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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31174; Amdt. No. 537]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: *Effective Date:* 0901 UTC, Feburary 1, 2018.

FOR FURTHER INFORMATION CONTACT: Harry Hodges, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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 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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on December 29, 2017.

John S. Duncan,

Executive Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, Feburary 01, 2018.

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 537 effective date February 1, 2018]

From	To	MEA
§ 95.6001 Victor Routes—U.S. § 95.6006 VOR Federal Airway V6 Is Amended To Read In Part		
PHILIPSBURG, PA VORTAC SELINSGROVE, PA VOR/DME	SELINSGROVE, PA VOR/DME SNOWY, PA FIX	4100 *5000
*4000—GNSS MEA		
§ 95.6012 VOR Federal Airway V12 Is Amended To Read In Part		
NEWCOMERSTOWN, OH VOR/DME *10000—MCA	*ALLEGHENY, PA VOR/DME ALLEGHENY, PA VOR/DME, E BND.	3300

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[Amendment 537 effective date February 1, 2018]

From	To	MEA
ALLEGHENY, PA VOR/DME	*JOHNSTOWN, PA VORTAC	#10000
*10000—MCA	JOHNSTOWN, PA VORTAC, W BND.	
#ALLEGHENY R–096	UNUSABLE USE JOHNSTOWN R–274.	
JOHNSTOWN, PA VORTAC	HARRISBURG, PA VORTAC	5400
§ 95.6030 VOR Federal Airway V30 Is Amended To Read In Part		
PHILIPSBURG, PA VORTAC	SELINSGROVE, PA VOR/DME	4100
§ 95.6031 VOR Federal Airway V31 Is Amended To Read In Part		
SELINSGROVE, PA VOR/DME	WATSO, PA FIX	*3500
*3100—MOCA		
§ 95.6063 VOR Federal Airway V63 Is Amended By Adding		
GAMPS, AR FIX	BILIE, MO FIX	*4000
*3200—MOCA		
§ 95.6105 VOR Federal Airway V105 Is Amended To Read In Part		
BOULDER CITY, NV VORTAC	*LAS VEGAS, NV VORTAC	6000
*10500—MCA LAS VEGAS, NV	VORTAC, W BND.	
LAS VEGAS, NV VORTAC	HARLS, NV FIX.	
	E BND	7000
	W BND	14000
HARLS, NV FIX	LUCKY, NV FIX.	
	E BND	11000
	W BND	14000
LUCKY, NV FIX	*HIDEN, CA FIX	14000
*14000—MRA.		
*14000—MCA HIDEN, CA	FIX, E BND.	
*HIDEN, CA FIX	BEATTY, NV VORTAC	**12000
*14000—MRA		
**8600—MOCA		
§ 95.6106 VOR Federal Airway V106 Is Amended To Read In Part		
JOHNSTOWN, PA VORTAC	HUDON, PA FIX	5000
HUDON, PA FIX	*RASHE, PA FIX	**7000
*14000—MCA RASHE, PA	FIX, E BND.	
**4000—MOCA		
**4000—GNSS MEA		
RASHE, PA FIX	SELINSGROVE, PA VOR/DME	14000
§ 95.6135 VOR Federal Airway V135 Is Amended To Read In Part		
NEEDLES, CA VORTAC	*GOFFS, CA VORTAC	**8000
*9600—MCA GOFFS, CA	VORTAC, NW BND.	
**7100—MOCA		
GOFFS, CA VORTAC	*WHIGG, CA FIX	**12000
*12000—MRA		
**10000—MOCA		
*WHIGG, CA FIX	CLARR, CA FIX	**12000
*12000—MRA		
**10500—MOCA		
CLARR, CA FIX	*HIDEN, CA FIX	**12000
*14000—MRA		
**9100—MOCA		
*HIDEN, CA FIX	BEATTY, NV VORTAC	**12000
*14000—MRA		
**8600—MOCA		
§ 95.6170 VOR Federal Airway V170 Is Amended To Read In Part		
SELINSGROVE, PA VOR/DME	RAVINE, PA VORTAC	*4000
*3400—MOCA		
§ 95.6188 VOR Federal Airway V188 Is Amended To Read In Part		
SWANK, PA FIX	WILKES-BARRE, PA VORTAC.	
	E BND	*4000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 537 effective date February 1, 2018]

From	To	MEA
*3700—MOCA	W BND	*4500
§ 95.6217 VOR Federal Airway V217 Is Amended To Read In Part		
RHINELANDER, WI VOR/DME *4100—MOCA	DULUTH, MN VORTAC	*6000
§ 95.6226 VOR Federal Airway V226 Is Amended To Read In Part		
SWANK, PA FIX *3700—MOCA	WILKES-BARRE, PA VORTAC. E BND W BND	 *4000 *4500
§ 95.6297 VOR Federal Airway V297 Is Amended To Read In Part		
JOHNSTOWN, PA VORTAC	TALLS, PA FIX	4400
§ 95.6301 VOR Federal Airway V301 Is Amended To Read In Part		
RUMSY, CA FIX	WILLIAMS, CA VORTAC. SW BND NE BND	 7000 5300
§ 95.6469 VOR Federal Airway V469 Is Amended To Read In Part		
MORGANTOWN, WV VORTAC *10000—MCA NESTO, PA **4300—MOCA	*NESTO, PA FIX FIX, E BND.	**5000
NESTO, PA FIX *10000—MCA JOHNSTOWN, PA	*JOHNSTOWN, PA VORTAC VORTAC, W BND.	10000
JOHNSTOWN, PA VORTAC #JOHNSTOWN R–125	ST THOMAS, PA VORTAC UNUSABLE, USE ST THOMAS R–307.	#5000
§ 95.6509 VOR Federal Airway V509 Is Amended To Read In Part		
ST PETERSBURG, FL VORTAC *5000—MRA **2700—MOCA	*CROWD, FL FIX	**5000
§ 95.6528 VOR Federal Airway V528 Is Amended To Read In Part		
EAGUL, AZ FIX *16000—MCA PAYSO, AZ **10000—MOCA	*PAYSO, AZ FIX FIX, SW BND.	**16000

Airway Segment		Changeover Points	
From	To	Distance	From
§ 95.8003 VOR Federal Airway Changeover Point			
V12 Is Amended To Add Changeover Point			
NEWCOMERSTOWN, OH VOR/DME	ALLEGHENY, PA VOR/DME	30	NEWCOMERSTOWN.
V495 Is Amended To Delete Changeover Point			
SEATTLE, WA VORTAC	VICTORIA, CA VOR/DME	50	SEATTLE.

[FR Doc. 2018–00130 Filed 1–8–18; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AQ08

Reimbursement for Emergency Treatment

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule.

SUMMARY: The Department of Veterans Affairs (VA) revises its regulations concerning payment or reimbursement for emergency treatment for non-service-connected conditions at non-VA facilities to implement the requirements of a recent court decision. Specifically, this rulemaking expands eligibility for payment or reimbursement to include veterans who receive partial payment from a health-plan contract for non-VA emergency treatment and establishes a corresponding reimbursement methodology. This rulemaking also expands the eligibility criteria for veterans to receive payment or reimbursement for emergency transportation associated with the emergency treatment, in order to ensure that veterans are adequately covered when emergency transportation is a necessary part of their non-VA emergency treatment.

DATES:

Effective Date: This rule is effective on January 9, 2018.

Comment Date: Comments must be received on or before March 12, 2018.

ADDRESSES: Written comments may be submitted by email through *http://www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Avenue NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. (This is not a toll-free number.) Comments should indicate that they are submitted in response to ''RIN 2900–AQ08, Reimbursement for Emergency Treatment.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Joseph Duran, Director, Policy and Planning VHA Office of Community Care (10D1A1), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (303–370–1637). (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: 38 U.S.C. 1725 authorizes VA to reimburse veterans for the reasonable value of emergency treatment for non-service connected conditions furnished in a non-VA facility, if certain criteria are met. One requirement is that the veteran must be personally liable for the emergency treatment. As originally enacted in 1999, the statute provided that a veteran is personally liable if the veteran ''has no entitlement to care or services under a health-plan contract,'' and ''no other contractual or legal recourse against a third party that would, in part or in whole, extinguish such liability to the provider.'' 38 U.S.C. 1725(b)(3)(B) and (C) (1999). VA interpreted that version of the statute as barring reimbursement for veterans with any coverage from either a health-plan contract or a third party because those veterans did not satisfy the requirement to have ''no entitlement . . . under a health-plan contract'' and ''no other . . . recourse against a third party.''

In addition, the 1999 version of the statute distinguished ''health-plan contract'' and ''third party'' by separately defining them. 38 U.S.C. 1725(f)(2)–(3)(1999).

On February 1, 2010, Congress enacted the Expansion of Veteran Eligibility for Reimbursement Act, Public Law 111–137 (2010 Act), which amended section 1725. The legislative history of the 2010 Act provided:

> The Committee has learned that under current law the VA does not pay for emergency treatment for non-service connected conditions in non-VA facilities if the veteran has third-party insurance that pays any portion of the costs associated with such emergency treatment. This situation can inadvertently arise if a veteran has minimal health insurance coverage through a state-mandated automobile insurance policy. Consequently, if an emergency does occur, and the veteran has a policy containing such minimal coverage, the veteran may be responsible for essentially the full cost of emergency treatment. While some veterans are able to negotiate payment plans and debt forgiveness of a portion of their medical bills with the non-VA hospital where they received the emergency treatment, many veterans are without the financial resources to shoulder such a cost and are unaware that the VA would not be responsible for such emergency care. H.R. Rep. No. 111–55.

The 2010 Act amended section 1725 by striking the phrase ''in part'' from section 1725(b)(3)(C). It also removed state-mandated automobile insurance policies from the definition of ''health-plan contract.'' In chief, the effect of the 2010 amendments is that partial payment from a third party is not a bar to reimbursement under section 1725, assuming all of the other eligibility criteria are met; the third-party payment is only a bar to reimbursement if it fully extinguishes the veteran's personal liability. Thus, eligible veterans who receive only partial payment by the third party, including state-mandated automobile insurance, are eligible for VA payment or reimbursement of the unpaid portion of their emergency medical expenses, subject to the payment limitations added by that same law.

VA amended its regulations to comply with the 2010 Act. Relevant to this rulemaking, VA revised 38 CFR 17.1001(a)(5), 17.1002(g), and 17.1005(e) and (f). Section 17.1001(a)(5) was amended to remove state-mandated automobile insurance from the definition of ''health-plan contract.'' Section 17.1002(g) was amended to only prohibit reimbursement from VA if a third party extinguished the liability in whole, § 17.1005(e) was amended to establish a methodology to reimburse veterans when a third-party payment partially extinguished the veteran's liability, and § 17.1005(f) was promulgated to implement the limitation in 38 U.S.C. 1725(c)(4)(D) that VA may not reimburse any deductible, copayment, or similar payment that veterans owe to third parties. However, because the 2010 Act did not amend section 1725(b)(3)(B), pertaining to health-plan contracts, VA did not amend its corresponding regulation at § 17.1002(f) that bars reimbursement from VA if the veteran is entitled to either partial or full payment from a health-plan contract. Similarly, VA did not specify in § 17.1005(f) that it would not reimburse amounts for which the veteran is responsible under a health-plan contract because it was unnecessary to do so; consistent with VA's interpretation of the 2010 Act, reimbursement or payment continued to be barred if the veteran had coverage under a health-plan contract.

In *Staab* v. *McDonald,* 28 Vet. App. 50 (2016), the U.S. Court of Appeals for Veterans Claims (the Court) reversed a Board of Veterans' Appeals (the Board) decision denying a claim under section 1725. The Board had applied § 17.1002(f) to conclude that partial payment of the emergency treatment by the veteran's health-plan contract barred VA reimbursement. On appeal, the veteran challenged § 17.1002(f) as

inconsistent with section 1725. The Court agreed, and in a precedential decision, held invalid and set aside § 17.1002(f) and remanded the case.

In so doing, the Court interpreted section 1725(b)(3)(B) to bar reimbursement only if a veteran's health-plan contract would wholly extinguish the veteran's liability. In other words, the Court interpreted the 2010 amendments relating to payment by a third party to also apply to section 1725(b)(3)(B) relating to payment by health-plan contracts.

To reach this conclusion, the Court gave particular weight to sections 1725(c)(4) and (f)(3), which, in the Court's words, ''more broadly include health-plan contracts, including Medicare, in the category of a 'third party.' '' In addition, the Court reasoned that its interpretation was consistent with the overall purpose of section 1725, as amended, *i.e.,* to permit reimbursement when a veteran is personally liable to the provider of emergency treatment for the costs of such care. The purpose of this rulemaking is to amend the pertinent VA regulations to comply with the holding of this Court decision.

First, this interim final rule revises 38 CFR 17.1002(f). Section 17.1002 establishes the criteria that must be met for veterans to receive payment or reimbursement under 38 U.S.C. 1725 for emergency treatment for non-service-connected conditions at non-VA facilities. Specifically, current § 17.1002(f) bars reimbursement unless the veteran has, ''no coverage under a health-plan contract for payment or reimbursement, in whole or in part, for the emergency treatment.'' This rule revises the regulation to state that a veteran may be eligible for payment or reimbursement as long as the veteran does not have coverage under a health-plan contract that will fully extinguish the veteran's liability to the provider. This change reflects the Court's interpretation that partial coverage for the emergency treatment under a veteran's health-plan contract is not a bar to reimbursement under section 1725. Reimbursement is only barred if coverage under the health-plan contract wholly extinguishes the veteran's liability. We believe that this change comports with the holding of *Staab.* Because, in accordance with the Court's decision, VA will now provide payment or reimbursement on claims involving partial payment by a health-plan contract, we also amend § 17.1005 to specifically clarify that VA does not have authority to reimburse copayments or similar payment the veteran owes under a health-plan contract. As noted, in implementing the 2010 Act, we did not address specifically VA's authority to reimburse such amounts owed under a health-plan contract, because payment or reimbursement in that circumstance was wholly barred. We do so now, based on the Court's decision in Staab that a veteran is eligible for payment or reimbursement when there is a partial payment by a health-plan contract, to make clear that the prohibition in 38 U.S.C. 1725(c)(4)(D) (on VA reimbursing a veteran for any copayment or similar payment that the veteran owes a third party) applies to amounts owed by a veteran under a health-plan contract.

To clarify the applicability of this regulation change, judicial decisions invalidating a statute or regulation, or VA's interpretation of a statute or regulation, cannot affect prior final VA decisions. *See, Jordan* v. *Nicholson,* 401 F.3d 1296 (Fed. Cir. 2005); *Disabled American Veterans* v. *Gober,* 234 F.3d 682, 697–98 (Fed. Cir. 2000). Therefore, VA will not retroactively pay benefits for claims filed under § 17.1002(f) that were finally denied before April 8, 2016, the date of the *Staab* decision. In other words, VA can only apply the new § 17.1002(f) to claims pending on or after April 8, 2016. We note that all claims under § 17.1002(f) involving partial payment from a health-plan contract pending on April 8, 2016, or filed on or after April 8, 2016, have been held in abeyance pending the publication of this interim final rule. Therefore, all such § 17.1002(f) claims will be processed using the regulatory revisions published in this rule.

Second, this interim final rule revises 38 CFR 17.1003 related to emergency transportation to be consistent with our interpretation that the exercise of VA's authority under 38 U.S.C. 1725 should result in veterans' liability to providers of emergency treatment being extinguished, except for deductibles, copayments, coinsurance, or other similar payments owed by the veteran for which VA is barred from reimbursing under 38 U.S.C. 1725(c)(4)(D), as described above. Although section 1725 does not specifically authorize payment for emergency transportation, it authorizes payment for ''emergency treatment'' as defined in section 1725(f)(1). VA has interpreted the phrase ''emergency treatment'' in section 1725(f)(1) to include emergency transportation if the transportation is provided as part of the emergency medical treatment administered at the non-VA facility. Current § 17.1003 authorizes VA to provide payment or reimbursement under 38 U.S.C. 1725 for ambulance services (including air ambulance services) for transporting a veteran to a non-VA facility if certain criteria are met. We amend § 17.1003(a), (c), and (d) and create a new paragraph (e) for the following reasons.

The current regulation states that VA will pay for emergency transportation if ''[p]ayment or reimbursement is authorized under 38 U.S.C. 1725 for emergency treatment provided at [a non-VA] facility (or payment or reimbursement could have been authorized under 38 U.S.C. 1725 for emergency treatment if death had not occurred before emergency treatment could be provided).'' We have historically interpreted this paragraph to authorize reimbursement for emergency transportation only if VA approves and makes actual payment on the claim for the emergency treatment provided at the non-VA facility. The reason for this interpretation was that the emergency transportation was considered part of (not apart or distinct from) the claim for emergency treatment. If VA reimbursement was not authorized for the emergency treatment, reimbursement was not authorized separately for the emergency transportation (in other words, payment on the main treatment claim was essentially a condition precedent).

Under current § 17.1003(a), this results in denials of claims for reimbursement for the costs of emergency transportation when a third-party payment satisfies the claim for emergency medical treatment, despite the transportation claim meeting the other criteria for reimbursement by VA under 38 U.S.C. 1725. So if the veteran does not have any remaining liability for the treatment provided at the non-VA facility due to satisfaction of the treatment claim by a third party, VA denies that veteran's claim for reimbursement of the emergency treatment and, in turn, reimbursement is not be authorized for their emergency transportation. In practice then, application of VA's existing regulations is in tension with VA's view that emergency transportation is part of emergency treatment. If VA's sole basis to deny a transportation claim is satisfaction by a third party of the related emergency treatment claim, even if that transportation claim meets all of the other requirements for reimbursement under 38 U.S.C. 1725, VA is, in effect, treating the emergency transportation claim differently than the related emergency treatment claim.

To address this, we now revise § 17.1003(a). As amended, § 17.1003(a) authorizes reimbursement for emergency transportation even if the veteran is ineligible to receive

reimbursement or payment for the emergency treatment, if the reason for that ineligibility is that the veteran is not personally liable for the emergency treatment due to satisfaction of the treatment claim by a third party, including a health-plan contract. We note that the veteran is still required to be personally liable for the emergency transportation as established in paragraphs (b)–(e) of the regulation. For example, if a veteran has Medicare insurance and the Medicare payment fully extinguishes the veteran's liability for the emergency treatment but does not cover the costs of emergency transportation, under the prior regulation, VA was not permitted to reimburse or pay for the emergency transportation because there was no remaining liability for the treatment. However, under the revised regulation, the veteran will be eligible to receive reimbursement or payment for the emergency transportation, aside from deductibles, copayments, or other similar payments owed by the veteran, as described above, assuming all the other eligibility criteria of that section are met.

Therefore, we amend § 17.1003(a) by retaining the general criteria that payment or reimbursement must be authorized under section 1725 for emergency treatment provided at a non-VA facility, but we remove the parenthetical and instead list out the two exceptions for when payment does not have to be authorized in order for the veteran to be eligible for reimbursement: Paragraph (a)(1) says that payment does not have to be authorized for the emergency treatment if the veteran has no remaining liability for the emergency treatment because prior payment by non-VA, third party, sources extinguished the veteran's liability, and paragraph (a)(2) contains the language in the current parenthetical that authorization is not required if death occurred prior to when the treatment could have been provided.

While not directly compelled by the Court's decision, this interim final rule also amends paragraphs (c) and (d) of § 17.1003. These changes are necessitated by the Court's holding when read in concert with VA's longstanding unchanged regulatory interpretation that emergency transportation is an integral part of emergency treatment, as discussed above. Otherwise, current § 17.1003 would operate in a manner that counteracts the changes to § 17.1002(f) made by this rulemaking. Paragraphs (c) and (d) are therefore revised to allow veterans to receive reimbursement or payment for emergency transportation even if they receive partial payment under a health-plan contract or from a third party for the emergency transportation. We revise paragraph (c) to state that a veteran may be eligible for payment or reimbursement if the veteran does not have coverage under a health-plan contract that will fully extinguish the veteran's liability to the provider. Similarly, we revise paragraph (d) by stating that the veteran may be eligible if the veteran has no contractual or legal recourse against a third party that could reasonably be pursued for the purpose of fully extinguishing the veteran's liability to the provider.

We also amend § 17.1003 by creating a new paragraph (e). Paragraph (e) states separately the requirement that was formerly in paragraph (c) that to be eligible for reimbursement or payment for emergency transportation, the veteran cannot be eligible for reimbursement for emergency treatment under 38 U.S.C. 1728. This requirement was moved for clarity so that each distinct requirement is located in a separate paragraph.

Third, this interim final rule revises § 17.1005 pertaining to the payment methodologies and limitations used to calculate payment and reimbursement for claims filed under section 1725. Currently, § 17.1005(e) sets forth VA's payment methodology when a veteran has contractual or legal recourse against a third party whose payment only partially extinguishes the veteran's liability to the provider of emergency treatment. This provision was originally drafted to address only third party situations described in section 1725(b)(2)(C), as interpreted before the Court decision. If VA applies the methodology in current § 17.1005(e) to claims involving partial payments under a health-plan contract, it is likely that partial payment under a veteran's health-plan contract will exceed the maximum amount that VA can pay based on the current payment limitation. (Section 1725(c)(1) requires VA to establish the maximum amount that can be paid on claims under section 1725(a); for eligible claims where a third party has already or will make partial payment, the law still requires the VA payment not to exceed that maximum amount.) For this reason, these veterans would in most cases be liable to the provider for the remaining charges.

We underscore that the payment limitation in § 17.1005 was derived based on an understanding of how payers in the health care industry establish payment rates and then VA deliberately reduced the maximum payable amount to reflect Congress' original purpose in enacting section 1725(c)(1), ensuring that providers had incentive to seek other sources of payment before pursuing payment from the government. The limitation, which remains today, was not intended to apply to claims involving partial payments made under a health-plan contract because current § 17.1002(f) bars reimbursement in that circumstance. This is why partial payments made under a health-plan contract will exceed VA's current maximum payment limitation and why applying the current maximum in all instances would result in VA not making payments in most cases where there is payment under a health-plan contract. Applying the current maximum in all cases would thus be at cross purposes with the other proposed amendments requiring VA to exercise its authority under 38 U.S.C. 1725 when there is partial payment by a health-plan contract.

(This is not to say that this cannot, or has not, occurred in connection with claims involving partial payment by a third party other than a health-plan contract. In those cases, however, the amount of the partial payment typically does not exceed the amount that VA can pay under the statute and § 17.1005(e), *e.g.,* partial payments made by state-mandated automobile reparations insurance carriers, and so VA's authorized payments generally succeed in extinguishing these veterans' remaining personal liability to their providers. In cases where the third-party payment exceeded VA's payment limits, VA believes that veterans with remaining liability simply declined to file claims with VA.)

VA believes that claims properly authorized for payment or reimbursement under 38 U.S.C. 1725 should invariably extinguish the veterans' liability to the provider, aside from any deductibles, copayments, or other similar payments owed by the veteran to a third party or under a health-plan contract as required by law. This includes claims where partial payment is made by a third-party under a health-plan contract. This is why amending the methodology in § 17.1005(e) to ensure VA can make a payment on claims involving partial payment under a health-plan contract is an essential logical outgrowth of the Court's decision and consistent with the other amendments made by this rulemaking. Otherwise, this rulemaking will merely amend § 17.1002(f), in accordance with the Court decision, without providing an effective mechanism to ensure its complete, successful, timely, and practical application. As explained below, any

payment by VA, if accepted by the provider and not rejected and refunded within 30 days from the date of receipt, extinguishes the remainder of the veteran's liability, thereby ensuring VA is responsible for the remainder of the veteran's liability instead of the veteran.

We revise paragraph (a) and remove paragraphs (e) and (f) so that paragraph (a) now addresses, in one place, all reimbursement and payment methodologies applicable to claims approved under section 1725.

As revised, paragraph (a)(1) establishes the payment methodology to be used when VA is the sole payer on the claim. This includes situations when a veteran does not have coverage for the treatment under a health-plan contract and does not have any other legal or contractual recourse against a third party for payment of the emergency treatment expenses. Historically, this payment methodology was established in paragraph (a) and provided that VA would pay the lesser of the amount for which the veteran is personally liable or 70 percent of the amount under the applicable Medicare fee schedule rate, an amount that VA and Congress believed would ensure providers still had sufficient incentive to pursue reimbursement from other liable parties before seeking reimbursement from VA. This paragraph is revised merely to clarify that it is applicable when the veteran is the sole payer and is not eligible to receive partial payment from a third party, to include under a health-plan contract. Paragraph (a)(1) now states that where an eligible veteran has personal liability to a provider of emergency treatment and has no contractual or legal recourse against a third party, to include under a health-plan contract, VA will pay the lesser of the amount for which the veteran is personally liable or 70 percent of the applicable Medicare fee schedule rate.

New paragraph (a)(2) applies in cases where VA will be the secondary payer because the veteran is entitled to partial payment under a health-plan contract or has other legal or contractual recourse against a third party that results in partial payment of the emergency treatment costs. Paragraph (a)(2)(i) requires VA to pay according to the current methodology, which is the difference between the amount VA would have paid under paragraph (a)(1) for the cost of the emergency treatment and the amount paid or payable by the third party. However, that provision will apply only when the amount calculated under paragraph (a)(2)(i) is greater than zero, meaning that VA is authorized to make a payment to extinguish the veteran's liability. If the payment amount calculated under paragraph (a)(2)(i) would be zero and the veteran has remaining liability to the provider, VA is adopting an alternative method to ensure we can make payment and extinguish each veteran's personal liability. If the amount paid under paragraph (a)(2)(i) would be zero, therefore, the payment method in paragraph (a)(2)(ii) will apply. Paragraph (a)(2)(ii) requires VA to pay the lesser of the remainder of the veteran's personal liability after payment is made by the third party (or health-plan contract) or 70 percent of the applicable Medicare fee schedule amount for the care provided. Similar to paragraph (a)(1), if the veteran's remaining liability under paragraph (a)(2)(ii) is less than the 70 percent of the applicable Medicare fee schedule amount, VA's payment will equal the amount of the veteran's liability, and the veteran will have no personal liability for the treatment expenses. If the lesser amount is the applicable Medicare rate, VA will pay that rate, even if the amount billed by the provider is higher, and acceptance of the VA payment by the provider will extinguish the remainder of the veteran's liability. This methodology sets an appropriate ''cap'' on VA's payment to ensure providers have sufficient incentive to pursue the primary sources of payment while also ensuring that VA has an opportunity to make a payment which, if accepted by the provider, extinguishes the veteran's liability. This is consistent with section 1725(a)(1), which requires VA to reimburse a veteran for the reasonable value of the emergency treatment furnished to the veteran, and section 1725(c)(1)(A), which requires VA to establish the maximum amount payable under subsection (a); the application of the Medicare fee schedule represents the Federal government's standard for what constitutes appropriate payment amounts under the law.

Paragraph (a)(3) establishes an alternative methodology to use when there is no applicable Medicare Fee Schedule rate for the emergency services provided. In such cases, we will use the amount already established in our own fee schedule, under 38 CFR 17.56(a)(2)(i)(B). This is necessary to ensure that all potential emergency services are covered by this rule.

Paragraph (a)(4) is similar to current paragraph (e)(3). It states that the provider will consider payments under this section as payment in full and extinguish the veteran's liability to the provider. In other words, if the provider accepts and does not timely refund VA's payment, under either paragraph (a)(1), (a)(2), or (a)(3), the provider must consider the payment as payment in full and the provider cannot submit additional charges to the veteran for payment. 38 U.S.C. 1725(c)(4)(C). In addition, paragraph (a)(4) includes a parenthetical that explains that neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the paragraph. The ability of the provider to reject and refund VA payment within 30 days from the date of receipt and the parenthetical at the end of the paragraph are both included in order to clarify the rights and responsibilities under this paragraph which are established in section 1725(c)(3).

