3. We prohibit night-lighting, archery, spearing, or netting of fish.

* * * * *

■ 38. Amend § 32.70, the entry Cokeville Meadows National Wildlife Refuge, by:

■ a. Revising paragraph A.1;

■ b. Removing paragraphs A.2, A.3, A.4, A.5, A.6, A.7, and A.9;

■ c. Redesignating paragraph A.8, A.10, and A.11 as paragraphs A.2, A.3, and A.4, respectively;

■ d. Revising paragraph B.1;

■ e. Removing paragraphs B.2 and B.5;
■ f. Redesignating paragraphs B.3 and B.4 as paragraphs B.2 and B.3, respectively;
■ g. Revising newly redesignated paragraph B.3, and paragraph C.1; and
■ h. Removing paragraphs C.2 and C.3.

The revisions read as follows:

§ 32.70 Wyoming.

* * * * *

Cokeville Meadows National Wildlife Refuge

A. * * *

1. We prohibit hunting in areas of the refuge indicated on the Cokeville Meadows National Wildlife Refuge Hunting Brochure and marked by signs as closed to all hunting or closed to migratory bird hunting.

* * * * *

B. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

3. Red fox, raccoon, and striped skunk may be taken on the refuge by licensed migratory bird, big game, or upland/small game hunters from September 1 until the end of the last open big game, upland bird, or small game season. Red fox, raccoon, or striped skunk that are harvested must be taken into possession and removed from the refuge.

C. * * *

1. Conditions A1, A3, and A4 apply.

* * * * *

Dated: May 7, 2018.

Susan Combs,

Senior Advisor to the Secretary, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.

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