Paragraph (a)(5) restates current paragraph (f), clarifying that VA will not reimburse a claimant under this section for any deductible, copayment, coinsurance, or similar payment that the veteran owes the third party or is obligated to pay under a health-plan contract. This is consistent with 38 U.S.C. 1725(c)(4)(D), which, as noted above prohibits VA from reimbursing a veteran for any copayment or similar payment that the veteran owes a third party or for which the veteran is responsible under a health-plan contract.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this interim final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Administrative Procedure Act

In accordance with 5 U.S.C. 553(b)(3)(B) and (d)(3), the Secretary of Veterans Affairs has concluded that there is good cause to publish this rule without prior opportunity for public comment and to publish this rule with an immediate effective date. As explained above, in a precedential decision, the Court invalidated 38 CFR 17.1002(f), holding that partial payment from a health-plan contract was not a bar to reimbursement by VA for emergency treatment rendered for a non-service-connected condition at a non-VA facility. This means VA is required to process all pending, non-

final claims where veterans receive(d) partial payment from health-plan contracts, assuming all the other requirements of 38 U.S.C. 1725 are met.

VA initially disagreed with the Court's decision. It unsuccessfully sought reconsideration of the decision in 2016 and ultimately the Government appealed the Court decision to the U.S. Court of Appeals for the Federal Circuit (Court of Appeals). At the start of VA's efforts to obtain reversal of the decision in 2016, VA necessarily starting holding in abeyance all affected claims. As of September 29, 2017, VA is holding almost 822,000.

While the appeal was pending before the Court of Appeals, VA made the decision in 2017 to withdraw its appeal and to proceed with rulemaking and then the processing of claims being held in abeyance. The Government's appeal unavoidably delayed processing of these claims, and the additional time associated with a public comment period would cause further delay, which VA believes would cause hardship to veterans and is contrary to the public interest.

As explained above, VA's current payment methodology would typically result in partial payments under health-plan contracts exceeding VA's maximum allowable amount, leaving many, if not most, veterans' still financially liable to their providers for the remaining costs of their emergency treatment. Merely revising § 17.1002(f) to implement the Court decision without, at the same time, amending the payment methodology to avoid this undesired result would, for all practical purposes, result in unsound, ineffective, incomplete rulemaking. We would provide the right to payment without the means by which to achieve the goal in practice. Public interest therefore compels concomitant revisions be made to the payment methodology.

Similarly, as explained above, under current regulations, there are circumstances wherein VA must deny otherwise eligible claims for reimbursement solely because of satisfaction of the related treatment claim by a third-party payer. VA believes this is inconsistent with our interpretation of 38 U.S.C. 1725, particularly our view that emergency transportation is part and parcel of emergency treatment, and VA believes that failing to remedy that would be contrary to the public interest because it would also result in veterans receiving no reimbursement, causing financial hardship for veterans.

During recent confirmation hearings for the Secretary of the Department, Senator Rounds expressed frustration that VA had not originally complied with the amendments to section 1725 made by the Emergency Care Fairness Act (ECFA) (2010), and he criticized VA for waiting for 6 years until it received the adverse Court decision to change its interpretation of section 1725 to accord with the Congressional drafters original intent. See Congressional Record, November 30, 2016, pages S6609–S6610. As part of his comments, the Senator noted that most affected by VA's failure to implement the ECFA amendments as originally intended (and confirmed by the Court decision) mostly affected elderly veterans, many of whom live on fixed incomes and have limited financial resources to pay medical bills. *Id.* He provided anecdotal evidence of veterans being pursued for payment of these expenses by collection agencies while these claims have been held in abeyance. *Id.* He also expressed additional concern that this situation may be playing into the high rate of veteran suicide among elderly veterans and so simply found VA's holding of claims to be unacceptable. *Id.* In response, the Secretary assured the Senator, the Committee, and the general public at large that VA would act quickly to rectify this situation and get these claims processed.

Even before this, in December 2016, Senator Rounds and 21 other Senators wrote the Department expressing these same concerns, with the additional concern that these veteran-claimants may not seek needed care in the future out of fear of incurring additional medical bills.

In addition, the public record, *e.g.,* articles by USA Today, Stars and Stripes, etc., Veterans Service Organizations, and social media, includes reports readily available on the internet about the Court decision as well as follow-up stories tracking VA's actions. They convey a collective sense of concern for claimants who are still experiencing continued delays in getting their claims processed.

For these reasons, good cause exists to publish this rule without prior opportunity for public comment and to publish this rule with an immediate effective date. Thus, the Secretary issues this rule as an interim final rule. VA will consider and address comments that are received within 60 days of the date this interim final rule is published in the **Federal Register**.

Paperwork Reduction Act

This interim final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this interim final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. It will not directly affect any small entities as they are defined under the Act. Therefore, pursuant to 5 U.S.C. 605(b), this interim final rule will be exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' which requires review by the Office of Management and Budget (OMB), as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined and OMB has determined to be an economically significant regulatory action because it will have an annual effect on the economy of $100 million or more. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48

hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for VA Regulations Published from FY 2004 through FYTD. This rule is not subject to the requirements of E.O. 13771 because this rule results in no more than *de minimis* costs.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This interim final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.005, Grants to States for Construction of State Home Facilities; 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.011, Veterans Dental Care; 64.012, Veterans Prescription Service; 64.013, Veterans Prosthetic Appliances; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.016, Veterans State Hospital Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on July 14, 2017, for publication.

Dated: January 4, 2018.

Michael Shores,

Director, Regulation Policy & Management, Office of the Secretary Department of Veterans Affairs.

For the reasons set out in the preamble, VA amends 38 CFR part 17 as set forth below:

PART 17—MEDICAL

■ 1. The general authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

* * * * *

■ 2. Amend § 17.1002 by revising paragraph (f) to read as follows:

§ 17.1002 Substantive conditions for payment or reimbursement.

* * * * *

(f) The veteran does not have coverage under a health-plan contract that would fully extinguish the medical liability for the emergency treatment (this condition cannot be met if the veteran has coverage under a health-plan contract but payment is barred because of a failure by the veteran or the provider to comply with the provisions of that health-plan contract, *e.g.,* failure to submit a bill or medical records within specified time limits, or failure to exhaust appeals of the denial of payment);

* * * * *

■ 3. Amend § 17.1003 by:
■ a. Revising paragraphs (a), (c), and (d).
■ b. Adding paragraph (e).

The revisions and addition read as follows:

§ 17.1003 Emergency transportation.

* * * * *

(a) Payment or reimbursement is authorized under 38 U.S.C. 1725 for emergency treatment provided at a non-VA facility, or payment or reimbursement would have been authorized under 38 U.S.C. 1725 for emergency treatment had:

(1) The veteran's personal liability for the emergency treatment not been fully extinguished by payment by a third party, including under a health-plan contract; or

(2) Death had not occurred before emergency treatment could be provided;

* * * * *

(c) The veteran does not have coverage under a health-plan contract that would fully extinguish the medical liability for the emergency transportation (this condition is not met if the veteran has coverage under a health-plan contract but payment is barred because of a failure by the veteran or the provider to comply with the provisions of that health-plan contract);

(d) If the condition for which the emergency transportation was furnished was caused by an accident or work-related injury, the claimant has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such transportation; and the veteran has no contractual or legal recourse against a third party that could reasonably be pursued for the purpose of fully extinguishing the veteran's liability to the provider; and

(e) If the veteran is not eligible for reimbursement for any emergency treatment expenses under 38 U.S.C. 1728.

* * * * *

■ 4. Amend § 17.1005 by:
■ a. Revising paragraph (a).
■ b. Removing paragraph (e).
■ c. Removing paragraph (f).

The revisions read as follows:

§ 17.1005 Payment limitations.

(a) Payment or reimbursement for emergency treatment (including emergency transportation) under 38 U.S.C. 1725 will be calculated as follows:

(1) If an eligible veteran has personal liability to a provider of emergency treatment and no contractual or legal recourse against a third party, including under a health-plan contract, VA will pay the lesser of the amount for which the veteran is personally liable or 70 percent of the applicable Medicare fee schedule amount for such treatment.

(2) If an eligible veteran has personal liability to a provider of emergency treatment after payment by a third party, including under a health-plan contract, VA will pay:

(i) The difference between the amount VA would have paid under paragraph (a)(1) of this section for the cost of the emergency treatment and the amount paid (or payable) by the third party, if that amount would be greater than zero, or;

(ii) If applying paragraph (a)(2)(i) of this section would result in no payment by VA, the lesser of the veteran's remaining personal liability after such third-party payment or 70 percent of the applicable Medicare fee schedule amount for such treatment.

(3) In the absence of a Medicare fee schedule rate for the emergency treatment, VA payment will be the lesser of the amount for which the veteran is personally liable or the amount calculated by the VA Fee Schedule in § 17.56 (a)(2)(i)(B).

(4) Unless rejected and refunded by the provider within 30 days from the date of receipt, the provider will consider VA's payment made under paragraphs (a)(1), (a)(2), or (a)(3) of this section as payment in full and extinguish the veteran's liability to the provider. (Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.)

(5) VA will not reimburse a veteran under this section for any copayment, deductible, coinsurance, or similar payment that the veteran owes the third party or is obligated to pay under a health-plan contract.

* * * * *

[FR Doc. 2018–00232 Filed 1–8–18; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

eInduction Option, Seamless Acceptance Program, and Full-Service Automation Option, Verification Standards

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to add verification standards for the *eInduction Option, Seamless Acceptance Program,* and *Full-Service Automation Option.*

DATES: Effective: March 5, 2018.

FOR FURTHER INFORMATION CONTACT: Heather Dyer at (207) 482–7217, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: The Postal Service published a notice of proposed rulemaking on October 31, 2017, (82 FR 50346–50348) to add the verification standards for the eInduction Option, Seamless Acceptance Program, and Full-Service Automation Option, which included a 30-day comment period.

The Postal Service received 2 formal responses on the proposed rule, both of which included multiple comments.

Comments From the First Responder

Comment: When measuring compliance against the ''active version of the Mail Direction File'' during eInduction verifications, does a 30-day grace period apply?

Response: Yes. The effective Mail Direction File (MDF) is distributed among the industry and *PostalOne!* applications at the beginning of each month to ensure valid container entry acceptance. Each effective MDF also observes a 30 day grace period allowing consumers to confirm mail prepared for the subsequent mailing period. For mail that is prepared in the current mailing period, the effective MDF will provide a source of valid entry facilities that will accept mail within the prepared mailing period. For mail that is prepared in the subsequent mailing period, the effective MDF's grace period observations will provide a source of valid entry facilities that will accept mail with the prepared mailing period. At this time the USPS does not plan on changing any system processes with regards to logging errors for eInduction. If mailers believe that invalid errors are being logged they may be researched through the review process.

Comment: The Postal Service should consider removing eInduction assessment on undocumented containers for mailers that do not participate in Seamless Acceptance.

Response: At this time, the USPS does not plan on changing any system processes, including postage assessment for eInduction. If mailers believe that they have proof of payment for a container that received an undocumented error they may request a review.

Comments From the Second Responder

Comment: In reviewing the proposed DMM updates, there are several documents that are cross-referenced; these documents are not up to date.

Response: The recommended changes to USPS Publication 685 have been noted and will be addressed through a separate forum. Changes to DMM Section 602.5.2 were published in the Address Quality Census Measurement and Assessment Process final rule of October 24, 2017 (82 FR 49123–49128), and take effect on January 21, 2018. The USPS is working to update ''Publication 804—Drop Shipment Procedures for Destination Entry'' and ''Guide for Streamlined Mail Acceptance for Letters and Flats Reporting.''

Comment: We disagree with the method USPS has adopted to assess additional postage charged for logical mailers in the Full-Service Intelligent Mail program. Please explain why the method is not consistent across all Streamlined programs.

Response: At this time the USPS does not plan on changing the Full-Service assessment process for logical mailings. If a mailer is able to provide documentation supporting a reduction in assessment due to evidence of physical mailings during the review process it will be taken into consideration.

Comment: The Appeals Process outlined in the DMM Section 604.10.1.2 does not appear to be consistent with the process outlined in Publication 685.

Response: The Appeals Process for the eInduction, Full-Service, and Seamless Acceptance, programs are outlined in Section 6–3.3.3 PCSC Appeals of Publication 685. These programs are not covered by the timeline outlined in DMM Section 604.10.1.2. Mailers should work with their assessment reviewer to discuss the findings of the review and what type of documentation will be needed to file an appeal.

Comment: We have outlined the differences between the DMM and Publication 685; please utilize the same language for consistency.

Response: For each difference noted, changes to the DMM sections were made when applicable and appropriate. The recommended changes to Publication 685 have been noted and will be addressed through a separate forum.

In addition, the second responder had numerous comments that were determined to be beyond the scope of this final rule. The Postal Service will review and address these comments in a separate forum with the responder.

The Postal Service is amending DMM sections 705.20, *eInduction Option,* 705.22, *Seamless Acceptance Program,* and 705.23, *Full-Service Automation Option,* to add the applicable verification descriptions, error thresholds, and postage assessments, standards. These standards have been made available to the public via Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at *https://postalpro.usps.com,* which also contains additional information on the verification processes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM),

incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

***Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM)**

* * * * *

700 Special Standards

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

20.0 eInduction Option

20.1 Description

[Revise the fourth sentence of 20.1 to read as follows:]

* * * For additional information on the eInduction Option see Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at *https://postalpro.usps.com.*

* * * * *

[Add new subsection 20.5, Verifications, to read as follows:]

20.5 Verifications

The six eInduction option verification descriptions, error thresholds, and postage assessments, are provided in 20.5.1 through 20.5.6.

20.5.1 Undocumented (Extra) Containers Verification

An Undocumented Container error occurs when a scanned IMcb is not found in an eDoc, or is included in an eDoc and associated to a postage statement in estimated (EST) status. Containers will be flagged as Undocumented 10 days after the scan unload date/time if no eDoc has been uploaded or if the postage statement is still in EST status. The threshold is 0%. All errors will be subject to an assessment amount of the average postage paid for each container mailed by the eDoc submitter CRID over the current invoice period to the eDoc submitter CRID or CRID tied to the MID contained within the IMcb.

20.5.2 Payment Verification

All containers must be linked to a finalized postage statement in eInduction to verify payment. The error threshold is 0%. Payment Verification errors are logged when a scanned and accepted eInduction container is associated with a postage statement that is not in FIN or FPP status at the time of scanning. Containers above the error threshold will be subject to an assessment amount equal to the containers eDoc postage amount as indicated on the non-finalized postage statements. For Payment Errors logged on physical siblings of logical containers, the full postage of the logical container is charged to the first physical sibling container scanned. Any additional scans among other physical siblings will log errors, but will not result in an additional charge. Assessments will be logged against the eDoc submitter CRID.

20.5.3 Duplicate Verification

eInduction requires IMcbs to remain unique for 45 days. The error threshold is 0.17%. Duplicate errors are logged when an IMcb is scanned and accepted during more than one FAST appointment in the previous 45 days. Duplicate Errors are not logged if the duplicate scans take place within 5 hours of the original container scan. Errors above the threshold are subject to an assessment amount equal to the average postage paid for each container mailed by the eDoc submitter CRID over the invoice period.

20.5.4 Misshipped Verification

Containers claiming a destination entry discount must be delivered to the correct entry locations per the active version of the Mail Direction File. The Mail Direction File is active at the beginning of the month and includes a 30 day grace period into the following month. The error threshold is 1.05%. Misshipped errors are logged when the container is scanned at an incorrect entry location, per the Mail Direction File. Errors over the threshold are subject to an assessment amount equal to the difference between the eDoc postage claimed, and the correct postage amount for the container. For misshipped errors logged against physical siblings of logical containers, postage is recalculated on the logical container, and divided by the number of physical siblings. This amount is then applied to each physical sibling in error to the eDoc submitter CRID.

20.5.5 Zone Discount Verification

Pieces claiming a Zone Discount must be entered at the valid facility. The error threshold is 0.01%. Zone Discount errors are logged when one or more pieces on a container claim a lower entry zone than the zone calculated between the location where the container was entered, and the eDoc destination. Errors above the threshold are subject to an assessment amount equal to the difference between the eDoc postage claimed, and the correct postage amount for the container. For containers claiming a non-numeric Zone Discount in the eDoc, correct postage amount is calculated using the piece rate for the Entry Discount that is valid at the actual entry point for the mail class, shape, weight, mail prep, and presort identified in the eDoc. For Zone Discount errors logged against physical siblings of logical containers, postage is recalculated on the logical container, and divided by the number of physical siblings. This amount is then applied to each physical sibling in error to the eDoc submitter CRID.

20.5.6 Entry Point Discount (EPD) Verification

eInduction pieces are required to be entered at a valid facility when claiming a destination entry discount. The error threshold is 0.5%. EPD errors are logged when one or more pieces on a container claim an entry discount level that is not available at the location where the container was entered. Errors above threshold are subject to an assessment amount equal to the difference between the eDoc postage claimed and the correct postage amount for the container. For EPD errors logged against physical siblings of logical containers, postage is recalculated on the logical container, and divided by the number of physical siblings. This amount is then applied to each physical sibling in error to the eDoc submitter CRID.

* * * * *

22.0 Seamless Acceptance Program

22.1 Description

[Revise the second sentence of 22.1 to read as follows:]

* * * For additional information, on the Seamless Acceptance Program see Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at *https://postalpro.usps.com.*

* * * * *

[Add new subsection 22.4, Verifications, to read as follows:]

22.4 Verifications

The five seamless acceptance program verification descriptions, error thresholds, and postage assessments, are provided in 22.4.1 through 22.4.5.

22.4.1 Undocumented (Piece) Verification

An Undocumented error is logged when the IMb gathered during sampling or MPE scan cannot be linked to any eDoc submitted within the last 45 days. The error threshold is 0.3%. Pieces above the error threshold will be subject to an assessment amount equal to the average piece rate by mail class and CRID for the assessment month.

22.4.2 Delivery Point Verification

A valid delivery point must be provided in the piece IMb. The error threshold is 2%. Delivery Point errors are logged when the delivery point provided in the eDoc is either not valid, or contains a generic +4 information with an address record type that is not General Delivery. Errors above the threshold are subject to an assessment amount equal to difference between the eDoc piece postage and correct postage amount.

22.4.3 Nesting/Sortation (MPE) Verification

A Nesting/Sortation error is logged when the piece scanned is nested in a different tray or bundle than the tray or bundle that was identified in the eDoc. The error threshold is 1%. Errors above this threshold are subject to an assessment amount equal to the difference between the eDoc piece postage and the correct postage amount.

22.4.4 General Postage Adjustment Factor Verification

The Postage Adjustment Factor (PAF) is a method to apply an error rate determined from handheld scanner samplings to the entire population of mailings within a calendar month. PAF is calculated on a monthly basis and measures the difference between the correct postage and the postage paid, expressed as a ratio of the correct postage due to the sum of eDoc postage for the sampled pieces. General PAF is used for errors in Postage and Weight verifications. The General PAF threshold factor is 1.05 (5%). A mailer will only be subject to an assessment when the eDoc submitter has exceeded the PAF threshold in the current billing month and three or more times in the previous 11 billing months. The General PAF is applied to the total monthly eDoc postage for the eDoc submitter and assessments are issued to the eDoc submitter.

22.4.5 Mail Characteristic Postage Adjustment Factor Verification

The Mail Characteristic, Postage Adjustment Factor (PAF), is used for errors in the processing category, mail class, nonprofit eligibility and content. The threshold factor is 1.05 (5%). A mailer will only be subject to an assessment when the eDoc submitter has exceeded the Mail Characteristic PAF threshold in the current billing month and three or more times in the previous 11 billing months. The Mail Characteristic PAF is applied at the eDoc Submitter CRID level and is calculated using the adjusted and eDoc postage attributed to the Mail Owner.

* * * * *

23.0 Full-Service Automation Option

23.1 Description

[Revise the second sentence of 23.1 to read as follows:]

* * * For additional information on the full-service automation option see Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available on PostalPro at *http://postalpro.usps.com*.

* * * * *

[Add new subsection 23.6, Verifications, to read as follows:]

23.6 Verifications

The six full-service verification descriptions, error thresholds, and postage assessments, are provided in 23.6.1 through 23.6.6.

23.6.1 Mailer Identification (MID) Verification

The MID is a six- or nine-digit code included in the Intelligent Mail barcode suite, allowing identification of the party responsible for a mailpiece, handling unit, or container. A valid MID is one that is registered within the Postal Service systems and provided in the eDoc. The error threshold is 2% for the piece, handling unit, and container level. Errors over the threshold will be subject to an assessment amount equal to the removal of the full-service discount claimed for each piece in error above the threshold.

23.6.2 Service Type ID (STID) Verification

The STID is a three-digit code included in the IMb for a mailpiece to provide mail class and service level. The error threshold is 2%. Errors over the threshold will be subject to an assessment amount equal to the removal of the full-service discount claimed for each piece in error above the threshold.

23.6.3 By/For Verification

The By/For relationship recognizes the Mail Owner and Mail Service Provider in the eDoc. The error threshold is 5%. An error occurs when a valid Mail Preparer is not identified, a valid Mail Owner is not identified, Mail Preparer is incorrectly recorded as the Mail Owner, or the Mail Owner was previously identified as the Mail Preparer. Errors above the threshold are subject to an assessment amount equal to the removal of the full-service discount claimed for each piece in error above the threshold.

23.6.4 Barcode Uniqueness Verification

Barcode uniqueness is met when a barcode is unique across all mailers and mailings for 45 days. The error threshold is 2%. Errors occur when the IMcb, IMtb or IMb is not unique across all mailings from all mailers over the previous 45 days of the Postage Statement Mailing Date that was provided in the eDoc. Errors above the threshold are subject to an assessment equal to the removal of the full-service discount claimed for each piece in error above the threshold.

23.6.5 Entry Facility Verification

The entry facility location must be identified in the eDoc by a Locale Key or ZIP Code. The error threshold is 2%. Errors above the threshold are subject to an assessment amount of the full-service discount claimed for each piece in error above the threshold.

23.6.6 Unlinked Copal Verification

Mailings that will be copalletized must be identified in the original eDoc submission. It is a requirement that the consolidator provide documentation within 14 days of the mailing date of the original eDoc to properly identify the linkage of the trays or sacks to the container. The error threshold is 5%. Errors above the threshold are subject to an assessment amount equal to the full-service discount claimed.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2018–00005 Filed 1–8–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0154; FRL–9972–82–Region 9]

Approval of Nevada Air Plan Revisions, Washoe Oxygenated Fuels Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Nevada State Implementation Plan (SIP). This revision concerns emissions of carbon monoxide (CO) from passenger vehicles. We are approving the suspension of a local rule that regulated these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on February 8, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2017–0154. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Jeffrey Buss, EPA Region IX, (415) 947–4152, *buss.jeffrey@epa.gov*.

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

Table of Contents

I. Proposed Action

On August 31, 2017, the EPA proposed to approve an amendment to Washoe County District Board of Health (WCDBOH) Regulations Governing Air Quality Management Section 040.095, ''Oxygen Content of Motor Vehicle Fuel.'' This amendment suspends all requirements of Section 040.095, which implements Washoe County's oxygenated fuel program.[1] The WCDBOH amended Section 040.095 on October 24, 2013, and submitted the amendment to the EPA on March 28, 2014.[2]

We proposed to approve these provisions because we determined that they comply with relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received two comments, which were not specific to this action and thus are not addressed here.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is taking final action to approve the suspension of Section 040.095 as a revision to the Washoe County portion of the Nevada SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of Section 040.095 described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided they meet the criteria of the Clean Air Act. 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 (Public Law 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

[1] Under the Second 10-Year Maintenance Plan for the Truckee Meadows 8-Hour Carbon Monoxide Attainment Area, approved by the EPA August 30, 2016 (81 FR 59490), the WCDBOH may reinstate Section 040.095's oxygenated fuel program as a Tier 2 contingency measure in the event of a second, non-overlapping exceedance of the 8-hour CO standard within Washoe County.

[2] 82 FR 41386. The August 31, 2017 proposal misstated the date that the WCDBOH amended Section 040.095 as December 24, 2013.

[3] 62 FR 27968 (May 22, 1997).

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 12, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: December 21, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart DD—Nevada

■ 2. Section 52.1470 in paragraph (c), Table 7, is amended by revising the entry for ''040.095.''to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

TABLE 7—EPA-APPROVED WASHOE COUNTY REGULATIONS

District citation	Title/subject	District effective date	EPA approval date	Additional explanation
*	*	*	*	*
040.095	Oxygen Content of Motor Fuel.	10/24/13 (amended)	[Insert **Federal Register** citation],. 1/9/18	Previously approved at 73 FR 38124 (7/3/08). Submitted on 3/28/14. Suspends local motor fuel oxygenate requirement.
*	*	*	*	*

* * * * *

[FR Doc. 2018–00027 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2009–0436; A–1–FRL–9972–87–Region 1]

Air Plan Approval; Rhode Island; Enhanced Motor Vehicle Inspection and Maintenance Program; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the November 14, 2017 direct final rule approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. Rhode Island's SIP revision updates the enhanced motor vehicle inspection and maintenance (I/M) program in Rhode Island. This action is being taken in accordance with the Clean Air Act.

DATES: The direct final rule was published on November 14, 2017 (82 FR 52655), and is withdrawn effective January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Ariel Garcia, Air Quality Planning Unit, U.S. Environmental Protection Agency, New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone (617) 918–1660, facsimile (617) 918–0660, email *garcia.ariel@epa.gov.*

SUPPLEMENTARY INFORMATION: In the direct final rule, EPA stated that if adverse comments were submitted by December 14, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment prior to the close of the comment period and, therefore, is withdrawing the direct final rule. EPA also published a proposed rule on November 14, 2017 (82 FR 52682), stating that written comments must be received on or before December 14, 2017. However, EPA will institute an extended comment period for this action by publishing a notice of data availability.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Regional haze, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: December 20, 2017.

Ken Moraff,

Acting Regional Administrator, EPA New England.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendments to 40 CFR 52.2070 published in the **Federal Register** on November 14, 2017 (82 FR 52655), on pages 52663–52664 are withdrawn effective January 9, 2018.

[FR Doc. 2018–00134 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R06–UST–2017–0504; FRL–9968–29—Region 6]

Oklahoma: Final Approval of State Underground Storage Tank Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the State of Oklahoma's Underground Storage Tank (UST) program submitted by the State. EPA has determined that these revisions satisfy all requirements needed for program approval. This action also codifies EPA's approval of Oklahoma's state program and incorporates by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: This rule is effective March 12, 2018, unless EPA receives adverse comment by February 8, 2018. If EPA receives adverse comment, it will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of March 12, 2018, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: lincoln.audray@epa.gov.*

3. *Mail:* Audray Lincoln, Region 6, Project Officer, LUST Prevention/Corrective Action Section (6MM–XU), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

4. *Hand Delivery or Courier:* Deliver your comments to Audray Lincoln, Region 6, Project Officer, LUST Prevention/Corrective Action Section (6MM–XU), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–UST–2017–0504. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov,* or email. The Federal *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the documents that form the basis for this codification and associated publicly available materials from 8:30 a.m. to 4:00 p.m. Monday through Friday at the following location: EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–2239. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Audray Lincoln, (214) 665–2239, *lincoln.audray@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Audray Lincoln at (214) 665–2239.

SUPPLEMENTARY INFORMATION:

I. Approval of Revisions to Oklahoma's Underground Storage Tank Program

A. Why are revisions to state programs necessary?

States which have received final approval from the EPA under RCRA section 9004(b) of RCRA, 42 U.S.C. 6991c(b), must maintain an underground storage tank program that is equivalent to, consistent with, and no less stringent than the Federal underground storage tank program. When EPA makes revisions to the regulations that govern the UST program, states must revise their programs to comply with the updated regulations and submit these revisions to the EPA for approval. Changes to state UST programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to the EPA's regulations in 40 Code of Federal Regulations (CFR) part 280. States can also initiate changes on their own to their underground storage tank program and these changes must then be approved by EPA.

B. What decisions has the EPA made in this rule?

On January 25, 2017, in accordance with 40 CFR 281.51(a), Oklahoma submitted a complete program revision application seeking approval for its UST program revisions corresponding to the EPA final rule published on July 15, 2015 (80 FR 41566) which finalized revisions to the 1988 UST regulation and to the 1988 state program approval (SPA) regulation. As required by 40 CFR 281.20, the State submitted the following: A transmittal letter from the Governor requesting approval, a description of the program and operating procedures, a demonstration of the State's procedures to ensure adequate enforcement, a Memorandum of Agreement outlining the roles and responsibilities of the EPA and the implementing agency, a statement of certification from the Attorney General, and copies of all relevant state statutes and regulations. We have reviewed the

application and the revisions to Oklahoma's UST program are no less stringent than the corresponding federal requirements in subpart C of 40 CFR part 281 and the Oklahoma program provides for adequate enforcement of compliance (40 CFR 281.11(b)). Therefore, the EPA grants Oklahoma final approval to operate its UST program with the changes described in the program revision application, and as outlined below in Section I.G of this document. The Oklahoma Corporation Commission (OCC) is the lead implementing agency for the UST program in Oklahoma, except in Indian Country.

C. What is the effect of this approval decision?

This action does not impose additional requirements on the regulated community because the regulations being approved by this rule are already effective in the State of Oklahoma, and they are not changed by this action. This action merely approves the existing state regulations as meeting the federal requirements and renders them federally enforceable.

D. Why is EPA using a direct final rule?

The EPA is publishing this direct final rule without a prior proposed rule because we view this as a noncontroversial action and anticipate no adverse comment. Oklahoma did not receive any comments during its comment period when the rules and regulations being considered today were proposed at the state level.

E. What happens if the EPA receives comments that oppose this action?

Along with this direct final, the EPA is publishing a separate document in the ''Proposed Rules'' section of this **Federal Register** that serves as the proposal to approve the State's UST program revision, providing opportunity for public comment. If EPA receives comments that oppose this approval, EPA will withdraw the direct final rule by publishing a document in the **Federal Register** before the rule becomes effective. The EPA will base any further decision on the approval of the State program changes on the proposal to approve after considering all comments received during the comment period. EPA will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this approval, you must do so at this time.

F. For what has Oklahoma previously been approved?

On October 14, 1992, EPA finalized a rule approving the UST program submitted by Oklahoma in lieu of the Federal program. On January 18, 1996, EPA codified the approved Oklahoma program that is subject to EPA's inspection and enforcement authorities under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions.

G. What changes are we approving with this action?

In order to be approved, the program must provide for adequate enforcement of compliance as described in 40 CFR 40 CFR 281.11(b) and part 281, Subpart D. The OCC has broad statutory authority to regulate the installation, operation, maintenance, closure of USTs, and UST releases under Oklahoma Statutes (2016), Title 27A, Chapter 1, Article III, Section 1–3–101(E)(5)(b), Responsibilities and Jurisdiction of Environmental Agencies; Oklahoma Statutes (2016), Title 17, Chapter 3, Section 52(A)(k)(5) Corporation Commission Jurisdiction; Oklahoma Statutes (2016), Title 17, Chapter 14, Oklahoma Underground Storage Tank Regulation Act Sections 301 through 340; Oklahoma Statutes (2016), Title 17, Chapter 15, Oklahoma Petroleum Storage Tank Release Indemnity Program Sections 350 through 365; and Oklahoma Statutes (2016), Title 52, Chapter 5, Inspections Sections 321 through 347.

Specific authorities to regulate the installation, operation, maintenance, closure of USTs, and UST releases are found under Oklahoma Administrative Code, as amended effective August 25, 2016, Chapter 5, Rules of Practice; Oklahoma Administrative Code, as amended effective August 25, 2016, Chapter 15, Fuel Inspection; Oklahoma Administrative Code Chapter 25, Underground Storage Tanks; Oklahoma Administrative Code, as amended effective August 25, 2016, Chapter 27, Indemnity Fund; and Oklahoma Administrative Code, as amended effective August 25, 2016, Chapter 29, Corrective Action of Petroleum Storage Tank Releases. The aforementioned regulations satisfy the requirements of 40 CFR 281.40 and 281.41.

Oklahoma's Petroleum Storage Tank Division (PSTD) provides notice and opportunity for public comment on all proposed settlements of civil enforcement actions, except where immediate emergency action is necessary to adequately protect human health, safety, and the environment. The PSTD investigates and provides responses to citizen complaints about violations. Additionally, the PSTD does not oppose citizen intervention when permissive intervention is allowed by statute, rule or regulation. Requirements for public participation can be found in the OCC's Chapter 25 UST rules (165:25–1–26.2) and 17 Oklahoma Statute, Section 313 allows OCC to furnish information to EPA when requested. Oklahoma has met the public participation requirements found in 40 CFR 281.42.

To qualify for final approval, a state's program must be ''no less stringent'' than the federal program in all elements of the revised EPA final rule published on July 15, 2015 (80 FR 41566). EPA added new operation and maintenance requirements and addressed UST systems deferred in the 1988 UST regulation. The changes also added secondary containment requirements for new and replaced tank and piping, operator training requirements, periodic operation and maintenance requirements for UST systems, requirement to ensure UST system compatibility before storing certain biofuel blends. It removed past deferrals for emergency generator tanks, field constructed tanks and airport hydrant systems.

The OCC made updates to their regulations to ensure that they were no less stringent than the federal regulations which were revised on July 15, 2015 (80 FR 41566). 40 CFR 281.30 through 281.39 contains the ''no less stringent than'' criteria that a state must meet in order to have its UST program approved. In the State's application for approval of its UST program, the Oklahoma Attorney General certified that it meets the requirements listed in 40 CFR 281.30 through 281.39. EPA has relied on this certification in addition to the analysis submitted by the State in making our determination. For further information on EPA's analysis of the State's application, see the chart in the Technical Support Document (TSD) contained in the docket for this rulemaking. The corresponding state regulations are as follows:

40 CFR 281.30 lists the federal requirements for new UST system design, construction, installation, and notification with which a state must comply in order to be found to be no less stringent than federal requirements. Parts 1 and 2 of Chapter 25 of Title 165 of the Oklahoma Administrative Code require that USTs be designed, constructed, and installed in a manner that will prevent releases for their operating life due to manufacturing

defects, structural failure, or corrosion and be provided with equipment to prevent spills and tank overfills when new tanks are installed or existing tanks are upgraded, unless the tank does not receive more than 25 gallons at one time. These parts also require UST system owners and operators to notify the implementing agency of any new UST systems, including instances where one assumes ownership of an existing UST.

40 CFR 281.31 requires that most existing UST systems meet the requirements of 281.30, are upgraded to prevent releases for their operating life due to corrosion, spills, or overfills, or are permanently closed. The rule lists two exceptions to these requirements. Parts 1 and 2 of Chapter 25 of Title 165 of the Oklahoma Administrative Code contain the appropriate requirements that UST systems be upgraded to prevent releases during their operating life due to corrosion, spills, or overfills.

40 CFR 281.32 contains the general operating requirements that must be met in order for the State's submission to be considered no less stringent than the federal requirements. Parts 1, 2, and 3 of Chapter 5 of Title 165 of the Oklahoma Administrative Code contain the necessary general operating requirements required by 40 CFR 281.32.

40 CFR 281.33 contains the requirements for release detection that must be met in order for the State's submission to be considered no less stringent than federal requirements. Parts 1 and 3 of Chapter 25 of Title 165 of the Oklahoma Administrative Code contain the necessary requirements for release detection as required by 40 CFR 281.33.

40 CFR 281.34 contains the requirements for release reporting, investigation, and confirmation that must be met in order for the State's submission to be considered no less stringent than federal requirements. Part 3 of Chapter 25 of Title 165 and Part 3 of Chapter 29 of Title 165 contain the necessary requirements as required by 40 CFR 281.34 for release reporting, investigation, and confirmation.

40 CFR 281.35 contains the requirements for release response and corrective action that must be met in order for the State's submission to be considered no less stringent than federal requirements. Part 3 of Chapter 29 of Title 165 of the Oklahoma Administrative Code contains the required provisions as listed in 40 CFR 281.35 for release response and corrective action.

40 CFR 281.36 contains the requirements for out of service UST systems and closures that must be met in order for the State's submission to be considered no less stringent than federal requirements. Parts 1 and 2 of Chapter 25 or Title 165 in the Oklahoma Administrative Code contain the necessary requirements as listed in 40 CFR 281.36 for out of service UST systems and closures.

40 CFR 281.37 contains the requirements for financial responsibility for UST systems containing petroleum that must be met in order for the State's submission to be considered no less stringent than federal requirements. Part 2 of Chapter 25 of Title 165 and Parts 1 and 7 of Chapter 27 of Title 165 of the Oklahoma Administrative Code contain the necessary requirements as listed in 40 CFR 281.37 for financial responsibility for UST systems.

40 CFR 281.38 contains the requirements for lender liability that must be met in order for the State's submission to be considered no less stringent than federal requirements. Part 1 of Chapter 25 of Title 165 of the Oklahoma Administrative Code contains the requirements for lender liability as listed in 40 CFR 281.38.

40 CFR 281.39 contains the requirements for operator training that must be met in order for the State's submission to be considered no less stringent than federal requirements. Part 1 of Chapter 25 of Title 165 of the Oklahoma Administrative Code contains the requirements for operator training as required by 40 CFR 281.39.

H. Where are the revised rules different from the Federal rules?

Broader in Scope Provisions

The following statutory and regulatory provisions are considered broader in coverage than the federal program:

Oklahoma requires that all regulated UST systems currently in use must have a valid permit issued by the Oklahoma Corporation Commission (OCC) Petroleum Storage Tank Division (PSTD) before fuel can be dispensed. Permits are issued after the UST system is installed and the PSTD Registration Form, containing the original signatures of the Licensed UST Installer and the owner has been submitted and approved by PSTD, and the registration permit fee is paid. In order for owners to comply with the law and gain access to the Oklahoma Petroleum Storage Tank Release Indemnity Fund (''Indemnity Fund'') should a release occur during the installation of a regulated UST, a scheduling form must be submitted and a temporary authorization letter allowing fuel to be placed in the UST for testing purposes only must be issued before fuel can be delivered into the UST. If a release occurs during installation and a temporary authorization letter was not issued, the owner will not be eligible for access to the Indemnity Fund. (17 Okla. Stat. Section 308; OAC 165:25–1–42)

Oklahoma requires UST Installers, Removers, and Groundwater and Vapor Monitoring Technicians must provide proof of at least 2 years of work experience in *active participation* installing, removing or monitoring storage tanks and must pass a written examination in order to be licensed by PSTD.

Environmental Consultants must have 7 years environmental experience with at least 2 of those years of experience at regulated storage tank facilities, provide evidence of attending 40 hours of OSHA HAZWOPER training, provide evidence of successful completion of a PSTD-approved Risk Based Corrective Action course (16 hours of risk assessment/risk analysis and 8 hours hands on computer training with appropriate software); and pass an examination in order to be licensed by PSTD.

Oklahoma requires UST Installers, UST Removers, Monitor Well Technicians, and UST Environmental Consultants must be licensed by PSTD (17 Okla. Stat. Section 318; OAC 165:25–1–101; OAC 165:25–1–102; OAC 165:25–1–103; OAC 165:29–3–90).

The State issues an authorization letter giving temporary approval to receive fuel. The statute found at 17 O.S. Section 308 B states that ''no person shall deposit a regulated substance into a storage tank system unless the system is operating pursuant to a permit issued by the Commission.'' The definition of a permit at 17 O.S. Section 303.22 states that it can be a registration, permit, license, or other authorization issued by the Commission to operate a storage tank system. In order to register a tank and obtain a ''valid permit'' the installation testing of the tank, lines, and leak detectors must be submitted with the OCC Registration Form (OAC 165:25–1–42(b)).

In order for tank owners to be eligible for access to the indemnity fund, the Compliance and Inspection Department must receive documentation of the required installation testing. The OCC requires submittal of a tank installation scheduling form and the issuance of a temporary fuel authorization letter before fuel can be placed in a tank. This is required at any facility installing a new tank. The temporary fuel authorization letter will be sent to the tank owner giving 90-day approval for fuel to be placed in the tank before an

official tank permit is obtained. This letter is site specific and must be received for each new installation. At the completion of the new tank installation and within 30 days, an OCC tank registration form containing the original signatures of the licensed tank installer and tank owner must be submitted along with the required installation testing, photographs of the tank and piping system components before they are covered, as-built drawing of the entire tank system and manufacturer installation checklists. Once these items are received, a tank registration invoice will be issued and mailed to the owner address provided on the registration form.

Where an approved state program has a greater scope of coverage than required by federal law, the additional coverage is not part of the federally-approved program. 40 CFR 281.12(a)(3)(ii).

More Stringent Provisions

The following statutory and regulatory provisions are considered more stringent in coverage than the federal program:

Oklahoma requires all UST systems installed after July 1, 2008, must be double walled and use interstitial monitoring for release detection for tanks and/or piping. (OAC 165:25–3–6.21)

Oklahoma states a drop tube with overfill device is required on all UST systems installed after July 1, 2001. Tanks installed prior to July 1, 2001 must be upgraded to meet this standard before July 1, 2002, unless equipped with an operational ball float overfill device. A demonstration to prove an existing ball float device is operational and functioning properly is required annually. If found inoperable it must be replaced with a drop tube with flapper valve. (OAC 165:25–2–39)

Oklahoma requires a mechanism to prevent overfilling by sounding an alarm when the liquid level in the tank reaches 90 percent of capacity and automatically stops the delivery of liquid to the tank when the level in the tank reaches 95 percent of capacity. (OAC 165:25–2–39)

Oklahoma requires new product lines must be hydrostatically tested by a NWGLDE approved testing device capable of detecting a leak of 0.10 gallons per hour with a test pressure of 50 psi or 1½ times the operating pressure, whichever is greater. The product lines must be tested for a minimum of one hour regardless of the test method. (OAC 165:25–2–40)

Oklahoma requires that owners and operators of all underground storage tank systems must notify PSTD at least 14 days prior to the removal or closure of underground storage tanks and/or lines by submitting a PSTD scheduling form and receiving confirmation of the scheduled removal from PSTD. An authorized agent of PSTD may be present to observe the removal and to inspect the closed tank system and surrounding environment prior to backfilling. A PSTD Licensed UST Remover must be on the job site during all removal activities, beginning with break-out of concrete. (OAC 165:25–2–131)

Oklahoma requires owners and operators who use Statistical Inventory Reconciliation (SIR) for release detection for their UST must also conduct inventory control to detect a release of at least 1.0 percent of flow-through plus 130 gallons every 30 days. Deliveries, withdrawals and balance remaining must be recorded each operating day on a PSTD Inventory Reconciliation Form or an electronic equivalent and must be reconciled. The regulated substance inputs must be reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery. Statistical Inventory Reconciliation analysis reports must include a summary report of the quantitative results and must include copies of all inventory reconciliation forms. (OAC 165:25–3–6.28)

Oklahoma does not allow vapor monitoring, groundwater monitoring, or Statistical Inventory Reconciliation as a method of release detection for product lines. (OAC 165:25–3–6.29)

Oklahoma requires submittal of an Initial Site Characterization Report within 20 days of release confirmation. (OAC 165:29–3–75)

Oklahoma ensures owners and operators of regulated UST systems have $1,500,000 per occurrence for corrective action and third-party claims. (17 Okla. Stat. Section 356; OAC 165:27–7–2).

I. How does this action affect Indian Country (18 U.S.C. 1151) in Oklahoma?

Oklahoma is not authorized to carry out its Program in Indian Country (18 U.S.C. 1151) within the State. This authority remains with EPA. Therefore, this action has no effect in Indian Country. *See* 40 CFR 281.12(a)(2).

II. Codification

A. What is codification?

Codification is the process of placing a state's statutes and regulations that comprise the state's approved UST program into the CFR. Section 9004(b) of RCRA, as amended, allows the EPA to approve State UST programs to operate in lieu of the Federal program. The EPA codifies its authorization of state programs in 40 CFR part 282 and incorporates by reference state regulations that the EPA will enforce under sections 9005 and 9006 of RCRA and any other applicable statutory provisions. The incorporation by reference of state authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the approved state program and state requirements that can be Federally enforced. This effort provides clear notice to the public of the scope of the approved program in each state.

B. What is the history of codification of Oklahoma's UST program?

The EPA incorporated by reference Oklahoma's then approved UST program effective March 18, 1996 (61 FR 1220; January 18, 1996). In this document, the EPA is revising 40 CFR 282.86 to include the approval revision actions.

C. What codification decisions have we made in this rule?

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the Oklahoma rules described in the amendments to 40 CFR part 282 set forth below. The EPA has made, and will continue to make, these documents generally available through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office (see the **ADDRESSES** section of this preamble for more information).

The purpose of this **Federal Register** document is to codify Oklahoma's approved UST program. The codification reflects the State program that would be in effect at the time the EPA's approved revisions to the Oklahoma UST program addressed in this direct final rule become final. The document incorporates by reference Oklahoma's UST regulations and clarifies which of these provisions are included in the approved and federally enforceable program. By codifying the approved Oklahoma program and by amending the Code of Federal Regulations (CFR), the public will more easily be able to discern the status of the federally-approved requirements of the Oklahoma program.

The EPA is incorporating by reference the Oklahoma approved UST program in 40 CFR 282.86. Section 282.86(d)(1)(i)(A) incorporates by

reference for enforcement purposes the State's regulations. Section 282.86 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the UST program under subtitle I of RCRA.

D. What is the effect of Oklahoma's codification on enforcement?

The EPA retains the authority under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake corrective action, inspections and enforcement actions and to issue orders in approved States. With respect to these actions, EPA will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogues to these provisions. Therefore, the EPA is not incorporating by reference such particular, approved Oklahoma procedural and enforcement authorities. Section 282.86(d)(1)(ii) of 40 CFR lists those approved Oklahoma authorities that would fall into this category.

E. What State provisions are not part of the codification?

The public also needs to be aware that some provisions of the State's UST program are not part of the federally approved State program. Such provisions are not part of the RCRA Subtitle I program because they are ''broader in coverage'' than Subtitle I of RCRA. 40 CFR 281.12(a)(3)(ii) states that where an approved state program has provisions that are broader in coverage than the federal program, those provisions are not a part of the federally approved program. As a result, State provisions which are ''broader in coverage'' than the federal program are not incorporated by reference for purposes of enforcement in part 282. Section 282.86(d)(1)(iii) of the codification simply lists for reference and clarity the Oklahoma statutory and regulatory provisions which are ''broader in coverage'' than the federal program and which are not, therefore, part of the approved program being codified today. Provisions that are ''broader in coverage'' cannot be enforced by EPA; the State, however, will continue to implement and enforce such provisions under State law.

III. Statutory and Executive Order Reviews

This action only applies to Oklahoma's UST Program requirements pursuant to RCRA Section 9004 and imposes no requirements other than those imposed by State law. It complies with applicable EOs and statutory provisions as follows:

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

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action approves and codifies State requirements for the purpose of RCRA section 9004 and imposes no additional requirements beyond those imposed by State law. Therefore, this action is not subject to review by OMB.

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

This action is not an Executive Order 13771 (82 FR 9339, February 3, 2017) regulatory action because actions such as this final approval of Oklahoma's revised underground storage tank program under RCRA are exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Unfunded Mandates Reform Act and Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Because this action approves and codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

D. Executive Order 13132: Federalism

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves and codifies State requirements as part of the State RCRA underground storage tank program without altering the relationship or the distribution of power and responsibilities established by RCRA.

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

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks.

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

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

G. National Technology Transfer and Advancement Act

Under RCRA section 9004(b), EPA grants a State's application for approval as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State approval application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

H. Executive Order 12988: Civil Justice Reform

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

I. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights

EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) 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.

J. Paperwork Reduction Act

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). ''Burden'' is defined at 5 CFR 1320.3(b).

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

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule approves pre-existing State rules which are at least equivalent to, and no less stringent than existing Federal requirements, and imposes no additional requirements beyond those imposed by State law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

L. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801–808, 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 document 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 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). However, this action will be effective March 12, 2018 because it is a direct final rule.

Authority: This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

List of Subjects in 40 CFR Part 282

Environmental protection, Administrative practice and procedure, Hazardous substances, Incorporation by reference, Insurance, Intergovernmental relations, Oil pollution, Petroleum, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Dated: November 3, 2017.

Samuel Coleman,

Acting Regional Administrator, EPA Region 6.

For the reasons set forth in the preamble, EPA is amending 40 CFR part 282 as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

■ 1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

■ 2. Revise § 282.86 to read as follows:

§ 282.86 Oklahoma State-Administered Program.

(a) *History of the approval of Oklahoma's Program.* The State of Oklahoma is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Oklahoma Corporation Commision, was approved by EPA pursuant to 42 U.S.C. 6991c and Part 281 of this Chapter. EPA published the notice of final determination approving the Oklahoma underground storage tank base program effective on October 14, 1992. A subsequent program revision application was approved effective on March 12, 2018.

(b) *Enforcement authority.* Oklahoma has primary responsibility for administering and enforcing its federally approved underground storage tank program. However, EPA retains the authority to exercise its corrective action, inspection and enforcement authorities under sections 9003(h), 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991b(h), 6991d and 6991e, as well as under any other applicable statutory and regulatory provisions.

(c) To retain program approval, Oklahoma must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Oklahoma obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the **Federal Register**.

(d) Oklahoma has final approval for the following elements of its program application originally submitted to EPA and approved effective October 14, 1992, and the program revision application approved by EPA effective on March 12, 2018:

(1) *State statutes and regulations*—(i) *Incorporation by reference.* The Oklahoma provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.* The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the Oklahoma regulations that are incorporated by reference in this paragraph from the State's Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; website: *https://www.sos.ok.gov/oar/Default.aspx.* You may inspect all approved material at the EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202; Phone number (214) 665–2239 or the National Archives and Records Administration (NARA). For information on the availability of the material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(A) The binder entitled ''Oklahoma Regulatory Requirements Applicable to the Underground Storage Tank Program, October 2017. Those provisions are listed in Appendix A to Part 282.

(B) [Reserved]

(ii) *Legal basis.* EPA evaluated the following statutes and regulations which provide the legal basis for the State's implementation of the underground storage tank program, but they are not being incorporated by reference and do not replace Federal authorities:

(A) The statutory provisions include:

(*1*) *Oklahoma Statutes (2016), Title 17, ''Corporation Commission'':* Chapter 3, ''*Oil and Gas*'', Section 52(A)(k)(5); Chapter 14, ''Oklahoma Storage Tank Regulation Act'', Sections 301, 302, 303 (except 303.22 ''Permit''), 305, 306, 307, 309 through 316, 319, 321 through 325, 330 and 340; Chapter 15, ''Oklahoma Petroleum Storage Tank Release Indemnity Program'', Sections 350 through 365.

(*2*) *Oklahoma Statutes (2016), Title 27A, ''Environmental and Natural Resources'':* Chapter 1, Article III, ''Jurisdiction of Environmental Agencies'', Section 1–3–101(E)(5)(a)–(c).

(*3*) *Oklahoma Statutes (2016), Title 52, ''Oil and Gas'':* Chapter 5,

''Inspections'', Sections 321 through 347.

(B) The regulatory provisions include:

(1) Oklahoma Administrative Code, Title 165, effective August 25, 2016:

(i) Chapter 5, ''Rules of Practice'': Subchapter 1, ''General Provisions'', Sections 165:5–1–4(b) and 165:5–1–25; Subchapter 5, ''Dockets'': Sections 165:5–5–1(a)(9) and (a)(10); Subchapter 21, ''Procedure for the Petroleum Storage Tank Docket'': Sections 165:5:21–1 through 165:5–21–5, 165:5:21–8 through 165:5:21–10;

(ii) Chapter 15, ''Fuel Inspection'': Subchapter 3, ''Fuel Specialists, Testing, Accessibility, and Assistance'', Sections 165:15–3–1, through 165:15–3–3, 165:15–3–16, 165:15–3–21, 165:15–3–21 through 165:15–3–24.1; Subchapter 19, ''Violations and Contempt'', Sections 165:15–19–1 through 165:15–19–5.

(iii) Chapter 25, ''Underground Storage Tanks'': Subchapter 1, ''General Provisions'': Part 5, ''Scope of Rules'', Section 165:25–1–24.1; Part 6, ''Administrative Provisions'', Sections 165:25–1–26.1 through 165:25–1–30.1; Part 15, ''Shutdown of Operations'', Section 165:25–1–67; Part 17, ''Licensing Procedures'', Sections 165:25–1–107; Part 19 ''Operator Training'', Section 165:25–1–126; Subchapter 2, ''General Requirements for Underground Storage Tank Systems'': Subchapter 18, ''Inspections, Notices of Violations and Citations'': Part 1, ''Inspections'', Sections 165:25–18–1 through 165:25–18–4; Part 3, ''Notices of Violation and Citations'', Sections 165:25–18–10 through 165:25–18–13; Part 5, ''Penalties'', Section 165:25–18–19; Appendix Q and Appendix S.

(iv) Chapter 27, ''Indemnity Fund''. Subchapter 1, ''General Provisions'': Sections 165:27–1–1 and 165:27–1–3 through 165:27–1–6; Subchapter 3, ''Eligibility Requirements'', Sections 165:27–3–1 and 165:27–3–2; Subchapter 5, ''Qualifications for Reimbursement'', Sections 165:27–5–1 and 165:27–5–3. Subchapter 7, ''Reimbursement'', Sections 165:27–7–1, 165:27–7–7, 165:27–7–8, 165:27–7–9, 165:27–7–9.1, 165:27–7–10 and 165:27–7–11; Subchapter 9, ''Administrative Provisions'', Sections 165:27–9–1 through 165:27–94.

(v) Chapter 29, ''Corrective Action of Petroleum Storage Tank Releases'', Subchapter 1, ''General Provisions'', Part 1, ''Purpose and Statutory Authority'', Section 165:29–1–3; Subchapter 3, ''Release Prevention, Detection and Correction'', Part 5, ''Corrective Action Requirements'', Section 165:29–3–81. Subchapter 5 ''Administrative Provisions'': Sections 165:29–5–1 and 165:29–5–4.

(2) [Reserved]

(iii) *Provisions not incorporated by reference.* The following specifically identified sections and rules applicable to the Oklahoma underground storage tank program that are broader in coverage than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes:

(A) *Oklahoma Statutes (2016), Title 17, ''Corporation Commission'':* Chapter 14, ''Oklahoma Storage Tank Regulation Act'', Section 303.22 ''Permit'', 306.1, 308, 308.1 and 318.

(B) *Oklahoma Administrative Code, Title 165, effective August 25, 2016:* Chapter 25, ''Underground Storage Tanks''. Subchapter 1, ''General Provisions'': Part 9, ''Notification and Reporting Requirements'', Sections 165:25–1–41, and 165:25–1–42; Part 13, ''Fees'', Section 165:25–1–64; Chapter 29, ''Corrective Actio of Petroleum Storage Tank Releases'', Part 7, ''Licensing of Environmental Consultants'', Section 26–3–90.

(2) *Statement of legal authority.* The Attorney General's Statements, signed by the Attorney General of Oklahoma on June 21, 1990 and November 14, 2016, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The ''Demonstration of Procedures for Adequate Enforcement'' submitted as part of the original application on June 25, 1989 and as part of the program revision application for approval on January 25, 2017 though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program description.* The program description and any other material submitted as part of the original application on June 25, 1989 and as part of the program revision application on January 25, 2017, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region 6 and the Oklahoma Corporation Commission, signed by the EPA Regional Administrator on September 19, 2017 though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

■ 3. Appendix A to part 282 is amended by revising the entry for Oklahoma as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Oklahoma

(a) The regulatory provisions include:

Oklahoma Administrative Code, Title 165, effective August 25, 2016:

1, Chapter 25 ''Underground Storage Tanks''.

Subchapter 1, General Provisions: Part 1, ''Purpose'', Section 165:25–1–1; Part 3, ''Definitions'', Section 165:25–1–11; Part 5, ''Scope of Rules'', Sections 165:25–1–21, 165:25–1–23.1, and 165:25–1–24; Part 9, ''Notification and Reporting Requirements'', Sections 165:25–1–41, 165:25–1–42, 165:25–1–48, 165:25–1–51; Part 11, ''Recordkeeping'', 165:25–1–53 through 165:25–1–58, and 165:25–1–60; Part 19, ''Operator Training'', Sections 165:25–1–120, 165:25–1–122 and 165:25–1–124.

Subchapter 2, ''General Requirements for Underground Storage Tank Systems'', Part 1, ''Codes and Standards'', Sections 165:25–2–1, 165:25–2–2 and 165:25–2–4, Part 3, ''Design and Installation'', Sections 165:25–2–31 through 165:25–2–33, 165:25–2–35 through 165:25–2–41, Part 5, ''Protection Against Corrosion'', Sections 165:25–2–51, 165:25–2–52, 165:25–2–53 and 165:25–2–53.1, Part 6, ''Piping'', Sections 165:25–2–55.1 and 165:25–2–55.2, Part 7, ''Dispensers'', Sections 165:25–2–71, 165:25–2–72, 165:25–2–73, 165:25–2–75 and 165:25–2–76; Part 9, ''Electrical'', Section 165:25–2–91; Part 11, '' Repairs to Underground Storage Tank Systems'', Section 165:25–2–111; Part 13 ''Removal and Closure of Underground Storage Tank Systems'', Sections 165:25–2–131, and 165:25–2–133 through 165:25–2–138.

Subchapter 3, ''Release Prevention and Detection Requirements'': Part 1, Release Prohibition Requirements'', Section 165:25–3–1; Part 2, ''Release Detection Requirements and Methods'', Sections 165:25–3–6.20 through 165:25–3–6.29; Part 3, ''Release Investigation Requirements'', Sections 165:25–3–7.1 and 165:25–3–8; Part 15, ''Corrective Action Requirements'', Section 165:25–3–70.

Subchapter 5, ''Upgrades'', Sections 165:25–5–1 through 165:25–5–4.

Subchapter 6, ''Special Requirements for Underground Storage Tank Systems Utilized by Airports Open to the Public'', Part 1, ''General Application and Compliance Provisions'', Section 165:25–6–1; Part 3, ''Codes and Standards'', Section 165:25–6–7; Part 5, ''Dispense Requirements'', Sections 165:25–6–13, 165:25–6–14, 165:25–6–15 and 165:25–6–17; Part 7, ''Tank Filling Procedures'', Section 165:25–6–21; Part 9, ''Dispensing Procedures'', Sections 165:25–6–27 and 165:25–6–28; Part 11,

''Miscellaneous Safety Requirements'', Sections 165:25–6–34 and 165:25–6–35.

Subchapter 8, ''Special Requirements for Underground Storage Tanks Utilized by Marinas'': Part 1, ''General Application and Compliance Provisions'', Sections 165:25–8–1 and 165:25–8–2; Part 3, ''Over-water Piping Requirements'', Sections 165:25–8–3 and 165:25–8–4; Part 5, ''Dispenser Requirements'', Sections 165:25–8–14 through 165:25–8–17; Part 9, ''Dispensing Procedures'', Section 165:25–8–29; Part 11, ''Miscellaneous Safety Requirements, Sections 165:25–8–35 and 165:25–8–36.

Subchapter 14, ''Special Requirements for Underground Storage Tank Systems Utilized by Bulk Plant Facilities'': Part 1, ''General Application and Compliance Provisions'', Section 165:25–14–1; Part 3, ''Dispenser Requirements'', Section 165:25–14–7; Part 5, ''Loading Facilities'', Sections 165:25–14–13 and 165:25–14–14; Part 7, ''Tank Filling Procedures'', Section 165:25–14–20; Part 9, ''Dispensing Procedures'', Sections 165:25–14–26 and 165:25–14–27.

2. Chapter 27 ''Indemnity Fund. Subchapter 1, ''General Provisions'', Section 165:27–1–2; Subchapter 5, ''Qualifications for Reimbursement'', Section 165:27–5–2; Subchapter 7, ''Reimbursement'', Sections 165:27–7–2 and 165:27–7–6.

3. Chapter 29 ''Corrective Action of Petroleum Storage Tank Releases'':

Subchapter 1, ''General Provisions'': Part 1, ''Purpose and Statutory Authority'', Sections 165:29–1–1 and 165:29–1–2; Part 3, ''Definitions'', Section 165:29–1–11; Part 5, ''Scope of Rules'', Section 165:29–1–21; Part 7, ''National Industry Codes'', Sections 165:29–1–31 and 165:29–1–32;.

Subchapter 3, ''Release Prevention, Detection and Correction'': Part 1, ''Release Prohibition, Reporting and Investigation'', Sections 165:29–3–1, 165:29–3–2 and 165:29–3–3; Part 3, ''Removal and Closure of Petroleum Storage Tank Systems'', Section 165:29–3–65; Part 5, ''Corrective Action Requirements'', Sections 165:29–3–71 through 165:29–3–76, Sections 165:29–3–78, 165:29–3–79, 165:29–3–80, 165:29–3–82 and 165:29–3–83.

(b) Copies of the Oklahoma regulations that are incorporated by reference are available from the State's Office of Administrative Rules, Secretary of State, P.O. Box 53390, Oklahoma City, OK 73152–3390; Phone number: 405–521–4911; website: *https://www.sos.ok.gov/oar/Default.aspx.*

* * * * *

[FR Doc. 2018–00039 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 96

[GN Docket No. 12–354, FCC 15–47; 16–55]

Amendment of the Commission's Rules With Regard to Operation in the 3550–3650 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Federal Communications Commission (Commission) is announcing that three final rules that appeared in the **Federal Register** as part of the Commission's rulemaking Commercial Operations in the 3550–3650 MHz Band do not need information collection approval from the Office of Management and Budget (OMB) and are effective immediately. This document is consistent with the *First Report and Order* and *Second Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of these rules.

DATES: 47 CFR 96.29 published at 80 FR 36164, June 23, 2015, and 47 CFR 96.17(b) and 47 CFR 96.3 published at 81 FR 49024, July 26, 2016, are effective on January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Becky Schwartz, Mobility Division, Wireless Telecommunications Bureau, FCC, (202) 418–7178. For additional information concerning the information collection requirements contained in the *First Report and Order* or *Second Report and Order,* contact Cathy Williams at (202) 418–2918, or via the internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: The *First Report and Order,* FCC 15–47, published at 80 FR 36164, June 23, 2015, stated that section 96.29 would not become effective until after the **Federal Register** publication of the date that OMB approved the resulting modification of the information collections under the Paperwork Reduction Act (PRA) and effective date of such modifications. The *Second Report and Order,* GN Docket No. 12–354, FCC 16–55, published at 81 FR 49024, July 26, 2016, stated that modifications to section 96.17(b) and section 96.3 would not become effective until after the **Federal Register** publication of the date that OMB approved the resulting modification of the information collections under the PRA and the effective date of such modifications. Because subsequent review and consultation with OMB has revealed that there is no existing clearance that will be modified by these rules, OMB review is not necessary. Thus, these rules may become effective immediately.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–00190 Filed 1–8–18; 8:45 am]

BILLING CODE 6712–01–P

SURFACE TRANSPORTATION BOARD

49 CFR Part 1022

[Docket No. EP 716 (Sub-No. 3)]

Civil Monetary Penalties—2018 Adjustment

AGENCY: Surface Transportation Board.

ACTION: Final rule.

SUMMARY: The Surface Transportation Board (Board) is issuing a final rule to implement the annual inflationary adjustment to its civil monetary penalties, pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective on January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Amy Ziehm: (202) 245–0391. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), enacted as part of the Bipartisan Budget Act of 2015, Public Law 114–74, 129 Stat. 599, requires agencies to adjust their civil penalties for inflation annually, beginning on January 15, 2017, and no later than January 15 of every year thereafter. In accordance with the 2015 Act, annual inflation adjustments are to be based on the percent change between the Consumer Price Index for all Urban Consumers (CPI–U) for October of the previous year and the October CPI–U of the year before that. Penalty level adjustments should be rounded to the nearest dollar.

II. Discussion

The statutory definition of civil monetary penalty covers various civil penalty provisions under the Rail (Part A); Motor Carriers, Water Carriers, Brokers, and Freight Forwarders (Part B); and Pipeline Carriers (Part C)

provisions of the Interstate Commerce Act, as amended. The Board's civil (and criminal) penalty authority related to rail transportation appears at 49 U.S.C. 11901–11908. The Board's penalty authority related to motor carriers, water carriers, brokers, and freight forwarders appears at 49 U.S.C. 14901–14915. The Board's penalty authority related to pipeline carriers appears at 49 U.S.C. 16101–16106.[1] The Board has regulations at 49 CFR pt. 1022 that codify the method set forth in the 2015 Act for annually adjusting for inflation the civil monetary penalties within the Board's jurisdiction.

As set forth in this final rule, the Board is amending 49 CFR pt. 1022 to make an annual inflation adjustment to the civil monetary penalties in conformance with the requirements of the 2015 Act. The adjusted penalties set forth in the rule will apply only to violations that occur after the effective date of this regulation.

In accordance with the 2015 Act, the annual adjustment adopted here is calculated by multiplying each current penalty by the cost-of-living adjustment factor of 1.02041, which reflects the percentage change between the October 2017 CPI–U (738.893) and the October 2016 CPI–U (724.113). The table at the end of this decision shows the statutory citation for each civil penalty, a description of the provision, the current baseline statutory civil penalty level, and the adjusted statutory civil penalty level for 2018.

III. Final Rule

The final rule set forth at the end of this decision is being issued without notice and comment pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), which does not require that process ''when the agency for good cause finds'' that public notice and comment are ''unnecessary.'' Here, Congress has mandated that the agency make an annual inflation adjustment to its civil monetary penalties. The Board has no discretion to set alternative levels of adjusted civil monetary penalties, because the amount of the inflation adjustment must be calculated in accordance with the statutory formula. Given the absence of discretion, the Board has determined that there is good cause to promulgate this rule without soliciting public comment and to make this regulation effective immediately upon publication.

IV. Regulatory Flexibility Statement

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Because the Board has determined that notice and comment are not required under the APA for this rulemaking, the requirements of the RFA do not apply.

V. Paperwork Reduction Act

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

It is ordered:

1. The Board amends its rules as set forth in this decision. Notice of the final rule will be published in the **Federal Register**.

2. This decision is effective on its date of service.

List of Subjects in 49 CFR Part 1022

Administrative practice and procedures, Brokers, Civil penalties, Freight forwarders, Motor carriers, Pipeline carriers, Rail carriers, Water carriers.

Decided: January 3, 2018.

By the Board, Board Members Begeman and Miller.

Jeffrey Herzig,

Clearance Clerk.

For the reasons set forth in the preamble, part 1022 of title 49, chapter X, of the Code of Federal Regulations is amended as follows:

PART 1022—CIVIL MONETARY PENALTY INFLATION ADJUSTMENT

■ 1. The authority citation for part 1022 continues to read as follows:

Authority: 5 U.S.C. 551–557; 28 U.S.C. 2461 note; 49 U.S.C. 11901, 14901, 14903, 14904, 14905, 14906, 14907, 14908, 14910, 14915, 16101, 16103.

■ 2. Revise § 1022.4(b) to read as follows:

§ 1022.4 Cost-of-living adjustments of civil monetary penalties.

* * * * *

(b) The cost-of-living adjustment required by the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

U.S. Code citation	Civil monetary penalty description	Adjusted penalty amount 2017	Adjusted penalty amount 2018
	Rail Carrier Civil Penalties		
49 U.S.C. 11901(a)	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	$7,635	$7,791
49 U.S.C. 11901(b)	For each violation under § 11124(a)(2) or (b)	763	779
49 U.S.C. 11901(b)	For each day violation continues	39	40
49 U.S.C. 11901(c)	Maximum penalty for each knowing violation under §§ 10901–10906.	7,635	7,791
49 U.S.C. 11901(d)	For each violation under §§ 11123 or 11124(a)(1)	152–763	155–779
49 U.S.C. 11901(d)	For each day violation continues	76	78
49 U.S.C. 11901(e)(1)	For each violation under §§ 11141–11145	763	779
49 U.S.C. 11901(e)(2)	For each violation under § 11144(b)(1)	152	155
49 U.S.C. 11901(e)(3–4)	For each violation of reporting requirements, for each day	152	155
	Motor and Water Carrier Civil Penalties		
49 U.S.C. 14901(a)	Minimum penalty for each violation and for each day	1,045	1,066
49 U.S.C. 14901(a)	For each violation under §§ 13901 or 13902(c)	10,450	10,663
49 U.S.C. 14901(a)	For each violation related to transportation of passengers	26,126	26,659

[1] The Board also has various criminal penalty authority, enforceable in a federal criminal court. Congress has not, however, authorized federal agencies to adjust statutorily prescribed criminal penalty provisions for inflation, and this rule does not address those provisions.

U.S. Code citation	Civil monetary penalty description	Adjusted penalty amount 2017	Adjusted penalty amount 2018
49 U.S.C. 14901(b)	For each violation of the hazardous waste rules under § 3001 of the Solid Waste Disposal Act.	20,900–41,801	21,327–42,654
49 U.S.C. 14901(d)(1)	Minimum penalty for each violation of household good regulations, and for each day.	1,527	1,558
49 U.S.C. 14901(d)(2)	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	15,271	15,583
49 U.S.C. 14901(d)(3)	Minimum penalty for each instance of transportation of household goods without being registered.	38,175	38,954
49 U.S.C. 14901(e)	Minimum penalty for each violation of a transportation rule	3,054	3,116
49 U.S.C. 14901(e)	Minimum penalty for each additional violation	7,635	7,791
49 U.S.C. 14903(a)	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	152,703	155,820
49 U.S.C. 14904(a)	For first violation, rebates at less than the rate in effect	305	311
49 U.S.C. 14904(a)	For all subsequent violations	382	390
49 U.S.C. 14904(b)(1)	Maximum penalty for first violation for undercharges by freight forwarders.	763	779
49 U.S.C. 14904(b)(1)	Maximum penalty for subsequent violations	3,054	3,116
49 U.S.C. 14904(b)(2)	Maximum penalty for other first violations under § 13702	763	779
49 U.S.C. 14904(b)(2)	Maximum penalty for subsequent violations	3,054	3,116
49 U.S.C. 14905(a)	Maximum penalty for each knowing violation of § 14103(a), and knowingly authorizing, consenting to, or permitting a violation of § 14103(a) & (b).	15,271	15,583
49 U.S.C. 14906	Minimum penalty for first attempt to evade regulation	2,090	2,133
49 U.S.C. 14906	Minimum amount for each subsequent attempt to evade regulation	5,225	5,332
49 U.S.C. 14907	Maximum penalty for recordkeeping/reporting violations	7,635	7,791
49 U.S.C. 14908(a)(2)	Maximum penalty for violation of § 14908(a)(1)	3,054	3,116
49 U.S.C. 14910	When another civil penalty is not specified under this part, for each violation, for each day.	763	779
49 U.S.C. 14915(a)(1) & (2)	Minimum penalty for holding a household goods shipment hostage, for each day.	12,135	12,383
	Pipeline Carrier Civil Penalties		
49 U.S.C. 16101(a)	Maximum penalty for violation of this part, for each day	7,635	7,791
49 U.S.C. 16101(b)(1) & (4)	For each recordkeeping violation under § 15722, each day	763	779
49 U.S.C. 16101(b)(2) & (4)	For each inspection violation liable under § 15722, each day	152	155
49 U.S.C. 16101(b)(3) & (4)	For each reporting violation under § 15723, each day	152	155
49 U.S.C. 16103(a)	Maximum penalty for improper disclosure of information	1,527	1,558

[FR Doc. 2018–00166 Filed 1–8–18; 8:45 am]

BILLING CODE 4915–01–P

Proposed Rules

Federal Register
Vol. 83, No. 6
Tuesday, January 9, 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.

POSTAL SERVICE

39 CFR Part 111

Green & Secure Alternative Move Update Method Option

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to amend *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to introduce a new alternative method to meet the Move Update standard for mailers who enter eligible letter- and flat-size pieces of First-Class Mail® and USPS Marketing Mail® (formerly Standard Mail®) that meet the requirements for Basic or Full-Service mailings.

DATES: Submit comments on or before February 8, 2018.

ADDRESSES: Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5015. If sending comments by email, include the name and address of the commenter and send to *ProductClassification@usps.gov,* with a subject line of ''Green & Secure.'' Faxed comments are not accepted. You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC, 20260. These records are available for review on Monday through Friday, 9 a.m.–4 p.m., by calling 202–268–2906.

FOR FURTHER INFORMATION CONTACT: Heather Dyer at (207) 482–7217, or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Postal Service regulations, compliance with the Move Update standard is a basic eligibility requirement for mailers of USPS Marketing Mail and First-Class Mail letters and flats using commercial automation and presort rates. The Move Update standard requires mailers to update addresses for which a change of address (COA) order exists within a specified period of time. By requiring mailers to comply with the Move Update standard, the Postal Service aims to improve address quality and ensure mailpieces reach their intended recipients, which benefits both the Postal Service and its customers. The Move Update standard also is intended to reduce mail processing and delivery costs for the Postal Service.

Today, mailers can meet the Move Update standard using the USPS-approved methods of Address Change Service (ACS™), NCOALink®, or Ancillary Service Endorsements. In addition, mailers of First-Class Mail may apply to use one of two alternative methods, 99 Percent Accuracy or Legal Restraint, which are available under the following limited circumstances:

- *99 Percent Accuracy Method:* This method is available to mailers who enter First-Class Mail and demonstrate that their internal list management maintains address quality at 99 percent or greater accuracy for COAs.
- *Legal Restraint Method:* This method is available to mailers who enter First-Class Mail pieces and demonstrate that a legal restriction prevents them from updating their customer's address without direct contact from the customer.

The overarching goal of the Move Update standard is to reduce the incidence of undeliverable-as-addressed (UAA) mail, which is costly for the Postal Service because UAA pieces must be forwarded, returned, or discarded, and costly for mailers because these pieces fail to reach their intended recipients. The Postal Service incurs the most costs returning pieces, while discarding UAA pieces imposes the lowest cost. The 2016 per-piece cost for each disposition type (FCM only) is shown below:

Disposition type	Per-piece cost—letters	Per-piece cost—all shapes
Return	$0.394	$0.427
Forward	0.193	0.198
Discard	0.110	0.111

First-Class Mail UAA pieces represent most of the Postal Service's costly return-to-sender volume; a First-Class Mail mailpiece must be returned-to-sender if it is associated with a COA record that is more than 12 months old, or if it is otherwise identified as UAA as specified in DMM 507.1.5.1. In 2017, the Postal Service discarded only 3 percent of First-Class Mail UAA pieces; in comparison, 98.5 percent of USPS Marketing Mail UAA pieces were discarded. The reason for this discrepancy is that UAA USPS Marketing Mail pieces are destroyed unless the mailers pays for forwarding or return after requesting those services using an ancillary service endorsement.

Future Process

While the focus of the Postal Service's Move Update program has been to reduce the amount of UAA mail, the Postal Service recognizes that not all UAA mail can be eliminated. The Postal Service wants to reduce the cost to the Postal Service of the remaining UAA mail. The Postal Service therefore is proposing to introduce a new alternative method to meet the Move Update standard, Green & Secure, which would both reduce the volume of return-to-sender mail and reduce mailers' risk of assessment through the Address Quality Census Measurement and Assessment Process (AQCMAP), a new method of verifying that mailers have adopted a USPS-approved Move Update method which starts February 1, 2018. An exemption from AQCMAP fees would provide a needed incentive for more mailers to mark their mail for destruction rather than return to the mailer.

Green & Secure would be a USPS-approved Move Update alternative option for First-Class Mail and USPS Marketing Mail letter and flat-size pieces that meet the requirements for Basic and Full Service mailings. Under Green & Secure, mailers would need to (1) use either an ACS Change Service Requested Service Type ID (STID) or a Secure Destruction STID, the latter of which is limited to First-Class Mail only, and (2) would need to seek pre-approval from the Postal Service in certain circumstances.

The ACS Change Service Requested STID would be available for use on First-Class Mail and USPS Marketing Mail pieces. Full-Service mailers would not need pre-approval to use Green & Secure if using an ACS Change Service Requested STID on eligible mailpieces.

Mailers that do not participate in Full-Service would need to apply for ACS notice fulfillment services with the Postal Service ACS Department at the National Customer Support Center in Memphis, Tennessee, (877–640–0724 (Option 1) or *acs@usps.gov*) in order to participate in Green & Secure using the ACS Change Service Requested STID. First-Class Mail and USPS Marketing Mail pieces that have an ACS Change Service Requested STID in the Intelligent Mail barcode (IMb) and are identified as UAA would be discarded and recycled rather than returned-to-sender.

The Secure Destruction STID would continue to be available for use on First-Class Mail pieces only. First-Class Mail mailers already participating in Secure Destruction service and utilizing an approved Secure Destruction STID would continue to have their UAA mailpieces destroyed and recycled in a secure manner. Secure Destruction participation requires mailers to register their Mailer ID with the Postal Service's ACS Department prior to using the Secure Destruction STID in their IMbs. This pre-approval requirement applies to Full-Service mailers. Under Secure Destruction, mailpieces are shredded by Postal Service employees at Postal Service facilities, which renders the pieces unreadable prior to recycling. Secure Destruction shreds mailpieces to a size that is more stringent than the standards set forth by the National Association for Information Destruction and common industry practice in the United States for documents with sensitive and/or confidential information.

For each Green & Secure STID type, the Postal Service would provide mailers with an electronic ACS notification indicating that the piece is UAA. Green & Secure would continue the process of providing First-Class Mail mailers that use the Secure Destruction STID with an additional electronic notification to indicate when and where the mailpiece was processed and securely shredded.

Green & Secure would continue to provide mailers using either STID with two disposition options for their mailpieces:

- *Option 1:* Postal Service discards or securely destroys all UAA mailpieces.
- *Option 2:* Postal Service provides forwarding if the mailpiece corresponds with a valid COA record that is less than 1-year old. All other UAA mail is discarded or securely destroyed, subject to the corresponding conditions described in DMM Section 507.1.0.

While there is no additional charge for forwarding of First-Class Mail, USPS Marketing Mail that is forwarded under Option 2 will be charged the appropriate per piece forwarding fee for the mail shape.

Address Quality Census Measurement and Assessment Process

In August 2017, the Postal Service gained regulatory approval from the Postal Regulatory Commission (PRC) for the Address Quality Census Measurement and Assessment Process in PRC Docket No. R2017–7 (available on-line at *prc.gov*). The Postal Service followed-up the PRC's approval with a final rule adopting conforming changes to the DMM that was published in the **Federal Register** on October 24, 2017 (82 FR 49123–49128). The Postal Service plans to begin verifying and assessing mailers under this new verification method in March 2018 for COA errors incurred in February 2018. As proposed, mailpieces that use the Green & Secure alternative Move Update method would not be subject to verification and possible assessment under the Address Quality Census Measurement and Assessment Process. Move Update validations, however, would still be performed to provide visibility into mail quality, and the results of the validations would be reported in the Mailer Scorecard.

Mailer Scorecard

The Mailer Scorecard is currently available to mailers, providing data that allow mailers to gauge address quality on their mailpieces. Under Green & Secure, the Mailer Scorecard would continue to be a valuable tool in assisting mailers to improve their address quality. The total number of mailpieces using the Green & Secure alternative method would be reported under the eDoc Submitter CRID through a dedicated field on the Mailer Scorecard. In addition, if a mailpiece is associated with a COA that is between 95 and 18 months old, and the address has not been updated, a COA warning for the associated IMb would be logged and allocated under the CRID of the eDoc submitter in the Mailer Scorecard.

Criteria

Mailers would be able to use the Green & Secure Alternative Move Update Method when they:

- Use a unique Basic or Full Service IMb on mailings of letter- and flat-size pieces for First-Class Mail and USPS Marketing Mail;
- Use eDoc to submit mailing information and include piece level detail (by piece or piece range);
- Contact the Postal Service ACS Department, for non-Full-Service mailers who wish to use a Basic ACS Change Service Requested STID, and all mailers seeking to use the Secure Destruction STID.

Specification

The Postal Service is proposing the specifications for meeting the Move Update requirements through an alternative method. Once the Postal Service implements the proposed process, mailers may meet the Move Update standard using Green & Secure as follows:

- Mailers would utilize an ACS Change Service Requested STID on First-Class Mail or USPS Marketing Mail, or a Secure Destruction STID on First-Class Mail.
- Mailpieces bearing these STID types would be verified separately from the Address Quality Census Measurement and Assessment Process and would not be subject to Move Update assessment charges.
- Mailpieces bearing these STIDs that are UAA would be discarded or securely destroyed by the Postal Service; electronic notification and information via the Mailer Scorecard would be provided.

Mailpiece Results

Once qualifying mailings are processed on mail processing equipment, the data from mailpieces would be reconciled with eDoc. These results would be available on the Business Customer Gateway, and displayed on the Electronic Verification tab of the Mailer Scorecard, which would be easily accessible at *https://gateway.usps.com/eAdmin/view/signin.* Mailers would be able to review the Mailer Scorecard and corresponding detailed reports to identify any anomalies or issues.

To resolve Mailer Scorecard irregularities, mailers would continue to be able to contact the *PostalOne!* Help Desk at 800–522–9085 or their local Business Mail Entry Unit (BMEU).

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. *See* 39 CFR 111.1. Accordingly, 39 CFR part 111 is proposed to be amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), as follows:

***Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM)**

* * * * *

602 Addressing

* * * * *

5.0 Move Update Standards

* * * * *

[Revise the heading and text of 5.2 to read as follows:]

5.2 Authorized Methods

Mailer Move Update Process Certification and USPS-approved alternative methods are authorized for meeting the Move Update standard. The National Customer Support Center administers and approves both Mailer Move Update Process Certification and alternative methods.

5.2.1 Mailer Move Update Process Certification

Mailer Move Update Process Certification methods are as follows:

a. Address Change Service (ACS).

b. National Change of Address Linkage System (NCOALink). This includes both pre-mail NCOALink processing systems and the physical mailpiece processing equipment system: National Change of Address Linkage System Mail Processing Equipment (NCOALink MPE). See the NCOALink page (NCOALink MPE Solutions) on *www.postalpro.usps.com* for more information on the MPE application.

c. Applicable ancillary service endorsements under 507.1.5.1 or 507.1.5.3, except ''Forwarding Service Requested.''

5.2.2 Alternate Methods

Alternate Move Update methods are as follows:

a. *Green & Secure:* Mailpieces using the Green & Secure alternative method will be excluded from the Address Quality Census Measurement and Assessment Process under 5.3. Details are available in Publication 685, *Publication for Streamlined Mail Acceptance for Letters and Flats,* available at *www.postalpro.usps.com.*

b. *For First-Class Mail only:* Mailer Move Update Process Certification and USPS-approved alternative methods for mailers with legitimate restrictions on incorporating USPS-supplied change-of-address information into their mailing lists. Refer to the *Guide to Move Update* available at *www.postalpro.usps.com* or contact the National Customer Support Center (see 608.8.1 for address) for additional information.

* * * * *

We will publish an appropriate amendment to *39 CFR part 111* to reflect these changes, if this proposal is adopted.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2018–00006 Filed 1–8–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0416; FRL–9972–76—Region 7]

Approval of Iowa's Air Quality Implementation Plan; Muscatine Sulfur Dioxide Nonattainment Area; Availability of Supplemental Information and Reopening of the Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; availability of supplemental information and reopening of the comment period.

SUMMARY: On August 24, 2017, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking to approve the Iowa State Implementation Plan (SIP) revision for attaining the 1-hour sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS) for the Muscatine nonattainment area (herein called a ''nonattainment plan'') in the **Federal Register**. EPA received several comments, including one suggesting that insufficient information was provided in the docket to allow the reviewer the ability to fully evaluate the nonattainment plan and EPA's proposed action to approve it and another comment that insufficient emissions inventory information for the 2018 attainment year was provided for the action. As a result, we are: Providing additional information in the docket and clarifying that all information, including files that are too large to be provided in the docket, are available upon request; providing an updated 2018 projected emissions inventory; and reopening the public comment period to afford stakeholders an opportunity to comment on these specific additions of information only. EPA has updated Document A, ''Index of Docket Documents'' in the docket to this rulemaking. EPA will address all comments received on the original proposal and on this supplemental action in our final action.

DATES: The comment period for the proposed rule published on August 24, 2017 (82 FR 40086) (FRL–9966–60–Region 7) is reopened. Comments, identified by docket identification (ID) number EPA–RO7–OAR–2017–0416 must be received on or before February 8, 2018.

ADDRESSES: Submit your comments pertaining to this supplemental action, identified by Docket ID No. EPA–R07–OAR–2017–0416 to *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Tracey Casburn, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551–7016, or by email at *casburn.tracey@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What action is EPA taking?

On August 24, 2017, at 82 FR 40086, EPA proposed to approve a state implementation plan (SIP) revision submitted by the state of Iowa for attaining the 1-hour SO_2 NAAQS for the Muscatine nonattainment area. EPA received several comments on the original proposal, including one suggesting that insufficient information was provided in the docket to allow the reviewer the ability to fully evaluate the nonattainment plan and the basis of EPA's proposed action to approve it. As a result, in this supplemental action, EPA is providing additional information in the docket for the proposed action and clarifying that, especially in the case of files too large to post in the docket, this information is available upon request. These large files include modeling files utilized to support the nonattainment plan. EPA also received a comment that the SIP submittal, and EPA's proposed approval of the nonattainment plan, did not include adequate emissions inventory information for the 2018 attainment year. As a result, EPA is providing updated 2018 projected emissions inventory information for the proposed action. EPA is soliciting comment only regarding the information added by this document and its relationship to EPA's proposed SIP approval. That is, at this time, EPA is soliciting comment only on the newly docketed information, including modeling files which can be obtained upon request, and how they relate to EPA's proposed action. We will address all comments received on the original proposal and new comments submitted in response to this action in our final rulemaking action.

II. What is the background for this action?

As discussed in EPA's original August 24, 2017, proposal (82 FR 40086), on April 23, 2014, the EPA issued recommended guidance for meeting the statutory requirements in SO_2 SIPs, in a document entitled, ''Guidance for 1-Hour SO_2 Nonattainment Area SIP Submissions,'' (April 2014 guidance) available at *https://www.epa.gov/sites/production/files/2016-06/documents/20140423guidance_nonattainment_sip.pdf.* In this guidance the EPA described the statutory requirements for a complete nonattainment area SIP, which includes an accurate emissions inventory of current emissions for all sources of SO_2 within the nonattainment area.

Section 172(c)(3) of the CAA requires that the state's nonattainment plan include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area, including such periodic revisions as the Administrator may determine necessary to assure that the requirements of part D of title I of the CAA are met. Section 172(c)(4) of the CAA requires that the state's nonattainment plan expressly identify and quantify the emissions, if any, of any such pollutant or pollutants which will be allowed, in accordance with section 173(a)(1)(B) of the CAA, from the construction and operation of major new or modified stationary sources in each such area. The plan shall demonstrate to the satisfaction of the Administrator that the emissions quantified for this purpose will be consistent with the achievement of reasonable further progress and will not interfere with attainment of the applicable NAAQS by the applicable attainment date.

The emissions inventory and source emission rate data for an area serve as the foundation for air quality modeling and other analyses that enable states to: (1) Estimate the degree to which different sources within a nonattainment area contribute to violations within the affected area; and (2) assess the expected improvement in air quality within the nonattainment area due to the adoption and implementation of control measures. As noted above, the state must develop and submit to EPA a comprehensive, accurate and current inventory of actual emissions from all sources of SO_2 emissions in each nonattainment area, as well as any sources located outside the nonattainment area which may affect attainment in the area. *See* the April 2014 guidance.

The base year inventory establishes a baseline that is used to evaluate emissions reductions achieved by the control strategy and to assess reasonable further progress requirements. The state's nonattainment SIP noted that, at the time, the most recent and available triennial inventory year was 2011, and the stated found that it served as a suitable base year. Table 1 provides the baseline 2011 SO_2 emissions inventory data for sources within and outside of the nonattainment the area (data have been rounded to the nearest whole number). It is important to note that emissions from the onroad mobile, nonroad mobile, area source and fire source categories are for the entire Muscatine County and not just the nonattainment area which is a portion of the county. Emissions from these source categories are approximately 0.11 percent of the total SO_2 emissions for the nonattainment area.

TABLE 1—2011 BASE LINE EMISSION INVENTORY FOR THE MUSCATINE, IA NONATTAINMENT AREA

Base line emissions inventory for the Muscatine NAA		
	Facility	2011 SO_2 Emissions (tpy)
Inside of the NAA	Grain Processing Corporation	10,810
	Muscatine Power and Water	2,374
	Monsanto	537
	HNI Corp.—North Campus	<1
	HNI Corp.—Central Campus	<1
	H.J. Heinz L.P	<1
	Union Tank Car Co	<1
Outside of the NAA	Louisa Generating Station	7,304
All of Muscatine County	Onroad Mobile	3
	Nonroad Mobile	2
	Area Sources	10
	Fires	9
Total		21,049

The state's nonattainment SIP provided a 2018 projected emissions inventory only for the stationary sources that would be controlled under the SIP (Grain Processing Corporation, Muscatine Power and Water and Monsanto); the state's 2018 projected emissions are provided in table 2. As noted in EPA's proposal, the inventory was developed assuming each SO_2 source operates 8,760 hours per year at its permitted maximum allowable emission rate.

TABLE 2—PROJECTED 2018 ALLOWABLE ANNUAL SO_2 EMISSIONS FROM CONTROL STRATEGY SOURCES FROM THE NONATTAINMENT PLAN

Projected 2018 emissions for the controlled sources	
Facility	2018 SO_2 Emissions (tpy)
Grain Processing Corporation	167
Muscatine Power and Water	5,051
Monsanto	1,196

In this supplemental document, EPA is providing an update to the state's 2018 projected emissions inventory for public inspection. The updated 2018 projected emissions inventory includes: Emissions from Louisa Generating Station (LGS) located in nearby Louisa County (presented as a potential to emit (PTE) level as provided by the state); emissions from the less than 1 ton per year (tpy) point sources that were included in the baseline emission inventory; and emissions from the area source, fire, nonroad mobile, and onroad mobile source categories. Tables 3 through 6 provide information on how EPA completed the 2018 projections from the area source, fire, nonroad mobile, and onroad mobile source categories as well as the less than 1 tpy point sources. A summary of the 2018 projected emissions inventory is provided in table 7.

As with the state's 2011 baseline emissions inventory, the fire, nonroad mobile, onroad mobile and area source emissions are county-wide and not specific to the partial Muscatine County nonattainment area. EPA increased the emissions based on population growth factors. In order to complete these projections, EPA first gathered population projections for Muscatine county, as seen in table 3.[1]

TABLE 3—POPULATION GROWTH DATA FOR MUSCATINE COUNTY

Population projections	
2010	42,760
2015	43,453
2020	44,225

Next, EPA developed growth factors by computing population ratios by comparing the projected 2020 population to the 2010 population and then comparing the 2020 population to the 2015 population, as provided in table 4.

TABLE 4—2018 GROWTH FACTORS

2018 Growth factors	
1.03	2020/2010
1.02	2020/2015

Then, EPA downloaded the 2011 and 2014 emissions from the National Emissions Inventory (NEI) and multiplied the NEI values by the growth factors to calculate a 2018 maximum projection value, as provided in table 5. That is, EPA multiplied the 2011 NEI base year emissions by the 2018 growth factor of 1.03 and the 2014 NEI base year emissions by the 2018 growth factor of 1.02, then selected the highest estimate for each source category as the 2018 maximum projected emissions (data have been rounded to the nearest whole number).

TABLE 5—2018 SULFUR DIOXIDE EMISSIONS PROJECTIONS MUSCATINE COUNTY IOWA

[Tons]

2018 Sulfur dioxide emissions projections Muscatine County Iowa (tons)					
	2011 [a]	2014 [b]	2018 (2011)	2018 (2014)	2018 Maximum
Fire	9	13	9	13	13
Area Sources	10	5	10	5	10
Nonroad Mobile [c]	2	1	2	1	2
Onroad Mobile	3	4	3	4	4

[a] 2011NEIV2.
[b] 2014NEIV1.
[c] Marine/Aircraft/Rail emissions were included in the nonroad category, rather than area source category for 2011.

In order to project the 2018 emissions for the less than 1 tpy sources provided in the 2011 baseline emission inventory (HNI Corporation—North and Central Campuses, H.J. Heinz, L.P., and Union Tank Car Co.—Muscatine), EPA selected the highest emissions from the 2008 to 2015 time period as the sources' projected 2018 emissions, table 6. The total of the county's nonroad mobile, onroad moble, fire and area source category projected 2018 emissions would be about .13 percent of the partial county nonattainment area's total emissions).[2]

[1] *http://www.iowadatacenter.org/datatables/CountyAll/co2010populationprojections20002040.pdf.*

[2] The total projected 2018 emissions includes LGS at its projected PTS in 2018, 15,188. It is expected that the actual emissions from this source in 2018 would be much lower.

TABLE 6—PROJECTED 2018 SO_2 EMISSIONS FOR THE SMALL UNCONTROLLED SOURCES (TPY) IN THE MUSCATINE COUNTY IOWA NONATTAINMENT AREA

Projected 2018 emissions from the less than 1 ton per year (tpy) sources in the Muscatine NAA									
Facility name	2008	2009	2010	2011	2012	2013	2014	2015	2018 Projected
HNI Corporation—North Campus	0.06	0.07	0.08	0.07	0.11	0.03	0.03	0.08	0.11
HNI Corporation—Central Campus	0.04	0.01	0.04	0.01	0.05	0.04	0.04	0.05	0.05
H.J. Heinz, L.P	0.06	0.03	0.06	0.05	0.06	0.06	0.04	0.06	0.06
Union Tank Car Co.—Muscatine	0	0.01	0.01	0.01	0.01	0.01	0.01	0.02	0.02

Additionally, there is a large source outside of the nonattainment area, LGS, that was included in the state's 2011 baseline emission inventory. On October 12, 2017, the state submitted, via email, the 2018 potential to emit (PTE) from LGS equaling approximately 15,188 tpy. The email has been added to the docket for public inspection. Table 7 provides a summary of the projected 2018 emissions for the nonattainment area, and that summary includes LGS at its PTE. However, after reviewing LGS's operating history from 2012 to 2016 we expect that the facility will emit considerably less SO_2 emissions than its PTE in 2018. Table 8 provides the annual SO_2 emissions from LGS from 2012 to 2016 as reported to EPA's Clean Air Markets Division.[3]

TABLE 7—UPDATED 2018 EMISSIONS INVENTORY SUMMARY

2018 Projected emissions inventory for the Muscatine NAA		
	Facility	2018 SO_2 Emissions (tpy)
Inside of the NAA	Grain Processing Corporation	167
	Muscatine Power and Water	5,051
	Monsanto	1,196
	HNI Corp.—North Campus	0.11
	HNI Corp.—Central Campus	0.05
	H.J. Heinz L.P	0.06
	Union Tank Car Co	0.02
Outside of the NAA	Louisa Generating Station	15,188
All of Muscatine County	Onroad Mobile	4
	Nonroad Mobile	2
	Area Sources	10
	Fires	13
Total		21,631

TABLE 8—LOUISA GENERATING STATION SO_2 ANNUAL EMISSIONS DATA, 2012–2016 (CAMD)

Louisa Generating Station SO_2 emissions, 2012–2016					
Year	2012	2013	2014	2015	2016
Annual SO_2 Emissions	8743	8285	8763	6096	5129

The EPA is providing the updated 2018 projected emissions inventory information for public inspection and in support of the Agency's previous proposal to determine that the state has met the requirements of CAA section 172(c)(3) and 172(c)(4).

III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011). This action is not subject to review under Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866. This action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rulemaking would approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

[3] Data reported to the CAMD shows that LGS has not operated in a manner to allow for SO_2 emissions approaching its PTE (15,188) since 2008.

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

This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). Thus Executive Order 13132 does not apply to this action. This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rulemaking also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) because it proposes to approve a state rule implementing a Federal standard.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a state submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA when it reviews a state submission, to use VCS in place of a state submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Burden is defined at 5 CFR 1320.3(b).

List of Subjects in 40 CFR Part 52

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

Dated: December 21, 2017.

James B. Gulliford,

Regional Administrator, Region 7.

[FR Doc. 2018–00026 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0680; FRL–9972–83—Region 9]

Approval of California Air Plan Revisions, Yolo-Solano Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Yolo-Solano Air Quality Management District (YSAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from organic liquid storage and transfer operations. We are proposing to approve a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by February 8, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0680 at *http://www.regulations.gov,* or via email to Rebecca Newhouse, at *newhouse.rebecca@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Rebecca Newhouse, EPA Region IX, (415) 972–3004, *newhouse.rebecca@epa.gov*.

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

Table of Contents

I. The State's Submittal

A. What rule did the State submit?

Table 1 lists the rule addressed by this proposal with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Amended/ revised	Submitted
YSAQMD	2.21	Organic Liquid Storage and Transfer	09/14/16	01/24/17

On April 17, 2017, the EPA determined that the submittal for YSAQMD Rule 2.21 met the completeness criteria in 40 CFR part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of this rule?

We approved an earlier version of Rule 2.21 into the SIP on October 31,

2006 (71 FR 63694). The YSAQMD adopted revisions to the SIP-approved rule on March 12, 2014, and CARB submitted the revised rule to us on June 26, 2015. The YSAQMD further revised the rule on September 14, 2016, and CARB submitted the revised rule to us on January 24, 2017. We are acting on only the most recently submitted version of the rule but have reviewed materials provided with previous submittals.

C. What is the purpose of the rule revision?

VOCs help produce ground-level ozone, smog and particulate matter (PM), which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. SIP-approved Rule 2.21 limits VOC emissions from organic liquid storage tanks and during transfers at bulk terminals, bulk gasoline plants, and gasoline dispensing facilities. Revisions to the SIP-approved version of Rule 2.21 adopted on March 12, 2014, and September 14, 2016, exempt gasoline dispensing facilities from Rule 2.21, remove associated vapor recovery requirements for Stage I gasoline transfers at gasoline dispensing facilities, restrict allowable primary seals for storage tanks to mechanical shoe seals, and make other clarifying changes regarding floating roof seals and deck fitting requirements. The YSAQMD exempted gasoline dispensing facilities and removed associated vapor recovery requirements from Rule 2.21 to eliminate redundancies between Rule 2.21 and SIP-approved YSAQMD Rule 2.22, which contains equivalent requirements for Phase I gasoline transfers at gasoline dispensing facilities. The EPA's technical support document (TSD) has more information about this rule.

II. The EPA's Evaluation and Proposed Action

A. How is the EPA evaluating the rule?

Generally, SIP rules must be enforceable (see CAA section 110(a)(2)), must not interfere with applicable requirements concerning attainment and reasonable further progress or other CAA requirements (see CAA section 110(l)), and must not modify certain SIP control requirements in nonattainment areas without ensuring equivalent or greater emissions reductions (see CAA section 193).

Additionally, SIP rules must require Reasonably Available Control Technology (RACT) for each category of sources covered by a Control Techniques Guidelines (CTG) document as well as each major source of VOCs in ozone nonattainment areas classified as moderate or above (see CAA section 182(b)(2)). The YSAQMD regulates an ozone nonattainment area classified as Severe for the 2008 8-hour ozone national ambient air quality standard (40 CFR 81.305). Therefore, the YSAQMD must implement RACT for each category of sources covered by a CTG and each major source of VOCs. Rule 2.21 applies to the following four CTG source categories: (1) External floating roof storage tanks, (2) fixed-roof storage tanks, (3) bulk gasoline terminals, and (4) bulk gasoline plants.

Guidance documents that we use to evaluate submitted rules for compliance with the requirements for enforceability, SIP revisions and rule stringency for the applicable criteria pollutants include the following:

1. ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).
2. ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations,'' EPA, May 25, 1988 (the Bluebook, revised January 11, 1990).
3. ''Guidance Document for Correcting Common VOC & Other Rule Deficiencies,'' EPA Region 9, August 21, 2001 (the Little Bluebook).
4. ''Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks,'' EPA–450/2–77–036, December 1977.
5. ''Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks,'' EPA–450/2–78–047, December 1978.
6. ''Control of Volatile Organic Emissions from Bulk Gasoline Plants,'' EPA–450/2–77–035, December 1977.
7. ''Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals,'' EPA–450/2–77–026, October 1977.
8. ''Alternative Control Techniques Document: Volatile Organic Liquid Storage in Floating and Fixed Roof Tanks,'' EPA–453/R–94–001, January 1994.

B. Does the rule meet the evaluation criteria?

This rule is consistent with CAA requirements and relevant guidance regarding enforceability, RACT, and SIP revisions. The TSD has more information on our evaluation.

C. EPA Recommendations To Further Improve the Rule

The TSD describes additional rule revisions that we recommend for the next time the local agency modifies the rule.

D. Proposed Action and Request for Public Comment

As authorized in section 110(k)(3) of the Act, the EPA proposes to fully approve the submitted rule because it satisfies all applicable requirements. We will accept comments from the public on this proposal until February 8, 2018. If we take final action to approve the submitted rule, our final action will incorporate this rule into the federally enforceable SIP.

III. Incorporation by Reference

In this rule the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the YSAQMD rule described in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

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

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: December 21, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–00022 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2007–1092; FRL–9972–74—Region 5]

Air Plan Approval; Michigan Minor New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of the comment period.

SUMMARY: The Environmental Protection Agency (EPA) is reopening the comment period for a proposed Clean Air Act rule published August 15, 2017. An appendix to one of the documents EPA proposed to approve was not available on *Regulations.gov* as required; therefore, EPA is reopening the comment period for 15 days.

DATES: Comments must be received on or before January 24, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2007–1092 at *https://www.regulations.gov,* or via email to *damico.genvieve@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Rachel Rineheart, Environmental Engineer, Air Permits Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7017, *Rineheart.rachel@epa.gov*.

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

On August 15, 2017, EPA proposed to approve certain changes to Michigan's minor new source review program which is contained in Part 2 of the Michigan Administrative Code. EPA had previously reopened the comment period due to an incomplete docket from November 2, 2017 to December 4, 2017. The file containing the state's September 2, 2003 submittal made available on *Regulations.gov* on September 12, 2017, was missing Attachment H which contained the state's technical analysis of the rule changes. The missing attachment was made available on *regulations.gov* on December 6, 2017, and EPA is reopening the comment period for an additional 15 days. The comment period now closes on January 24, 2018.

Dated: December 20, 2017.

Robert Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2018–00023 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[EPA–R06–UST–2017–0504; FRL–9968–28—Region 6]

Oklahoma: Final Approval of State Underground Storage Tank Program Revisions and Incorporation by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act (RCRA or Act), the Environmental Protection Agency (EPA) is proposing to approve revisions to the State of Oklahoma's Underground Storage Tank (UST) program submitted by the State. This action is based on EPA's determination that these revisions satisfy all requirements needed for program approval. This action also proposes to codify EPA's approval of Oklahoma's state program and to incorporate by reference those provisions of the State regulations that we have determined meet the requirements for approval. The provisions will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions.

DATES: Send written comments by February 8, 2018.

ADDRESSES: Submit any comments, identified by EPA–R06–UST–2017–0504, by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

2. *Email: lincoln.audray@epa.gov.*

3. *Mail:* Audray Lincoln, Region 6, Project Officer, LUST Prevention/

Corrective Action Section (6MM–XU), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

4. *Hand Delivery or Courier:* Deliver your comments to Audray Lincoln, Region 6, Project Officer, LUST Prevention/Corrective Action Section (6MM–XU), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Instructions: Direct your comments to Docket ID No. EPA–R06–UST–2017–0504. EPA's policy is that all comments received will be included in the public docket without change and may be available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov,* or email. The Federal *http://www.regulations.gov* website is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties, and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

You can view and copy the documents that form the basis for this codification and associated publicly available materials from 8:30 a.m. to 4:00 p.m. Monday through Friday at the following location: EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–2239. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Ms. Audray Lincoln, Region 6, Project Officer, LUST Prevention/Corrective Action Section (6MM–XU), Multimedia Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–2239, email address *lincoln.audray@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Authority: This rule is issued under the authority of Sections 2002(a), 9004, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Dated: November 3, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2018–00038 Filed 1–8–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 493

[CMS–3326–NC]

RIN 0938–ZB40

Request for Information: Revisions to Personnel Regulations, Proficiency Testing Referral, Histocompatibility Regulations and Fee Regulations Under the Clinical Laboratory Improvement Amendments of 1988 (CLIA)

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Request for information.

SUMMARY: This request for information seeks public comment regarding several items related to Clinical Laboratory Improvement Amendments of 1988 (CLIA) personnel requirements and histocompatibility requirements, which, with minor exception, have not been updated since 1992. We are also seeking public comment regarding the flexibility to impose alternative sanctions for laboratories issued a Certificate of Waiver (CoW) determined to have participated in proficiency testing (PT) referral. In addition, we are seeking public comment related to appropriate sanctions in situations where we determine that a laboratory has referred its PT samples to another laboratory and has reported the other laboratory's result as their own.

This request for information also seeks public comment regarding the updating of fees for determination of program compliance and additional fees for laboratories established under the CLIA regulations. We are also seeking public comment regarding the collection of other fees we are authorized to collect such as fees for revised certificates, post survey follow-up visits, complaint investigations, and activities related to imposition of sanctions.

We intend to consider public comments (including information such as evidence, research, and trends) received in response to this request for information when we draft proposals, in consultation, as appropriate, with the Centers for Disease Control and Prevention (CDC), to update the existing CLIA regulations through future rulemaking. We are also soliciting public comment on other areas of CLIA which should be reviewed and potentially updated.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on March 12, 2018.

ADDRESSES: In commenting, refer to file code CMS–3326–NC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3326–NC, P.O. Box 8016, Baltimore, MD 21244–8016.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3326–NC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* Alternatively, you may deliver (by hand or courier) your written comments ONLY to the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201.

(Because access to the interior of the Hubert H. Humphrey Building is not

readily available to persons without Federal government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments erroneously mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

FOR FURTHER INFORMATION CONTACT:

For general questions, please contact Caecilia Blondiaux, 410–786–2190.

For personnel requirements, please contact Sarah Bennett, 410–786–3354.

For proficiency testing referral, please contact Sarah Bennett, 410–786–3354.

For histocompatibility, please contact Penelope Meyers, 410–786–3366.

For CLIA fees, please contact Cindy Flacks, 410–786–6520.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that website to view public comments.

I. Background

A. Personnel Requirements

Generally, the Clinical Laboratory Improvement Amendments of 1988 (CLIA) regulations related to personnel requirements have not been updated since 1992, with the exception of minor changes to doctoral high complexity laboratory director qualifications in 2003 (see 68 FR 3713). We are soliciting public comments (including information such as evidence, research, and trends) and intend to draft proposals, to update the existing CLIA personnel regulations through future rulemaking. The topics listed in this request for information are areas that the Centers for Disease Control and Prevention (CDC), CMS, stakeholders and State Agency surveyors identified as concepts that should be relevant to our efforts to update the CLIA personnel requirements to better reflect current knowledge, changes in the academic context and advancements in laboratory testing. Therefore, prior to starting the rulemaking process, we are seeking public comments (including information such as evidence, research, and trends), including stakeholder and surveyor feedback, specific to the topics discussed in this request for information. We intend to consider any such comments when we draft proposals to update the existing CLIA personnel regulations to better protect public health and safety and reflect current knowledge, changes in the academic context, and advancements in laboratory testing.

1. Nursing Degrees

As noted in Survey & Certification Letter 16–18–CLIA[1], we currently consider a bachelor's degree in nursing to be equivalent to a bachelor's degree in biological science for purposes of the educational requirements for moderate and high complexity testing personnel under CLIA. We are considering drafting proposals to amend 42 CFR 493.1411 (moderate complexity technical consultant), 493.1423 (moderate complexity testing personnel), and 493.1489 (high complexity testing personnel) to expressly reflect that policy. We are also considering whether a nursing degree should be considered as a separate qualifying degree, as opposed to the equivalent of a biological science degree, for purposes of meeting the educational requirements for moderate and high complexity testing personnel and technical consultants. As such, we are also considering proposing to amend §§ 493.1411, 493.1423, and 493.1489 to add a nursing degree as a separate qualifying degree to the current list of qualifying degrees for the moderate and high complexity testing personnel and technical consultants.

We are seeking public comments (including information such as evidence, research, and trends) related to whether, for purposes of meeting the educational requirements for moderate complexity technical consultants and testing personnel and high complexity testing personnel, §§ 493.1411, 493.1423, and 493.1489 should be amended: (1) To expressly reflect that a nursing degree is equivalent to a biological science degree; or (2) to add nursing degrees as a separate qualifying degree (as opposed to the equivalent of a biological science degree) to the current list of qualifying degrees.

2. Physical Science Degrees

Due to variation in usage and the absence of universally accepted definitions, a ''physical science degree'' is difficult to define for regulatory purposes. We note, however, that physical science is a broad discipline often described as the study of non-living systems, such as astronomy, physics, and earth sciences. Generally, these types of degrees are not related to clinical laboratory testing. We note that in some instances, individuals with these types of degrees have been able to qualify as high complexity testing personnel under § 493.1489.

We are seeking public comments (including information such as evidence, research, and trends) on what is considered a physical science degree and whether any physical science degree(s) should be considered as educational background(s) appropriate for qualifying to meet the CLIA educational requirements at §§ 493.1405, 493.1411, 493.1423, 493.1443, 493.1449, 493.1461, and 493.1489.

3. Personnel Competencies

We recognize that the personnel qualifications for general supervisors may be less stringent than those of technical consultants. However, the current CLIA regulations allow general supervisors with associate's degrees (§ 493.1461) to perform competency assessment on high complexity testing personnel (see §§ 493.1461(c)(2), 493.1489(b)(2)(i)), but because the personnel requirements for moderate complexity testing do not include the general supervisor category, the same general supervisors cannot perform competency assessment on moderate complexity testing personnel unless they can meet the regulatory qualifications of a technical consultant (§ 493.1411). Technical consultants, at a minimum, are required to have a bachelor's degree in chemical, physical, or biological science or medical technology. We recognize that high complexity testing is inherently more involved than moderate complexity testing. We have received feedback from laboratories and other stakeholders that the difference in degree requirements to qualify to assess competency presents staffing challenges in laboratories. We are seeking public comments (including information such as evidence, research, and trends) regarding whether general

[1] Survey & Certification Letter 16–18–CLIA SC 16–18–CLIA, S&C website: *http://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions.html*

supervisors, with associate's degrees, should be allowed to perform competency assessment for moderate complexity testing personnel in laboratories that perform both moderate and high complexity testing.

4. Personnel Experience, Training and Skills

Currently, when we refer to laboratory training, experience and/or skills,[2] we mean that the individual qualifying has the training in and the experience with non-waived clinical laboratory testing or in the specialties and subspecialties in which the individual is performing testing. Generally, the type of training and experience required under the current CLIA personnel regulation at part 493, subpart M, is clinical in nature. This means examination and test performance on human specimens for purposes of obtaining or providing information for the diagnosis, treatment, and monitoring of patients.

We are seeking public comments (including information such as evidence, research, and trends) on what should be considered appropriate laboratory training, experience and skills when determining the qualifications necessary for all [3] personnel to meet CLIA requirements, and what comprises appropriate documentation to verify the training, experience and skills for all personnel positions in part 493, subpart M.

5. Non-Traditional Degrees

Several current CLIA personnel requirements allow a position to be filled by an individual with a degree in a ''chemical, physical, biological or clinical laboratory science, or medical technology.'' [4] We recognize there are non-traditional degrees (for example, Regents Bachelor of Arts) that may include job experience in lieu of coursework and that typically do not include a major concentration of study (for example, biology or chemistry), but are instead classified as general education degrees.

We are seeking public comments (including information such as evidence, research, and trends) related to such non-traditional degrees, specifically whether these types of degrees should be considered to meet the requirements for a chemical, physical, biological or clinical laboratory science, and/or medical technology degrees.[5]

B. Proficiency Testing Referral

The Taking Essential Steps for Testing Act (''TEST Act'') (Pub. L. 112–202, enacted on December 4, 2012) amended section 353 of the Public Health Service Act (PHSA) to provide the Secretary with discretion as to which sanctions may be applied to cases of intentional PT referral. Such discretion may in some circumstances replace the automatic revocation of the laboratory's CLIA certificate and subsequent imposition of the 2-year ban on the laboratory's owner or operator, which would prevent them from owning or operating a CLIA-certified laboratory for 2 years.

1. Discretion for Category 1 PT Referral

The final rule entitled, ''Medicare Program; Prospective Payment System for Federally Qualified Health Centers; Changes to Contracting Policies for Rural Health Clinics; and Changes to Clinical Laboratory Improvement Amendments of 1988 Enforcement Actions for Proficiency Testing Referral'', published in the May 2, 2014 **Federal Register** (79 FR 25463 through 25467 and 25480 through 25481), amended the regulations to implement the TEST Act and provide the prescriptive framework for the application of sanctions in PT referral cases (see also 79 FR 27106). These regulations allow for a more appropriate enforcement action based upon the nature and extent of an intentional PT referral violation and the penalties that are imposed. These regulations include three categories of sanctions for a PT referral to be applied under certain specified conditions, based on the severity and extent of the violation. These categories reserve revocation and the resulting laboratory director/owner/operator prohibition for the most egregious violations while permitting less serious sanctions in cases where circumstances warrant.

''Category 1'', found at § 493.1840(b)(1), is for the most egregious violations, encompassing cases of repeat PT referral, regardless of circumstances revolving around the violation, and cases where a laboratory reports another laboratory's PT results as its own to the PT program. This category includes the revocation of the laboratory's CLIA certificate for at least 1 year, bans the owner and operator from owning or operating a CLIA-certified laboratory for at least 1 year, and may include the imposition of a civil money penalty (CMP). The application of the owner exemption from the ban is determined on a case-by-case basis (see § 493.1840(b)(1)(ii)).

We are seeking public comment related to applying discretion in situations where we determine that a laboratory has referred its PT samples to another laboratory and has reported the other laboratory's PT results as its own, and under what circumstances the discretion should be applied.

2. Alternative Sanctions for PT Referral by CoW Laboratories

Section 353(d)(2)(C) of the PHSA states that laboratories issued a CoW are only exempt from subsections (f) and (g) of the statute. All other subsections apply, including the prohibition against PT referral in subsection (i), which refers to ''any laboratory'' that the Secretary determines has intentionally referred its PT samples. Therefore, CoW laboratories that participate in PT are not exempt from the ban against PT referral. Per § 493.1775(b), CoW laboratories may be inspected to determine if the laboratory is operated and testing is performed in a manner that does not constitute an imminent and serious risk to public health, evaluate a complaint, determine whether the laboratory is performing tests beyond the scope of its certificate, or to collect information regarding the appropriateness of tests specified as waived tests. In addition, § 493.1775(c) requires the laboratory to comply with the basic inspection requirements of § 493.1773. However, the CLIA regulations at § 493.1804(c)(1) state that we do not impose alternative sanctions on CoW laboratories because those laboratories are not inspected for compliance with condition-level requirements. Therefore, our only recourse in cases of PT referral found at CoW laboratories are principal sanctions (that is, revocation, suspension, or limitation).

We are seeking public comments (including information such as evidence, research, and trends) to determine if alternative sanctions instead of principal sanctions should be an option in these cases in order to create parity for all certificate types for laboratories determined to have participated in PT referral.

C. Histocompatibility

Generally, the CLIA regulations related to histocompatibility have not been updated since 1992, with the exception of certain changes in 2003 (see 68 FR 3640). We are soliciting

[2] See §§ 493.1405, 493.1406, 493.1411, 493.1423, 493.1443, 493.1449, 493.1461, 493.1489, 493.1491.

[3] See §§ 493.1405, 493.1406, 493.1411, 493.1423, 493.1443, 493.1449, 493.1461, 493.1489, 493.1491.

[4] See §§ 493.1405, 493.1411, 493.1423, 493.1449(c) through (j) and (n) through (q), 493.1461, 493.1489.

[5] See §§ 493.1405, 493.1411, 493.1423, 493.1449(c) through (j) and (n) through (q), 493.1461, 493.1489.

public comment and intend to draft proposals, to update the existing CLIA histocompatibility regulations through future rulemaking. The topics listed in this request for information are areas that CDC, CMS, the Clinical Laboratory Improvement Amendments Advisory Committee (CLIAC), and stakeholders identified as concepts that should be relevant to our efforts to update the CLIA histocompatibility requirements to better reflect current knowledge, changes in transplant medicine, and advancements in laboratory testing. We intend to consider any such information when we draft proposals to update the existing CLIA histocompatibility requirements to better protect the public health and safety and reflect current knowledge, changes in transplant medicine, and advancements in laboratory testing.

1. Crossmatching

As a result of changes in histocompatibility testing technology and practices, as well as advances in organ transplantation since 1992, we believe that some of the requirements found at § 493.1278 have become outdated and may preclude the use of current transplantation practices. For example, in some cases, performing a ''virtual crossmatch'' has replaced the use of a ''physical crossmatch'' to determine compatibility between the donor and recipient.

The CLIA regulations require a crossmatch to be performed as part of the laboratory testing process (see 42 CFR 493.1278(e)). Although not specified in the regulation, the crossmatching procedures in use in 1992 were physical crossmatches (also referred to as serologic crossmatches), that is, a mixing of specimens from donor and recipient to check for compatibility. We understand that these regulations are viewed by the transplantation community as a barrier to modernized decision-making approaches on organ acceptability based on risk assessment.

Virtual crossmatching generally refers to an assessment of immunologic compatibility based on the patient's alloantibody profile compared to the donor's histocompatibility antigens. In virtual crossmatching, laboratory test results already performed on donors and recipients are compared in order to predict compatibility and determine whether an organ is acceptable for a patient.

The CLIAC Virtual Crossmatch Workgroup was convened to gather information on the acceptability and application of virtual crossmatching in lieu of serologic crossmatching for transplantation.

The workgroup reported on advances in the field of transplantation since the CLIA regulations were published in 1992. These advances have made the physical crossmatching less significant or even obsolete in some cases. Specifically:

- Histocompatibility testing has evolved from cell based assays to molecular typing and solid phase platforms for antibody detection, leading to improved accuracy, sensitivity, specificity.
- Significant changes have occurred in the clinical practice of transplantation (for example, immunosuppression, desensitization practices), and improvements in anti-rejection therapies have led to improved outcomes and mitigation of risk due to antibodies against human leukocyte antigens (HLA).

These advances have made virtual crossmatching a viable alternative to physical crossmatching. The Virtual Crossmatch Workgroup presented a report called the Acceptability and Application of Virtual Crossmatching in lieu of Serologic Crossmatching for Transplantation,[6] to the full CLIAC at its November 2014 meeting. CLIAC deliberated on the report and recommended that we explore:

- Regulatory changes or guidance(s) that would allow virtual crossmatching to replace physical crossmatching as a pre-requisite for organ transplant.
- Appropriate criteria and decision-making algorithms, based on the Virtual Crossmatch Workgroup input provided to CLIAC, under which virtual crossmatching would be an appropriate substitute for physical crossmatching. The determination of appropriate criteria and decision-making algorithms should involve a process that includes an open comment period.

We are seeking public comments (including information such as evidence, research, and trends) related to these two CLIAC recommendations; that is, whether virtual crossmatching should be an acceptable alternative to physical crossmatching, and under what criteria and decision-making algorithms virtual crossmatching would be an appropriate substitute for physical crossmatching.

[6] The Acceptability and Application of Virtual Crossmatching in lieu of Serologic Crossmatching for Transplantation (2014) *https://ftp.cdc.gov/pub/CLIAC_meeting_presentations/pdf/Addenda/cliac1114/8_BRAY_Virtual_Crossmatch_Workgroup_Report_Nov-2014.pdf.*

2. Updating the Histocompatibility Requirements

Since the CLIA specialty requirements for histocompatibility testing were initially finalized in 1992, there have been many advancements in laboratory testing. We believe that some of the requirements found at § 493.1278 other than those related to crossmatching may also be outdated or are redundant with other requirements found in subpart K of the regulations. We are seeking public comments (including information such as evidence, research, and trends) related to any histocompatibility regulations that have become outdated, and suggestions for updating the histocompatibility regulations to align with current laboratory practice.

D. CLIA Fees

With the exception of the certificate fees notice which was published in the August 29, 1997 **Federal Register** (62 FR 45915 through 45821), the CLIA regulations related to fees have not been updated since 1992, and we intend to update the CLIA regulations with regard to fees. These fee updates would include the determination of program compliance fees for laboratories holding a Certificate of Compliance (CoC), additional fees for laboratories holding a Certificate of Accreditation (CoA), fees for revised certificates, follow-up visits, complaint investigations, and activities related to the imposition of sanctions.

Section 353(m) of the PHSA requires the Secretary to impose two separate types of fees: ''certificate fees'' and ''additional fees.'' Certificate fees are imposed for the issuance and renewal of certificates (except that only a nominal fee may be required for the issuance and renewal of CoWs) and must be sufficient to cover the general costs of administering the CLIA program, including and evaluating and monitoring approved PT programs and accrediting bodies and implementing and monitoring compliance with program requirements. Additional fees are imposed for inspections of non-accredited laboratories and for the cost of performing PT on laboratories that do not participate in approved PT programs. The additional fees must be sufficient to cover, among other things, the cost of carrying out such inspections and PT. Certificate and additional fees must vary by group or classification of laboratory, based on such considerations as the Secretary determines are relevant, which may include the dollar volume and scope of the testing being performed by the laboratories. The regulations provide for a methodology for determining

compliance fee amounts (§ 493.649) and periodic updating of the certificate fee amounts (§ 493.638(b)).

1. Fees for Revised Certificate

The regulations also allow for collection of fees for revised certificates (§ 493.639). We are exploring an appropriate methodology for determining a fair and reasonable fee to support these requests. At present, laboratories may request a revised certificate due to a change in name, location, director, services offered (for example, specialty or subspecialty), or certificate type (for example, CoC to Certificate of Provider-performed Microscopy (PPM) Procedures). There is a cost associated with such a request, including staff time to verify and make the edits in the data system, the contractor's time to print the revised certificate, and the supplies required to print the revised certificate. The fee for revised certificate would likely be a standard nominal fee for such requests.

2. Compliance Determination, Additional Fees, and Methodology for Determining Fee Amounts

Laboratories holding a CoC are subject to fees for determination of program compliance according to the regulations at § 493.643(b). Laboratories that hold a CoA are subject to additional fees as outlined in § 493.645(b). As noted in this request for information, the statute requires certificate and additional fees to vary by group or classification of laboratory, based on such considerations as the Secretary determines are relevant, which may include the dollar volume and scope of the testing being performed by the laboratories. Section 493.643(c) lists the classifications, or schedules, of laboratories based on the laboratory's scope and volume of testing. These schedules are used to determine the fee amount a laboratory is assessed and will not be revised. The compliance determination fees have not been increased since the final rule was published in 1992. The cost of conducting compliance determination activities (for example, surveys, PT reviews, and evaluating personnel) has increased over the life of the CLIA program.

The regulations allow for us to collect fees for follow-up visits post survey, complaint investigations, and activities associated with imposing sanctions. Such fees for laboratories holding a CoC are outlined in §§ 493.643(b) and 493.643(d), while laboratories holding a CoA, CoW and a PPM Certificate are subject to §§ 493.645(b)(2) and 493.645(c), as applicable. We are exploring methodology for assessing a fair fee for these compliance determination activities.

The methodology for determining fee amounts is found in § 493.649. The amount of the fee in each schedule for compliance determination inspections is based on the average hourly rate for each entity, which includes costs to perform required activities and necessary administration costs. The hourly rate is multiplied by the average number of hours required to perform these activities. We are seeking public comments (including information such as evidence, research, and trends) on an alternate method to calculate the average hourly rate for each entity as outlined in § 493.649(b). We are also seeking information on whether the method should be standardized and updated annually or as needed.

We are therefore soliciting public comments (including information such as evidence, research, and trends) on the best method for instituting this regulatory authority to collect CLIA fees.

II. Solicitation of Comments

This is a request for information only. Respondents are encouraged to provide complete but concise responses to the questions listed in the sections outlined below. Please note that a response to every question is not required. This RFI is issued solely for information and planning purposes; it does not constitute a Request for Proposal, applications, proposal abstracts, or quotations. This RFI does not commit the Government to contract for any supplies or services or make a grant award. Further, we are not seeking proposals through this RFI and will not accept unsolicited proposals. Responders are advised that the U.S. Government will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future procurement, if conducted. It is the responsibility of the potential responders to monitor this RFI announcement for additional information pertaining to this request. Please note that we will not respond to questions about the policy issues raised in this RFI. We may or may not choose to contact individual responders. Such communications would only serve to further clarify written responses. Contractor support personnel may be used to review RFI responses. Responses to this notice are not offers and cannot be accepted by the Government to form a binding contract or issue a grant. Information obtained as a result of this RFI may be used by the Government for program planning on a non-attribution basis. Respondents should not include any information that might be considered proprietary or confidential. This RFI should not be construed as a commitment or authorization to incur cost for which reimbursement would be required or sought. All submissions become Government property and will not be returned. We may publically post the comments received, or a summary thereof.

We are soliciting public input on the following areas:

A. Clarifications of Degree(s)

- We are seeking public comment related to whether a bachelor's degree in nursing should be considered equivalent to a bachelor's degree in biological science or should be considered a qualifying degree to meet the CLIA requirements for moderate and high complexity testing personnel as well as for technical consultants.
- We are seeking public comment on what is considered a physical science degree and if a physical science degrees have the educational backgrounds such that all or some should to be considered a qualifying degree to meet the intent of the CLIA requirements at §§ 493.1405, 493.1411, 493.1423, 493.1443, 493.1449, 493.1461, and 493.1489.
- We are seeking public comment related to non-traditional degrees (for example, Regents Bachelor of Arts) specifically whether any of these types of degrees should be considered to meet the requirements for a chemical, physical, biological or clinical laboratory science, and/or medical laboratory technology degrees.

B. Other Requirements for CLIA Personnel Categories

- We are seeking public comment regarding whether general supervisors should be allowed to perform competency assessment for testing personnel performing moderate complexity testing in laboratories that perform both moderate and high complexity testing.
- We are seeking public comment on what is appropriate laboratory training, experience and skills when qualifying all personnel to meet CLIA requirements, and what comprises appropriate documentation to verify the training, experience and skills for all personnel positions in part 493, subpart M.

C. Proficiency Testing Referral

• We are seeking public comment regarding the feasibility of applying alternative sanctions in cases of PT referral that involve waived testing.

• We are seeking public comment related to applying discretion in situations where we determine that a laboratory has referred its proficiency testing samples to another laboratory and has reported those results from another laboratory as their own, and under what circumstances should that discretion be applied.

D. Histocompatibility

• Virtual crossmatching: We are seeking public comment on the acceptability and application of virtual crossmatching in lieu of physical crossmatching for transplantation.

• Criteria and decision making algorithms: We are seeking public comment on appropriate criteria and decision algorithms under which virtual crossmatching would be an appropriate substitute for physical crossmatching. We are also seeking public comment on the existence of commonly accepted current guidelines for virtual crossmatching in histocompatibility.

• Updating histocompatibility regulations: We are seeking public comment on histocompatibility regulations that are no longer necessary because they are obsolete or redundant with requirements found in other sections of the CLIA regulations. We are also seeking public comment on any histocompatibility regulations that should be modified to reflect current practices.

E. CLIA Fees

• We are seeking public comments (including information such as evidence, research, and trends) on an alternate method to calculate the average hourly rate for each entity as outlined in § 493.649(b). We are also seeking comment on whether the method should be standardized and updated annually or as needed.

• We are seeking public comment on a methodology that would set a fair and reasonable fee for revised certificate requests. We also seek comment as to whether fees should be nominal and, if nominal, whether such fee would cover the costs associated with the task.

• We are seeking public comment to update the fees for determination of program compliance as well as additional fees to accredited laboratories as outlined in §§ 493.643(b) and 493.645(b) respectively. We are also seeking comment on whether fees collected should be subject to the same ten schedules at § 493.643(c), and whether they should change based on any updates to the methodology for determining the average hourly rate.

• We are seeking public comment on exploring an appropriate methodology for assessing a fair fee for other compliance determination activities to include performing follow-up visits, complaint investigations, and activities associated with imposition of sanctions.

We are also soliciting general feedback from stakeholders on what other areas of CLIA they would potentially have recommendations for changing.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. However, section II of this document does contain a general solicitation of comments in the form of a request for information. In accordance with the implementing regulations of the Paperwork Reduction Act of 1995 (PRA), specifically 5 CFR 1320.3(h)(4), this general solicitation is exempt from the PRA. Facts or opinions submitted in response to general solicitations of comments from the public, published in the **Federal Register** or other publications, regardless of the form or format thereof, provided that no person is required to supply specific information pertaining to the commenter, other than that necessary for self-identification, as a condition of the agency's full consideration, are not generally considered information collections and therefore not subject to the PRA. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

Dated: August 18, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

Dated: December 20, 2017.

Eric D. Hargan,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2017–27887 Filed 1–5–18; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 170901860–7999–01]

RIN 0648–BH18

Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Multi-Year Annual Catch Limits for the Finfish Stocks in the Monitored Stock Category

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to amend the regulations governing the fisheries for Coastal Pelagic Species (CPS) off the West coast to include annual catch limits (ACLs, which are the maximum allowable fishing levels for each year, for certain monitored finfish stocks (jack mackerel, central population of northern anchovy, northern subpopulation of northern anchovy) under the CPS Fishery Management Plan (FMP). A final rule published October 26, 2016, established these ACLs for the 2017 fishing year only; the purpose of this proposed rule is to codify these ACLs so they remain effective until revised through some future rulemaking. If the ACL for any one of these stocks is reached or projected to be reached, then fishing for that stock will be closed until it reopens at the start of the next fishing season. This rule is intended to conserve and manage these stocks off the U.S. West Coast.

DATES: Comments must be received by February 8, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0155, by any of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to

www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0155, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Barry A. Thom, Regional Administrator, West Coast Region, NMFS, 501 W. Ocean Blvd., Ste. 420, Long Beach, CA 90802–4250; Attn: Joshua Lindsay.

• *Instructions:* Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Joshua Lindsay, West Coast Region, NMFS, (562) 980–4034.

SUPPLEMENTARY INFORMATION: The CPS fishery in the U.S. exclusive economic zone (EEZ) off the West Coast is managed under the CPS FMP, which was developed by the Pacific Fishery Management Council (Council) pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801 *et seq.* The six species managed under the CPS FMP are Pacific sardine, Pacific mackerel, jack mackerel, northern anchovy (northern and central subpopulations), market squid and krill. The CPS FMP is implemented by regulations at 50 CFR part 660, subpart I.

Management unit stocks in the CPS FMP are classified under three management categories: Active, monitored and prohibited harvest species. Stocks in the active category (Pacific sardine and Pacific mackerel) are managed by regular stock assessments and periodic or annual adjustments of target harvest levels based on those stock assessments. Fisheries for these stocks have biologically significant levels of catch, or biological or socioeconomic considerations requiring this type of relatively intense harvest management procedures. In contrast, stocks in the monitored category (jack mackerel, northern anchovy, and market squid [1]), are managed by means of qualitative comparison to available abundance data without regular stock assessments or annual adjustments to target harvest levels, and then tracking landings against the relevant ACL to ensure overfishing does not occur. Fisheries for monitored stocks do not have biologically significant catch levels and, therefore, do not require intensive harvest management. As a result, monitored stocks have been adequately managed by tracking landings and examining available abundance indices. Species in both categories may be subject to management measures such as catch allocation, gear regulations, closed areas, closed seasons, or other forms of regulation. For example, trip limits and a limited entry permit program are already in place for all CPS finfish. The prohibited harvest species category is comprised only of krill, which is managed by a prohibition on targeting and retention.

In September 2011, NMFS approved Amendment 13 to the CPS FMP, which modified the framework process used to set and adjust fishery specifications and for setting ACLs and accountability measures (AMs). Amendment 13 conformed the CPS FMP with the 2007 amendments to the MSA and the NMFS revised MSA National Standard 1 (NS1) guidelines at 50 CFR 600.310, which for the first time required ACLs be established for management unit species (with exceptions). Specifically, Amendment 13 maintained the existing reference points and the primary harvest control rules for the monitored stocks (jack mackerel, northern anchovy and market squid), including the large uncertainty buffer built into the acceptable biological catch (ABC) control rule for the finfish stocks, as well as the overfishing criteria for market squid, but modified these reference points and control rules to align with the revised NS1 guidelines and to comply with the new statutory requirement to establish a process for setting ACLs and AMs. This included a default management framework under which the overfishing limit (OFL) for each monitored stock was set equal to their existing maximum sustainable yield (MSY) value, if available, and ABC values were reduced from the OFL by 75 percent as an uncertainty buffer (in accordance with the existing ABC control rule, under which ABC equals 25 percent of OFL/MSY). ACLs are then set either equal to or lower than the ABC; annual catch targets (ACTs), if deemed necessary, can be set less than or equal to the ACL, primarily to account for potential management uncertainty.

Compared to the management framework for stocks in the active category, which utilizes annual estimates of biomass to calculate the applicable annual harvest levels, the ACLs for the monitored finfish stocks are not based on annual estimates of biomass or any single estimate of biomass. As described above, ACLs for monitored finfish are set at the ABC levels, which are no higher than 25 percent of the OFLs. OFLs are set equal to MSY—an estimate that is intended to reflect the largest average fishing mortality rate or yield that can be taken from a stock over the long term. Although the control rules and harvest policies for monitored CPS stocks are simpler than the active category control rules, the inclusion of a large non-discretionary buffer between the OFL and ABC both protects the stock from overfishing and allows for a small sustainable harvest. In recognition of the low fishing effort and landings for these stocks, the Council chose this type of passive framework to manage monitored finfish because the passive framework has proven sufficient to prevent overfishing while allowing for sustainable annual harvests even when the year-to-year biomasses of these stocks fluctuate.

Although the OFLs and ABCs for these monitored finfish stocks were previously established and are not being revised by this rulemaking, understanding these values is relevant to ACLs because generally the ACL for monitored stocks is expected to be set at ABC. Per the framework that was established through Amendment 13, the OFLs for the central subpopulation of northern anchovy and jack mackerel were set based on MSY values that were established through Amendment 8 to the FMP. In 2015, Amendment 14 to the CPS FMP established an F_{MSY} of 0.3 as the MSY reference point for the northern subpopulation of northern anchovy in the CPS FMP. However, because the framework in the FMP for setting ABCs is based on applying a percentage to numerical MSY/OFLs, it was necessary to determine a numerical OFL value through the specifications process. Because the northern subpopulation of the northern anchovy is currently lightly fished and effort has been inconsistent over time, it was determined that using a catch time series as a way of setting the OFL was not appropriate, as it likely was an unreliable indicator of stock status.

[1] Market squid is statutorily exempt from the general requirement to be managed using an ACL because of their short life-cycle.

Therefore, the best available scientific information on the population and biology of northern subpopulation northern anchovy was compiled to develop an OFL. The available information included two separate estimates of biomass, and the average of these two estimates was approximately 130,000 mt. After reviewing this information, the SSC recommended that the OFL be set by multiplying the average of these two biomass estimates (130,000 mt), by an F_{MSY} 0.3. This calculation results in an OFL of 39,000 mt, and with the established uncertainty buffer of 75 percent, an ABC of 9,750 mt.

Through this action, NMFS is proposing to codify in 50 CFR part 660 subpart I ACLs for the three populations of CPS finfish, which were implemented for calendar year 2017 in the final rule published on October 26, 2016, at 81 FR 74309.[2] The ACLs are: Jack mackerel, 31,000 mt; northern subpopulation of northern anchovy, 9,750 mt; and, central subpopulation of northern anchovy, 25,000 mt. These ACLs were recommended to NMFS by the Council, and were based on recommendations from its advisory bodies according to the framework in the FMP established through Amendment 13.

NMFS notes that although the proposed ACLs are equal to their respective ABCs, NMFS has determined that they are still at a level such that overfishing will not occur. The management framework, including the buffer between the OFL and ABC built into the harvest policy for CPS stocks in the monitored category, was recommended by the Council's SSC, adopted by the Council and approved by NMFS as supported by the best available science and as determined in a manner that appropriately accounts for the various types of scientific uncertainty surrounding the OFL. This framework for accounting for uncertainty was subsequently used to establish the existing OFLs and ABCs for these stocks, and NMFS does not propose to revise the existing OFLs and ABCs by this proposed rule. Additionally, setting lower ACLs or establishing additional ACTs to account for management uncertainty is unnecessary at this time, as managers have the ability to manage and track the landings of these fisheries to ensure the ACLs are not exceeded. Catches of the three finfish stocks in the monitored category—northern anchovy (northern and central subpopulations) and jack mackerel—have remained well below their respective ACL (previously ABC) levels since implementation of the CPS FMP in 2000, with average catches in the ten-year period from 2006–2015 of approximately 8,000 mt, 295 mt, and 580 mt for the central and northern subpopulations of northern anchovy and jack mackerel, respectively.

This proposed action will allow the proposed ACLs to remain in place for each subsequent calendar year until changed. The Council and NMFS would consider future changes if landings increase and consistently reach the ABC/ACL level, if new scientific information becomes available to warrant changes, or if changes are made in the future to the existing ABCs or OFLs. The ACLs proposed in this action provide a means to monitor these stocks on an annual basis and prevent overfishing, as each year the total harvest of each stock will be assessed against their respective ACLs. These ACLs would remain in place until changed according to the FMP framework. Except for the northern subpopulation of northern anchovy, the OFL and ABC specifications for the rest of these stocks have already been set in the FMP, and NMFS is not establishing or revising them by this action. The OFL and ABC specifications for the northern subpopulation of northern anchovy were established in the final rule published October 26, 2016, which established these ACLs for the 2017 fishing year only.

If an ACL is reached, or is expected to be reached for one of these fisheries, the directed fishery would be closed until the beginning of the next fishing season. The NMFS West Coast Regional Administrator would publish a notice in the **Federal Register** announcing the date of any such closure. Additionally, nearing or exceeding one of these ACLs would trigger a review of whether the fishery should be moved into the actively managed category of the FMP.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the CPS FMP, other provisions of the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, for the reasons described below.

The primary action being implemented through this rule as it relates to potential economic impacts on small entities is the codification of multi-year ACLs for the two sub-stocks of northern anchovy and for jack mackerel in the U.S. EEZ off the West coast. The CPS FMP and its implementing regulations require NMFS to set ACLs for these fisheries based on the harvest control rules in the FMP.

For Regulatory Flexibility Act (RFA) purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

The average annual per vessel revenue in 2016 for the West Coast CPS finfish small purse seine fleet, as well as the few vessels that target anchovy off of Oregon and Washington, was below $11 million; therefore, all of these vessels are considered small businesses under the SBA size standards. Because each affected vessel is a small business, this proposed rule has an equal effect on all of these small entities, and therefore will impact a substantial number of these small entities in the same manner. The corresponding annual revenues from these species averaged to about $62,000 and $1,900,000, for jack mackerel and northern anchovy, respectively.

The entities that would be affected by the proposed action are the vessels that harvest jack mackerel and northern anchovy as part of the West Coast CPS purse seine fleet. Jack mackerel and northern anchovy are components of the CPS purse seine fishery off the U.S. West Coast, which generally fishes a complex of species, including Pacific sardine, Pacific mackerel and market squid. Currently there are 58 vessels permitted in the Federal CPS limited entry fishery off California. Annually over the past 5 years, as few as 2 and as many as 57 (an average 22) of these CPS vessels landed anchovy and jack mackerel. Approximately 26 baitfish licenses are issued annually in the state of Washington to harvest northern

[2] An annual catch target of 1,500 mt for the northern subpopulation of northern anchovy was also established by the October 26, 2016, final rule, but is used for internal monitoring rather than regulating the public and therefore need not be codified.

anchovy. Since 2009, the state of Oregon has not required a permit to harvest anchovy in Oregon waters. Jack mackerel is currently not fished in Oregon and Washington.

To evaluate whether this proposed rule could potentially reduce the profitability of the affected vessels, NMFS compared current and average recent historical landings to the ACLs that would be codified in this proposed rule, if approved. The multi-year ACL (maximum fishing level for each year) for the central subpopulation of northern anchovy is 25,000 mt and for the northern subpopulation ACL is 9,750 mt. In 2016, 6,644 mt of the central population of northern anchovy and 7,263 mt of the northern subpopulation of northern anchovy were landed. The annual average harvest from 2007 to 2016 for the central and northern subpopulations of northern anchovy is 7,400 mt and 910 mt, respectively. The jack mackerel ACL is 31,000 mt. In 2016, approximately 374 mt of jack mackerel were landed and average annual landings of jack mackerel over the last 10 years (2007–2016) was 662 mt. Prior landings of these stocks have been well below the proposed ACLs. Therefore, although codifying ACLs for these stocks is considered a new management measure for these fisheries, based on current and historical landings of these stocks, this proposed action is not expected to result in changes in fishery operations. As a result, it is unlikely that the ACLs that would be codified in this rule, if approved, would limit the profitability of the fleets catching these stocks. Therefore, this action would not have any economic impact, let alone impose a significant economic impact on any of the small entities participating in these fisheries.

Based on the analysis above, the proposed action, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, an Initial Regulatory Flexibility Analysis is not required, and none has been prepared.

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 2, 2018.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.509, paragraph (a) is revised to read as follows:

§ 660.509 Accountability measures (season closures).

(a) *General rule.* When the directed fishery allocation, incidental allocation, or an annual catch limit is reached for any CPS species it shall be closed until the beginning of the next fishing period or season. Regional Administrator shall announce in the **Federal Register** the date of such closure, as well as any incidental harvest level(s) recommended by the Council and approved by NMFS.

* * * * *

■ 3. In § 660.511, a new paragraph (i) is added to read as follows:

§ 660.511 Catch restrictions.

* * * * *

(i) The following ACLs apply to fishing for monitored stocks of CPS finfish:

(1) *Jack mackerel:* 31,000 mt.

(2) *Northern Anchovy (N. Subpopulation):* 9,750 mt.

(3) *Northern Anchovy (Central Subpopulation):* 25,000 mt.

[FR Doc. 2018–00084 Filed 1–8–18; 8:45 a.m.]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 6
Tuesday, January 9, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collection Requirements Submitted to OMB for Review

SUMMARY: U.S. Agency for International Development (USAID) has submitted the following information collection to OMB for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Comments should be addressed to: Desk Officer for USAID, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), 725 17th Street NW, Washington, DC 20503 or email address: *OIRA Submission@OMB.eop.gov*. Copies of submission may be obtained by calling (202) 712–5007.

SUPPLEMENTARY INFORMATION:

OMB Number: OMB 0412–XXXX.

Title: Fast Track Generic Clearance for the Collection of Qualitative Feedback.

Type: Renewal.

Purpose: The purpose of the collection is to enable the U.S. Agency for International Development and as part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, we are seeking Comment on the development of the following proposed Generic Information Collection Request (Generic ICR): ''Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection: This option is a fast track for approval to streamline the timing to implement certain types of surveys and related collection of information. USAID uses the approval to cover the instruments of collection (such as a survey, a window pop-up survey, a focus group, or a comment card), which are designed to get customer feedback on USAID service delivery for various programs.

Annual Reporting Burden:
Respondents per request: 1.
Total annual responses: 10,000.
Total annual hours requested: 10,000.

Dated: December 22, 2017.

Lynn P. Winston,

Chief, Information and Records Division, FOIA Public Liaison, Agency Records Officer, U.S. Agency for International Development, Bureau for Management, Office of Management Services, Information and Records Division.

[FR Doc. 2017–28304 Filed 1–8–18; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Guarantee Fee Rates for Guaranteed Loans for Fiscal Year 2018; Maximum Portion of Guarantee Authority Available for Fiscal Year 2018; Annual Renewal Fee for Fiscal Year 2018

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: This notice helps to improve applicants' awareness of the Guarantee Fee rates for Guaranteed Loans for fiscal year (FY) 2018, Maximum Portion of Guarantee Authority Available for FY 2018, Annual Renewal Fee for FY 2018 when applying for guaranteed loans under the Business and Industry (B&I) Guaranteed Loan Program.

The Agency has the authority to charge a guarantee fee and an annual renewal fee for loans made under the B&I Guaranteed Loan Program. Pursuant to that authority, and subject to the current Continuing Resolution, the Agency is establishing an initial guarantee fee rate of 3 percent and an annual renewal fee rate of one-half of 1 percent for the B&I Guaranteed Loan Program.

The initial guarantee fee is paid at the time the Loan Note Guarantee is issued. The annual renewal fee is paid by the lender to the Agency once a year. Payment of the annual renewal fee is required in order to maintain the enforceability of the guarantee.

DATES: Applicability date: January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Tanner Hinkel, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW, Washington, DC 20250–3224, telephone (202) 720–1970, email *tanner.hinkel@wdc.usda.gov.or* Ginger Allen, USDA, Rural Development, Business Programs, Business and Industry Division, STOP 3224, 1400 Independence Avenue SW, Washington, DC 20250–3224, telephone (202)-690–0309, email *ginger.allen@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: As set forth in 7 CFR 4279.120, the Agency has the authority to charge an initial guarantee fee and an annual renewal fee for loans made under the B&I Guaranteed Loan Program. Pursuant to that authority, and subject to the current continuing resolution, the Agency is establishing an initial guarantee fee rate of 3 percent and an annual renewal fee rate of one-half of 1 percent for the B&I Guaranteed Loan Program. Unless precluded by a subsequent FY 2018 appropriation, these rates will apply to all loans obligated in FY 2018 that are made under the B&I Guaranteed Loan Program. As established in 7 CFR 4279.120(b)(1), the amount of the annual fee on each guaranteed loan will be determined by multiplying the annual fee rate by the outstanding principal loan balance as of December 31, multiplied by the percentage of guarantee.

As set forth in 7 CFR 4279.120(a) and 4279.119(b), each fiscal year, the Agency shall establish a limit on the maximum portion of B&I guarantee authority available for that fiscal year that may be used to guarantee loans with a reduced guarantee fee or guaranteed loans with an increased percentage of guarantee. The Agency has established that not more than 12 percent of the Agency's apportioned B&I guarantee authority will be reserved for loan guarantee requests with a reduced fee, and not more than 15 percent of the Agency's apportioned B&I guarantee authority will be reserved for guaranteed loan requests with an increased percentage of guarantee. Once the respective limits are reached, all

additional loans will be at the standard fee and guarantee limits.

Allowing a reduced guarantee fee or increased percentage of guarantee on certain B&I guaranteed loans that meet the conditions set forth in 7 CFR 4279.120 and 4279.119 will increase the Agency's ability to focus guarantee assistance on projects that the Agency has found particularly meritorious. Subject to annual limits set by the Agency in this notice, the Agency may charge a reduced guarantee fee if requested by the lender for loans of $5 million or less when the borrower's business supports value-added agriculture and results in farmers benefitting financially, promotes access to healthy foods, or is a high impact business development investment located in a rural community that is experiencing long-term population decline; has remained in poverty for the last 30 years; is experiencing trauma as a result of natural disaster; is located in a city or county with an unemployment rate 125 percent of the statewide rate or greater; or is located within the boundaries of a federally recognized Indian tribe's reservation or within tribal trust lands or within land owned by an Alaska Native Regional or Village Corporation as defined by the Alaska Native Claims Settlement Act. Subject to annual limits set by the Agency in this notice, the Agency may allow increased percentages of guarantee for high-priority projects or loans where the lender needs the increased percentage of guarantee due to its legal or regulatory lending limit.

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866.

Dated: January 2, 2018.

Mark M. Brodziski,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2018–00209 Filed 1–8–18; 8:45 am]

BILLING CODE 3410–XY–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Colorado Advisory Committee to the Commission will by teleconference at 4:00 p.m. (MST) on Thursday, January 25, 2018. The purpose of the meeting is to review and discuss and vote on a draft of the No Aid Report.

DATES: Thursday, January 25, 2018, at 4:00 p.m. MST.

ADDRESSES: Public call-in information: Conference call-in number: 1–888–503–8175 and conference call 4357132.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ebohor@usccr.gov* or by phone at 303–866–1040.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–503–8175 and conference call 4357132. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–888–503–8175 and conference call 4357132.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1040, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/meetings.aspx?cid=238*; click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone numbers, email or street address.

Agenda

Thursday, January 25, 2018, 4:00 (MST)

- Rollcall and Welcome
- Review, Discuss and Vote on No Aid Report
- Open Comment
- Adjourn

Dated: January 4, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–00170 Filed 1–8–18; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–01–2018]

Foreign-Trade Zone (FTZ) 41—Milwaukee, Wisconsin, Notification of Proposed Production Activity, Quad/Graphics, Inc.—Chemical Research\Technology, (Offset and Gravure Publication Printing Ink), Hartford and Sussex, Wisconsin

The Port of Milwaukee, grantee of FTZ 41, submitted a notification of proposed production activity to the FTZ Board on behalf of Quad/Graphics, Inc.—Chemical Research\Technology (Quad/Graphics—C\RT), located in Hartford and Sussex, Wisconsin. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on December 5, 2017.

The applicant indicates that it has submitted a separate application for FTZ designation at the Quad/Graphics—C\RT facility under FTZ 41. The facility is used for the production of offset and gravure publication printing ink. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished product described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Quad/Graphics—C\RT from customs duty payments on the foreign-status materials used in export production. On its domestic sales, for the foreign-status materials noted below, Quad/Graphics—C\RT would be able to choose the duty rate during customs entry procedures that applies to offset and gravure publication printing ink (duty rate—1.8%). Quad/Graphics—C\RT would be able to avoid duty on foreign-status materials which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials sourced from abroad include: offset pigments (Yellow 174, Red 57:1 and Blue 15:3); gravure pigments (Yellow 14, Yellow 12, Red 57:1 and Blue 15:4); and, flush pigment preparations for offset heat-set publication printing (Yellow 12, Red 57:1 and Blue 15:3) (duty rate—6.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is February 20, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Diane Finver at *Diane.Finver@trade.gov* or (202) 482–1367.

Dated: January 3, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–00188 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–863]

Honey From the People's Republic of China: Final Rescission of the New Shipper Review and Final Results of the Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: On July 7, 2017, The Department of Commerce (Commerce) published the *Preliminary Rescission and Preliminary Results* of the aligned 2015–2016 new shipper review and 2015–2016 administrative review of the antidumping duty order on honey from the People's Republic of China (China), covering the period December 1, 2015, through November 30, 2016. We gave interested parties an opportunity to comment on the *Preliminary Rescission and Preliminary Results.* After analyzing interested parties' comments, we made no changes for the final results of these reviews. The final antidumping duty margins for these reviews are listed in the ''Final Results of Reviews'' section below.

DATES: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1491.

SUPPLEMENTARY INFORMATION:

Background

On July 7, 2017, Commerce published its *Preliminary Rescission and Preliminary Results,*[1] and gave parties an opportunity to comment. For events subsequent to the *Preliminary Rescission and Preliminary Results, see* the accompanying Issues and Decision Memorandum. On October 30, 2017,[2] in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (Act), Commerce extended the deadline for issuing the final results by 60 days until January 3, 2017.

Scope of the Order

The product covered by the order is honey. For a complete description of the scope of this order, *see* the accompanying Issues and Decision Memorandum.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review and new shipper review are addressed in the Issues and Decision Memorandum.[4] In the Appendix to this notice, we have provided a list of the issues raised by parties. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and in Commerce's Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

[1] *See Honey from the People's Republic of China: Preliminary Rescission of the New Shipper Review and Preliminary Results of the Administrative Review; 2015–2016,* 82 FR 31557 (July 7, 2017) (*Preliminary Rescission and Preliminary Results*).

[2] *See* Memorandum, ''Extension of Deadline for Final Results of the 2015–2016 Antidumping Duty New Shipper Review and Final Results of the 2015–2016 Antidumping Duty Administrative Review,'' dated October 30, 2017.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the 2015–2016 Antidumping Duty New Shipper Review and Final Results of the 2015–2016 Administrative Review: Honey from the People's Republic of China,'' dated concurrently with these results and hereby adopted by this notice. (Issues and Decision Memorandum).

[4] *See* Issues and Decision Memorandum.

Separate Rates

In the *Preliminary Rescission and Preliminary Results,* Commerce determined that Shanghai Sunbeauty Trading Co., Ltd. (Sunbeauty) did not meet the criteria for separate rate status.[5] After the *Preliminary Results,* Sunbeauty provided a submission of new factual information, which included U.S. Customs and Border Protection (CBP) entry documentation.[6] However, Commerce has determined that Sunbeauty still failed to demonstrate its eligibility for a separate rate.[7] Accordingly, Sunbeauty continues to be considered as part of the China-wide entity.

New Shipper Review

In the *Preliminary Rescission and Preliminary Results,* Commerce determined that Jiangsu Runchen Agricultural/Sideline Foodstuff Co., Ltd. (Jiangsu Runchen) failed to provide documents needed to determine whether its sales during the POR were *bona fide* sales; accordingly, Commerce preliminarily rescinded the NSR. As explained in the *Preliminary Rescission and Preliminary Results,* section 751(a)(2)(B)(iv) of the Act requires that any weighted average dumping margin determined in a NSR must be based on *bona fide* sales. Jiangsu Runchen did not provide a timely response to Commerce's C/D questionnaire for Commerce to examine if it had *bona fide* sales during the POR and requested an untimely extension to submit its C/D questionnaire response. However, we denied the request as it failed to meet the ''extraordinary circumstances'' standard. Having found that it could not conduct the required *bona fide* analysis and, thus, could not rely on Jiangsu Runchen's sales to calculate a dumping margin, Commerce preliminarily rescinded the NSR. Jiangsu Runchen did not comment on the *Preliminary Rescission and Preliminary Results.*

With no new information on the record, Commerce continues to find that it cannot conduct the required *bona fide* analysis and, therefore, cannot rely on Jiangsu Runchen's sales to calculate a dumping margin. Accordingly, Commerce is rescinding the new shipper with respect to Jiangsu Runchen.

[5] *See Preliminary Rescission,* and accompanying Preliminary Decision Memorandum at 10–11.

[6] *See Sunbeauty New Factual Submission* at 2–4.

[7] *See* accompanying Issues and Decision Memorandum.

Final Results of New Shipper Review and Administrative Review

In making our findings, because Sunbeauty was unable to provide evidence of a suspended entry of subject merchandise into the United States during the POR and is thus ineligible to receive a separate rate, we are treating Sunbeauty as part of the China-wide entity, the rate for which is $2.63 per kilogram. Furthermore, because Commerce rescinded the review with respect to Jiangsu Runchen, the company remains a part of the China-wide entity. For a full description of the methodology underlying our final conclusions, *see* the accompanying Issues and Decision Memorandum.

Duty Assessment Rates

Pursuant to 19 CFR 351.212(b), Commerce will determine, and the U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Commerce intends to issue assessment instructions to CBP 15 days after the publication of the final results of this new shipper review and administrative review. We will instruct CBP to liquidate entries of subject merchandise from the China-wide entity at the China-wide rate.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of the final results of this administrative review and new shipper review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by Jiangsu Runchen and Sunbeauty, the cash deposit rate will continue to be the China-wide rate (*i.e.,* $2.63 per kilogram); (2) for previously investigated or reviewed China and non-China exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed period; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of $2.63 per kilogram; and, (4) for all non-China exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter(s) that supplied that non-China exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) in this administrative review of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Commerce is issuing and publishing these final results in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i)(l) of the Act, and 19 CFR 351.214 and 19 CFR 351.221(b)(4).

Dated: January 3, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–00186 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–864]

Pure Magnesium in Granular Form From the People's Republic of China: Final Results of Expedited Third Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty (AD) order on pure magnesium in granular form from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping at the dumping margins identified in the ''Final Results of Review'' section of this notice.

DATES: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Joseph Degreenia, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6430.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2017, Commerce published the notice of initiation of the third sunset review of the antidumping duty order [1] on pure magnesium in granular form from China, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On September 18, 2017, Commerce received notice of intent to participate on behalf of US Magnesium LLC (US Magnesium), within the applicable deadline specified in 19 CFR 351.218(d)(1)(i).[3] US Magnesium claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of pure magnesium in granular form in the United States.[4] On October 2, 2017, Commerce received a complete substantive response from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] We received no substantive response from a respondent interested party in this proceeding. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), Commerce conducted an expedited, 120-day, sunset review of this *Order.*

Scope of the Order

There is an existing antidumping duty order on pure magnesium from the People's Republic of China.[6] The scope of this *Order* excludes pure magnesium that is already covered by the existing *Order* on pure magnesium in ingot form, and currently classifiable under item numbers 8104.11.00 and 8104.19.00 of the Harmonized Tariff Schedule of the United States (HTSUS).

The scope of this order includes imports of pure magnesium products, regardless of chemistry, including, without limitation, raspings, granules, turnings, chips, powder, and briquettes, except as noted above.

Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent primary magnesium, by weight (generally referred to as ''pure'' magnesium); (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an ''ASTM Specification for Magnesium Alloy'' [7] (generally referred to as ''off specification pure'' magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight. Excluded from this *Order* are mixtures containing 90 percent or less pure magnesium by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures. The non-magnesium granular materials of which Commerce is aware used to make such excluded reagents are: Lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nephaline syenite, feldspar, aluminum, alumina (Al2O3), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomitic lime, and colemanite. A party importing a magnesium-based reagent which includes one or more materials not on this list is required to seek a scope clarification from Commerce before such a mixture may be imported free of antidumping duties.

The merchandise subject to this *Order* is currently classifiable under item 8104.30.00 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this *Order* is dispositive.

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice.[8] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Order* was revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to section 751(c)(1) and 752(c)(1) and (3) of the Act, Commerce determines that revocation of the AD Order would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be

[1] *See Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China,* 66 FR 57936 (November 19, 2001) (*Order*).

[2] *See Initiation of Five-Year (''Sunset'') Review,* 82 FR 42073 (September 6, 2017).

[3] *See* letter from US Magnesium, ''Third Five-Year (''Sunset'') Review of Antidumping Duty Order On Pure Magnesium in Granular Form From The People's Republic Of China/US Magnesium's Notice Of Intent To Participate,'' dated September 18, 2017.

[4] *Id.*

[5] *See* letter from US Magnesium, ''Third Five-year (''Sunset'') Review of the Antidumping Duty Order on Pure Magnesium in Granular Form from the People's Republic of China/Response of US Magnesium LLC to the Notice of Initiation,'' dated October 2, 2017 (US Magnesium's Substantive Response).

[6] *See Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium from the Russian Federation,* 60 FR 25691 (May 12, 1995).

[7] The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

[8] *See* Commerce's memorandum, ''Issues and Decision Memorandum for the Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order on Pure Magnesium in Granular Form from the People's Republic of China,'' dated concurrently with this notice (Issues and Decision Memorandum).

weighted-average dumping margins up to 305.56 percent.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: January 3, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–00185 Filed 1–8–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells), from the People's Republic of China (China). The period of review (POR) is December 1, 2015, through November 30, 2016. The administrative review covers one mandatory respondent: the collapsed entity Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd., which we have preliminarily determined to treat as a single entity with Trina Solar (Hefei) Science and Technology Co., Ltd (Trina). Commerce preliminarily finds that Trina sold subject merchandise in the United States at prices below normal value (NV) during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Krisha Hill, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4037.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials.[1] Merchandise covered by this order is classifiable under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Preliminary Determination of No Shipments

We preliminarily determine that there is no evidence calling into question the no shipment claims of the following companies: De-Tech Trading Limited HK, Dongguan Sunworth Solar Energy Co., Ltd., Jiawei Solarchina Co., Ltd., Ningbo ETDZ Holdings, Ltd., Shenzhen Sungold Solar Co., Ltd., Taizhou BD Trade Co., Ltd., Toenergy Technology Hangzhou Co., Ltd., and Wuxi Tianran Photovoltaic Co., Ltd. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Consistent with an announced refinement to its assessment practice in non-market economy (NME) cases, Commerce is not rescinding this review with respect to these companies, but intends to complete the review of the companies for which it has preliminarily found no evidence of shipments and issue appropriate instructions to CBP based on the final results of the review.[2]

Preliminary Affiliation and Single Entity Determination

We preliminarily find that Changzhou Trina Solar Energy Co., Ltd./Trina Solar (Changzhou) Science and Technology Co., Ltd./Yancheng Trina Solar Energy Technology Co., Ltd./Changzhou Trina Solar Yabang Energy Co., Ltd./Turpan Trina Solar Energy Co., Ltd./Hubei Trina Solar Energy Co., Ltd. (Trina), which we have preliminarily continued to treat as a single entity, is affiliated with Trina Solar (Hefei) Science and Technology Co., Ltd., pursuant to section 771(33)(F) of the Tariff Act of 103 (the Act) and all of these companies should be treated as a single entity pursuant to 19 CFR 351.401(f)(1)-(2). For additional information, *see* the Preliminary Decision Memorandum and Trina Collapsing Memorandum.[3]

Use of Partial Facts Available (FA) and Partial Adverse Facts Available (AFA)

Section 776(a) of the Act provides that Commerce shall apply FA if (1) necessary information is not on the record, or (2) an interested party or any other person (A) withholds information that has been requested, (B) fails to provide information within the deadlines established, or in the form and manner requested by Commerce, subject to subsections (c)(1) and (e) of section 782 of the Act, (C) significantly impedes a proceeding, or (D) provides information that cannot be verified as provided by section 782(i) of the Act. Section 776(b) of the Act further provides that Commerce may use an adverse inference in applying FA (*i.e.,* AFA) when a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. Such an adverse inference may include reliance on information derived from the petition, the final determination, a previous

[1] For a complete description of the scope of the order, *see* DOC Memorandum re: Decision Memorandum for the Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or not Assembled into Modules, From the People's Republic of China, issued concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011) and the ''Assessment Rates'' section, below.

[3] *See* Preliminary Decision Memorandum under the ''Single Entity Treatment'' section; *see also* DOC Memorandum: Affiliation and Single Entity Status of Changzhou Trina Solar Energy Co., Ltd., Trina Solar (Changzhou) Science and Technology Co., Ltd., Yancheng Trina Solar Energy Technology Co., Ltd., Changzhou Trina Solar Yabang Energy Co., Ltd., Turpan Trina Solar Energy Co., Ltd., Hubei Trina Solar Energy Co., Ltd., and Trina Solar (Hefei) Science and Technology Co., Ltd., issued concurrently with and hereby adopted by this notice (Trina Collapsing Memorandum).

administrative review, or other information placed on the record.

Trina failed to provide factors of production (FOP) data from certain unaffiliated tollers of inputs used to produce subject merchandise, as well as from certain unaffiliated suppliers of solar cells. We preliminarily determine that it is appropriate to apply AFA, pursuant to section 776(b) of the Act, with respect to the unreported FOPs for purchased solar cells. These unreported FOPs for solar cells represent a material amount of necessary FOP information. However, in accordance with section 776(a)(1) of the Act, Commerce is applying FA with respect to the unreported FOPs from the unaffiliated tollers. The record indicates that the tolled portions either represent relatively small percentages of the inputs consumed, the tollers only performed a relatively small portion of the total processing involved in producing the input, or the input accounts for a relatively small share of the overall costs of a solar panel. For details regarding these determinations, *see* the Preliminary Decision Memorandum and the Trina Unreported FOP Memorandum.[4]

Separate Rates

Commerce preliminarily determines that the information placed on the record by Trina, as well as by the other companies listed in the rate table in the ''Preliminary Results of Review'' section below, demonstrates that these companies are entitled to separate rate status. Commerce calculated a rate for the sole mandatory respondent, Trina that is not zero, *de minimis,* or based entirely on facts available. Accordingly, we assigned the weighted-average dumping margin for Trina to the non-individually examined companies to which we granted separate rates status.

Conversely, Commerce preliminarily determines that the following companies have not demonstrated their entitlement to separate rates status because they did not file a separate rate application or certification with Commerce:

1. Eoplly New Energy Technology Co., Ltd.
2. ERA Solar Co., Ltd.
3. ET Solar Industry Limited
4. Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
5. Jiangsu High Hope Int'l Group
6. Jiangsu Sunlink PV Technology Co., Ltd.
7. Systemes Versilis, Inc.
8. Zhongli Talesun Solar Co. Ltd.

Commerce treated these companies as part of the China-wide entity. Because no party requested a review of the China-wide entity, the entity is not under review and the entity's rate (*i.e.,* 238.95 percent) is not subject to change.[5] For additional information regarding Commerce's separate rates determinations, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Act. Commerce calculated constructed export prices in accordance with section 772 of the Act. Given that China is a NME country, within the meaning of section 771(18) of the Act, Commerce calculated NV in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *https://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

Commerce preliminarily determines that the following weighted-average dumping margins exist for the POR:

Exporter	Weighted-average dumping margin (percent)
Changzhou Trina Solar Energy Co., Ltd/Trina Solar (Changzhou) Science and Technology Co., Ltd/Yancheng Trina Solar Energy Technology Co., Ltd/Changzhou Trina Solar Yabang Energy Co., Ltd/Turpan Trina Solar Energy Co., Ltd/Hubei Trina Solar Energy Co., Ltd/Trina Solar (Hefei) Science and Technology Co., Ltd	61.61
Anji DaSol Solar Energy Science & Technology Co., Ltd	61.61
Chint Solar (Zhejiang) Co., Ltd	61.61
ET Solar Energy Limited	61.61
Hangzhou Sunny Energy Science and Technology Co., Ltd	61.61
Hengdian Group DMEGC Magnetics Co. Ltd	61.61
JA Solar Technology Yangzhou Co., Ltd	61.61
Jiawei Solarchina (Shenzhen) Co., Ltd	61.61
JingAo Solar Co., Ltd	61.61
LERRI Solar Technology Co., Ltd	61.61
Lightway Green New Energy Co., Ltd	61.61
Ningbo Qixin Solar Electrical Appliance Co., Ltd	61.61
Risen Energy Co., Ltd	61.61
Shanghai JA Solar Technology Co., Ltd	61.61
Shenzhen Topray Solar Co., Ltd	61.61
Sumec Hardware & Tools Co., Ltd	61.61
Sunpreme Jiaxing Ltd	61.61
tenKsolar (Shanghai) Co., Ltd	61.61

[4] *See* DOC Memorandum re: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Unreported Factors of Production, issued concurrently with and hereby adopted by this notice.

[5] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2014–2015,* 82 FR 29033 (June 27, 2017) (*AR3 Final*), unchanged in *Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review; 2014–2015,* 82 FR 40560 (August 25, 2017) (*Amended AR3 Final*).

Exporter	Weighted-average dumping margin (percent)
Wuxi Suntech Power Co., LtdLuoyang Suntech Power Co., Ltd	61.61
Yingli Energy (China) Company Limited/Baoding Tianwei Yingli New Energy Resources Co., Ltd/Tianjin Yingli New Energy Resources Co., Ltd/Hengshui Yingli New Energy Resources Co., Ltd/Lixian Yingli New Energy Resources Co., Ltd/Baoding Jiasheng Photovoltaic Technology Co., Ltd/Beijing Tianneng Yingli New Energy Resources Co., Ltd/Hainan Yingli New Energy Resources Co., Ltd	61.61
Zhejiang ERA Solar Technology Co., Ltd	61.61
Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company	61.61

Disclosure and Public Comment

Commerce intends to disclose to parties the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** in accordance with 19 CFR 351.224(b). Interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[6] Rebuttal briefs may be filed no later than five days after case briefs are due and may respond only to arguments raised in the case briefs.[7] A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.[8]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[9] Requests should contain the party's name, address, and telephone number, the number of participants in, and a list of the issues to be discussed at, the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[10] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date of the hearing.

All submissions, with limited exceptions, must be filed electronically using ACCESS.[11] An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the APO/Dockets Unit in Room 18022 and stamped with the date and time of receipt by 5 p.m. ET on the due date.[12]

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues raised in any briefs, within 120 days of publication of these preliminary results of review, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (''CBP'') shall assess, antidumping duties on all appropriate entries covered by this review.[13] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.,* less than 0.5 percent), Commerce intends to calculate importer-specific assessment rates, in accordance with 19 CFR 351.212(b)(1).[14] Where the respondent reported reliable entered values, Commerce intends to calculate importer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer and dividing this amount by the total entered value of the sales to the importer.[15] Where the respondent did not report entered values, Commerce will calculate importer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer by the total sales quantity associated with those transactions. Commerce will calculate an estimated *ad valorem* importer-specific assessment rate to determine whether the per-unit rate is *de minimis,* however, Commerce will direct CBP to assess importer-specific assessment rates where the entered value was not reported based on the resulting per-unit rates.[16] Where an importer-specific *ad valorem* assessment rate is not zero or *de minimis,* Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[17]

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate such merchandise at the rate for the China-wide entity.[18] Additionally, where Commerce determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's CBP case number will be liquidated at the rate for the China-wide entity. Because no party requested a review of the China-wide entity, the entity is not under review and the entity's rate (*i.e.,* 238.95 percent) is not subject to change.[19]

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the

[6] *See* 19 CFR 351.309(c)(ii).

[7] *See* 19 CFR 351.309(d).

[8] *See* 19 CFR 351.309(c)(2), (d)(2).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310(d).

[11] *See generally* 19 CFR 351.303.

[12] *See* 19 CFR 351.303 (for general filing requirements); *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[13] *See* 19 CFR 351.212(b)(1).

[14] *See Antidumping Proceedings: Calculation of the Weighted Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification*).

[15] *See* 19 CFR 351.212(b)(1).

[16] *Id.*

[17] *See Final Modification,* 77 FR at 8103.

[18] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

[19] *See AR3 Final,* 82 FR at 29035, unchanged in *Amended AR3 Final.*

assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the NV exceeds U.S. price. The following cash deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice, as provided by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis* (*i.e.,* less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.,* 238.95 percent [20]) and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to China exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

[20] *See AR3 Final,* 82 FR at 29035, unchanged in *Amended AR3 Final.*

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: January 2, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–00184 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Adminstration

[A–533–873]

Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel From India: Amended Preliminary Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is amending its Preliminary Determination of the antidumping duty investigation of certain cold-drawn mechanical tubing of carbon and alloy steel (mechanical tubing) from India. We are correcting a ministerial error with respect to certain steel grades reported by one of the mandatory respondents, Goodluck India Limited. The period of investigation (POI) is April 1, 2016, through March 31, 2017.

DATES: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Susan Pulongbarit and Omar Qureshi, AD/CVD Operations, Office V, Enforcement & Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482–2593, or (202) 482–0987, respectively.

SUPPLEMENTAL INFORMATION: On November 22, 2017, Commerce published in the **Federal Register** the *Preliminary Determination* that mechanical tubing from India is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act of 1930, as amended (the Act).[1] On November 22, 2017, ArcelorMittal Tubular Products, Michigan Seamless Tube LLC, Plymouth Tube Co., USA, PTC Alliance Corp., Webco Industries, Inc. and Zekelman Industries, Inc. (collectively, the petitioners) filed timely allegations of ministerial errors contained in Commerce's *Preliminary Determination*.[2] On November 27, 2017, Goodluck filed timely allegations of ministerial errors contained in Commerce's *Preliminary Determination*.[3]

Scope of Investigation

The product covered by this investigation is mechanical tubing from India. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Significant Ministerial Error

Pursuant to 19 CFR 351.224(e) and (g)(1), Commerce is amending the *Preliminary Determination* to reflect the correction of a significant ministerial error it made in the margin assigned to Goodluck, a mandatory respondent. A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[4] A significant ministerial error is defined as a ministerial error, the correction of which, singly or in combination with other errors, would result in (1) a change of at least five absolute percentage points in, but not

[1] *See Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, in Part, Postponement of Final Determination, and Extension of Provisional Measures,* 82 FR 55567 (November 22, 2017) and accompanying PDM (*Preliminary Determination*).

[2] *See* the petitioners' November 22, 2107 submission (the Petitioners' Ministerial Error Comments).

[3] *See* Goodluck's November 27, 2017 submission (Goodluck's Ministerial Error Comments).

[4] *See* section 735(e) of the Act.

less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination, or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa.[5] As a result of this amended preliminary determination, we have applied an antidumping duty margin to Goodluck, as noted below in the ''Amended Preliminary Determination'' section.

Ministerial Error Allegations

On November 22, 2017, the petitioners submitted a ministerial error allegation claiming that Commerce incorrectly reclassified certain grades of steel reported by Goodluck in the *Preliminary Determination*.[6] Commerce reviewed the record and agrees that this constitutes a significant ministerial error within the meaning of 19 CFR 351.224(g) and have recalculated Goodluck's dumping margin.[7] This error was significant because Goodluck's margin increased from 0.00 percent to 4.02 percent.[8]

On November 27, 2017, Goodluck also submitted a ministerial error allegation claiming that Commerce incorrectly reclassified certain grades of steel reported by Goodluck in the *Preliminary Determination*.[9] Commerce reviewed the record and does not find that this constitutes a ministerial error within the meaning of 19 CFR 351.224(g) and have made no changes to the *Preliminary Determination* based on this allegation.[10]

Amended Preliminary Determination

We are amending the *Preliminary Determination* of sales at LTFV for mechanical tubing from India to reflect the correction of a significant ministerial error made in the margin calculation for Goodluck. In addition, because the preliminary ''All-Others'' rate was based on the estimated weighted-average dumping margin calculated for Tube Products of India, Ltd., we are also amending the ''All-Others'' rate. We have calculated a simple margin for non-selected respondents using the average of the estimated weighted-average dumping margins of the two individually selected respondents, Goodluck and TPI.[11] As a result of the correction of the ministerial error, the revised weighted-average dumping margins are as follows:

Producer	Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Goodluck India Limited	Goodluck India Limited	4.02	0
Tube Products of India, Ltd. a unit of Tube Investments of India Limited (collectively TPI).	Tube Products of India, Ltd. a unit of Tube Investments of India Limited (collectively TPI).	[12] 7.57	4.86
All-Others		5.80	0

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 733(d) and (f) of the Act, and 19 CFR 351.224. Because Goodluck's rate is increasing from the *Preliminary Determination,* the amended cash deposit rates will be effective on the date of publication of this notice in the **Federal Register**. Because the correction of the error for Goodluck results in a reduced cash deposit rate for companies covered by the ''all others'' rate, the revised rate calculated for the ''all others'' rate will be effective retroactively to November 22, 2017, the date of publication of the *Preliminary Determination.*

International Trade Commission Notification

In accordance with section 733(f) of the Act, we notified the International Trade Commission of our amended preliminary determination.

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.224(e).

Dated: January 3, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix

Scope of the Investigation

The scope of this investigation covers cold-drawn mechanical tubing of carbon and alloy steel (cold-drawn mechanical tubing) of circular cross-section, 304.8 mm or more in length, in actual outside diameters less than 331mm, and regardless of wall thickness, surface finish, end finish or industry specification. The subject cold-drawn mechanical tubing is a tubular product with a circular cross-sectional shape that has been cold-drawn or otherwise cold-finished after the initial tube formation in a manner that involves a change in the diameter or wall thickness of the tubing, or both. The subject cold-drawn mechanical tubing may be produced from either welded (*e.g.,* electric resistance welded, continuous welded, etc.) or seamless (*e.g.,* pierced, pilgered or extruded, etc.) carbon or alloy steel tubular products. It may also be heat treated after cold working. Such heat treatments may include, but are not limited to, annealing, normalizing, quenching and tempering, stress relieving or finish annealing. Typical cold-drawing methods for subject merchandise include, but are not limited to, drawing over mandrel, rod drawing, plug drawing, sink drawing and similar processes that involve reducing the outside diameter of the tubing with a die or similar device, whether or not controlling the inside diameter of the tubing with an internal support device such as a mandrel, rod, plug or similar device. Other cold-finishing operations that may be used to produce subject merchandise include cold-rolling and cold-sizing the tubing.

Subject cold-drawn mechanical tubing is typically certified to meet industry specifications for cold-drawn tubing including but not limited to:

(1) American Society for Testing and Materials (ASTM) or American Society of Mechanical Engineers (ASME) specifications ASTM A–512, ASTM A–513 Type 3 (ASME

[5] *See* 19 CFR 351.224(g).

[6] *See* the Petitioners' Ministerial Error Comments.

[7] For more information, *see* the Memo to James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Duty Investigation of Certain Cold-Drawn Mechanical Tubing of Carbon and Alloy Steel from India: Analysis of Ministerial Error Allegations,'' dated concurrently with this notice (Ministerial Error Memo).

[8] *Id.*

[9] *See* Goodluck's Ministerial Error Comments.

[10] *See* Ministerial Error Memo.

[11] Commerce did not have updated publicly ranged U.S. sales value information for TPI. As a result, Commerce could not perform a weighted-average calculation for non-selected respondents for this amended preliminary determination.

[12] This rate has not changed from the *Preliminary Determination.*

SA513 Type 3), ASTM A–513 Type 4 (ASME SA513 Type 4), ASTM A–513 Type 5 (ASME SA513 Type 5), ASTM A–513 Type 6 (ASME SA513 Type 6), ASTM A–519 (cold-finished);

(2) SAE International (Society of Automotive Engineers) specifications SAE J524, SAE J525, SAE J2833, SAE J2614, SAE J2467, SAE J2435, SAE J2613;

(3) Aerospace Material Specification (AMS) AMS T–6736 (AMS 6736), AMS 6371, AMS 5050, AMS 5075, AMS 5062, AMS 6360, AMS 6361, AMS 6362, AMS 6371, AMS 6372, AMS 6374, AMS 6381, AMS 6415;

(4) United States Military Standards (MIL) MIL–T–5066 and MIL–T–6736;

(5) foreign standards equivalent to one of the previously listed ASTM, ASME, SAE, AMS or MIL specifications including but not limited to:

(a) German Institute for Standardization (DIN) specifications DIN 2391–2, DIN 2393–2, DIN 2394–2);

(b) European Standards (EN) EN 10305–1, EN 10305–2, EN 10305–3, EN 10305–4, EN 10305–6 and European national variations on those standards (*e.g.,* British Standard (BS EN), Irish Standard (IS EN) and German Standard (DIN EN) variations, etc.);

(c) Japanese Industrial Standard (JIS) JIS G 3441 and JIS G 3445; and

(6) proprietary standards that are based on one of the above-listed standards.

The subject cold-drawn mechanical tubing may also be dual or multiple certified to more than one standard. Pipe that is multiple certified as cold-drawn mechanical tubing and to other specifications not covered by this scope, is also covered by the scope of this investigation when it meets the physical description set forth above.

Steel products included in the scope of this investigation are products in which: (1) Iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less by weight.

For purposes of this scope, the place of cold-drawing determines the country of origin of the subject merchandise. Subject merchandise that is subject to minor working in a third country that occurs after drawing in one of the subject countries including, but not limited to, heat treatment, cutting to length, straightening, nondestruction testing, deburring or chamfering, remains within the scope of this investigation.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded or covered by the scope of an existing order. Merchandise that meets the physical description of cold-drawn mechanical tubing above is within the scope of the investigation even if it is also dual or multiple certified to an otherwise excluded specification listed below. The following products are outside of, and/or specifically excluded from, the scope of this investigation:

(1) Cold-drawn stainless steel tubing, containing 10.5 percent or more of chromium by weight and not more than 1.2 percent of carbon by weight;

(2) products certified to one or more of the ASTM, ASME or American Petroleum Institute (API) specifications listed below:

- ASTM A–53;
- ASTM A–106;
- ASTM A–179 (ASME SA 179);
- ASTM A–192 (ASME SA 192);
- ASTM A–209 (ASME SA 209);
- ASTM A–210 (ASME SA 210);
- ASTM A–213 (ASME SA 213);
- ASTM A–334 (ASME SA 334);
- ASTM A–423 (ASME SA 423);
- ASTM A–498;
- ASTM A–496 (ASME SA 496);
- ASTM A–199;
- ASTM A–500;
- ASTM A–556;
- ASTM A–565;
- API 5L; and
- API 5CT

except that any cold-drawn tubing product certified to one of the above excluded specifications will not be excluded from the scope if it is also dual- or multiple-certified to any other specification that otherwise would fall within the scope of this investigation.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.31.3000, 7304.31.6050, 7304.51.1000, 7304.51.5005, 7304.51.5060, 7306.30.5015, 7306.30.5020, 7306.50.5030. Subject merchandise may also enter under numbers 7306.30.1000 and 7306.50.1000. The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

[FR Doc. 2018–00187 Filed 1–8–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–876]

Welded Line Pipe From Korea: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on welded line pipe (WLP) from Korea. The period of review (POR) is May 22, 2015, through November 30, 2016. This administrative review covers 24 producers and/or exporters of the subject merchandise. Commerce selected two mandatory respondents for individual examination: Hyundai Steel Company (Hyundai Steel) and SeAH Steel Company (SeAH). We preliminarily determine that sales of subject merchandise have been made below normal value (NV) during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: David Goldberger or Ross Belliveau, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–4952, respectively.

Scope of the Order

The merchandise subject to the order is welded line pipe.[1] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 7305.11.1030, 7305.11.1060, 7305.11.5000, 7305.12.1030, 7305.12.1060, 7305.12.5000, 7305.19.1030, 7305.19.5000, 7306.19.1010, 7306.19.1050, 7306.19.5110, and 7306.19.5150. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

[1] For a complete description of the Scope of the Order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2015–2016 Administrative Review of the Antidumping Duty Order on Welded Line Pipe from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period May 22, 2015, through November 30, 2016:

Exporter/producer	Weighted-average dumping margin (percent)
Hyundai Steel Company/ Hyundai HYSCO [2]	19.42
SeAH Steel Company	2.30

Review-Specific Average Rate Applicable to the Following Companies: [3]

Exporter/producer	Weighted-average dumping margin (percent)
AJU BESTEEL CO., Ltd.	10.86
Daewoo International Corporation	10.86
Dong Yang Steel Pipe	10.86
Dongbu Incheon Steel Co.	10.86
Dongbu Steel Co., Ltd	10.86
Dongkuk Steel Mill	10.86
EEW Korea Co, Ltd.	10.86
HISTEEL Co., Ltd.	10.86
Husteel Co., Ltd.	10.86
Keonwood Metals Co., Ltd.	10.86
Kolon Global Corp.	10.86
Korea Cast Iron Pipe Ind. Co., Ltd.	10.86
Miju Steel MFG Co., Ltd.	10.86
MSTEEL Co., Ltd.	10.86
NEXTEEL Co., Ltd.	10.86
Poongsan Valinox (Valtimet Division)	10.86
POSCO	10.86
Sam Kang M&T Co., Ltd.	10.86
Sin Sung Metal Co., Ltd.	10.86
Soon-Hong Trading Company	10.86
Steel Flower Co., Ltd.	10.86
TGS Pipe	10.86

[2] As discussed in *Welded Line Pipe from the Republic of Korea: Final Determination of Sales at Less Than Fair Value,* 80 FR 61366 (October 13, 2015), and accompanying Issues and Decision Memorandum at 1, Hyundai HYSCO merged with Hyundai Steel subsequent to the period of investigation and Hyundai HYSCO no longer exists. Accordingly, our examination of Hyundai Steel includes entries made by Hyundai HYSCO prior to the date of the merger.

[3] This rate is based on the simple average margin using the publicly-ranged data calculated for those companies selected for individual review. Because we cannot apply our normal methodology of calculating a weighted-average margin due to requests to protect business proprietary information, we find this rate to be the best proxy of the actual weighted-average margin determined for the mandatory respondents. *See Ball Bearings and Parts Thereof from France, et al.: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010); *see also* Memorandum, ''Calculation of the Review-Specific Average Rate for the Preliminary Results,'' dated concurrently with this notice.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.

Pursuant to 19 CFR 351.212(b)(1), where Hyundai Steel and SeAH reported the entered value for of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where Hyundai Steel did not report entered value, we calculated the entered value in order to calculate the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the average [4] of the cash deposit rates calculated for Hyundai Steel and SeAH. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[5]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 4.38 percent, the all-others rate established in the LTFV investigation.[6] These deposit requirements, when imposed, shall remain in effect until further notice.

[4] This rate was calculated as discussed in footnote 3, above.

[5] *See* section 751(a)(2)(C) of the Act.

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[7] Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.[8] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[9] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[10] Case and rebuttal briefs should be filed using ACCESS.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[12] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants;

[6] *See Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders,* 80 FR 75056, 75057 (December 1, 2015).

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(c)(ii).

[9] *See* 19 CFR 351.309(d)(1).

[10] *See* 19 CFR 351.309(c)(2) and (d)(2).

[11] *See* 19 CFR 351.303.

[12] *See* 19 CFR 351.310(c).

and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.[13]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later than 120 days after the publication of these preliminary results in the **Federal Register**, unless otherwise extended.[14]

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 2, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–00183 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–DS–P

[13] *Id.*

[14] *See* Section 751(a)(3)(A) of the Act.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–877, A–570–064]

Stainless Steel Flanges From India and the People's Republic of China: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATE: Applicable January 9, 2018.

FOR FURTHER INFORMATION CONTACT: Courtney Canales at (202) 482–4997 (India) and Ian Hamilton at (202) 482–4798 (the People's Republic of China (China)), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On September 5, 2017, the Department of Commerce (Commerce) initiated less-than-fair-value (LTFV) investigations of imports of stainless steel flanges from India and China.[1] Currently, the preliminary determinations are due no later than January 23, 2018.

Postponement of Preliminary Determinations

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1)(A)(b)(1) of the Act permits Commerce to postpone the preliminary determination until no later than 190 days after the date on which Commerce initiated the investigation if: (A) The petitioners [2] submit a timely request for a postponement; or (B) Commerce concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioners must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. Commerce will grant the request unless it finds compelling reasons to deny the request.

On December 18, 2017, the petitioners submitted a timely request that Commerce postpone the preliminary determinations in these LTFV investigations.[3] The petitioners stated that they request postponement ''in order to ensure that {Commerce} has sufficient time to review all questionnaire responses and request clarification and/or additional information as necessary, so that the preliminary determinations will reflect the most accurate results possible.'' [4]

For the reasons stated above and because there are no compelling reasons to deny the request, Commerce, in accordance with section 733(c)(1)(A) of the Act, is postponing the deadline for the preliminary determinations by 50 days (*i.e.,* 190 days after the date on which these investigations were initiated). As a result, Commerce will issue its preliminary determinations no later than March 14, 2018. In accordance with section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determinations of these investigations will continue to be 75 days after the date of publication of the preliminary determinations, unless postponed at a later date.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: January 3, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–00189 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Stainless Steel Flanges from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 42649 (September 11, 2017).

[2] The petitioners are the Coalition of American Flange Producers and its individual members, Core Pipe Products, Inc. and Maass Flange Corporation.

[3] *See* the Petitioners' Letter, ''Stainless Steel Flanges from India: the Petitioners' Request to Extend the Preliminary Determination,'' dated December 18, 2017; Petitioners' Letter, ''Stainless Steel Flanges from the People's Republic of China: the Petitioners' Request to Extend the Preliminary Determination,'' dated December 18, 2017.

[4] *Id.*

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF897

Endangered and Threatened Species; Recovery Plans

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

ACTION: Notice of availability; request for comments.

SUMMARY: This notice announces the availability of the Southern Distinct Population Segment of Green Sturgeon (*Acipenser medirostris*) Draft Recovery Plan (Plan) for public review. NMFS is soliciting review and comment from the public and all interested parties on the Plan, and will consider all substantive comments received during the review period before submitting the Plan for final approval.

DATES: Comments and information on the draft Plan must be received by close of business on March 12, 2018.

ADDRESSES: You may submit comments on this document by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments to *GreenSturgeon.Comments@noaa.gov.*
- *Mail:* Submit written comments to the National Marine Fisheries Service, Attn: GS Recovery Plan Team, 650 Capitol Mall, Suite 5–100, Sacramento, CA 95814.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible.

The draft recovery plan is available online at: *http://www.westcoast.fisheries.noaa.gov/protected_species/green_sturgeon/green_sturgeon_pg.html.*

FOR FURTHER INFORMATION CONTACT: Joe Heublein, NMFS Green Sturgeon Recovery Coordinator, at (916) 930–3719, or *joe.heublein@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On April 7, 2006, we, NMFS, listed the southern distinct population segment (sDPS) of green sturgeon as a threatened species under the Endangered Species Act (ESA) (71 FR 17757). This determination was based on: (1) The fact that the spawning adult population occurred in only one river system (*i.e.,* Sacramento River); (2) evidence of lost spawning habitat in the Sacramento and Feather rivers; (3) threats to habitat quality and quantity in the Sacramento River and Delta System; and (4) fish salvage data exhibiting a negative trend in juvenile sDPS green sturgeon abundance. The final critical habitat rule for sDPS green sturgeon was published in the **Federal Register** on October 9, 2009 (74 FR 52300). In 2010, we appointed a recovery team to assist the NMFS West Coast Region with the development of research and recovery actions for the recovery plan. A recovery outline was completed in 2010. In 2012, we announced initiation of a 5-year review (77 FR 64959; October 24, 2012) for sDPS green sturgeon. Based on the 5-year review, sDPS green sturgeon remains listed as threatened under the ESA. The 5-year review (NMFS 2014a) was completed November 20, 2014, and is available at: *http://www.fisheries.noaa.gov/pr/species/fish/green-sturgeon.html*

Draft Recovery Plan

Recovery plans describe actions beneficial to the conservation and recovery of species listed under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 4(f)(1) of the ESA requires that recovery plans incorporate, to the maximum extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the Plan's goals; and (3) estimates of the time required and costs to implement recovery actions. The ESA requires the development of recovery plans for each listed species unless such a plan would not promote its recovery.

The Plan for sDPS green sturgeon was developed by NMFS in cooperation with a recovery team made up of experts from the California Department of Fish and Wildlife, California Department of Water Resources, Oregon Department of Fish and Wildlife, NMFS Northwest and Southwest Fisheries Science Center, R2 Resource Consultants, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and U.S. Geological Survey.

NMFS's goal is to restore the threatened sDPS green sturgeon to the point where it is a self-sustaining species that no longer needs the protections of the ESA. The Plan provides background on the natural history of green sturgeon, population status, and threats to their viability, based on a formal threats assessment. The Plan lays out a recovery strategy to address the threats based on the best available science, identifies site-specific actions with time lines and costs, and includes recovery goals and criteria.

In order to recover sDPS green sturgeon, recovery actions within the Plan aim to restore passage and habitat, reduce mortality and poaching, address threats in the areas of contaminants, predation, and sediment loading, and forecast sDPS habitat and distribution changes with climate change. Most of the recovery efforts focus on the Sacramento River Basin and San Francisco Bay Delta Estuary environments, as threats in spawning and rearing habitats were considered the greatest impediments to recovery. To better inform the recovery process, the Plan further characterizes research priorities in these areas as well as in the areas of competition for habitat, altered prey base, non-native species, oil and chemical spills, and disease.

The Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of sDPS green sturgeon. The Plan identifies substantive actions needed to achieve recovery by assessing the species' population abundance, distribution, and diversity and addressing the threats to the species. When determining recovery actions, the Plan prioritized actions that address the most important threats, improve understanding of whether a particular threat is limiting recovery, and improve our understanding of, and ability to manage, that threat. The actions in the Plan include research, management, monitoring, and outreach efforts, because a comprehensive approach to green sturgeon recovery is likely to have greater success than focusing on any one type of action.

We expect the Plan to inform section 7 consultations with Federal agencies under the ESA and to support other ESA decisions, such as considering permits under section 10. We have already begun implementation of several actions and research priorities as described in the plan, such as partnering with the California Department of Fish and Wildlife to reduce poaching and stranding of green sturgeon and improve knowledge of the impacts of fisheries bycatch. After public comment and the adoption of the Final Recovery Plan, we will continue to implement actions in the plan for which we have authority, encourage other Federal and state agencies to implement recovery actions for which they have responsibility and authority, and work cooperatively with them on the implementation of those actions.

The total time and cost to recovery are difficult to predict. The Plan outlines 19 recovery actions, as well as 17 research, eight monitoring, and two education and outreach priorities. An estimated

cost is provided for an initial 20-year period. Projections of when certain actions could occur are provided based on five year increments. Assuming all recovery actions are implemented, the cost of the first 20 years of recovery is approximately $236 million. Given a generation time for sDPS green sturgeon of approximately 22 years, a substantial increase in adult abundance in response to habitat-based recovery actions may not be observed for 66–88 years. Additional funds will thus likely be needed to monitor adult abundance after the first 20 years, with a total added projected cost of $25–40 million.

Many of the most costly recovery actions (*e.g.,* barrier removal, increased enforcement, addressing entrainment at diversions) have multi-species benefits and may be covered under recovery efforts for other species. For example, the recovery plan for ESA-listed Central Valley salmonids (NMFS 2014b) includes recovery actions designed to improve watershed-wide processes that will likely benefit sDPS green sturgeon by restoring natural ecosystem functions. Specific actions to improve delta habitat, remove barriers, and reduce entrainment could aid in the recovery of sDPS green sturgeon and reduce the recovery plan cost by $17 million.

We are unable to quantify the economic benefits of sDPS green sturgeon recovery actions, but full recovery or delisting will provide multiple benefits to the ecosystem and economy. Delisting of the sDPS will enhance fishing opportunities by lifting fisheries restrictions aimed at reducing direct or incidental sDPS mortality. The ESA regulatory burden will also be eased for fisheries, water resource, industrial, and commercial activities. Accomplishing the habitat restoration measures will also result in more functional ecosystems that support other economic activities and contribute to delisting of other species.

References Cited

The complete citations for the references used in this document can be obtained by contacting NMFS (see **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT**) or online at: *http://www.westcoast.fisheries.noaa.gov/protected_species/green_sturgeon/green_sturgeon_pg.html.*

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 4, 2018.

Angela Somma,

Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–00208 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of public comment period for the Jacques Cousteau National Estuarine Research Reserve Management Plan revision.

FOR FURTHER INFORMATION CONTACT: Nina Garfield at (240) 533–0817 or Kim Texeira at (240) 533–0781 of NOAA's Office for Coastal Management, 1305 East-West Highway, N/ORM5, 10th floor, Silver Spring, MD 20910.

SUPPLEMENTARY INFORMATON: Notice is hereby given that the Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce is announcing a thirty-day public comment period for the Jacques Cousteau National Estuarine Research Reserve Management Plan revision. Pursuant to 15 CFR 921.33(c), the revised plan will bring the reserve into compliance. The Jacques Cousteau Reserve revised plan will replace the plan approved in 2009.

The revised management plan outlines the administrative structure; the research/monitoring, stewardship, education, and training programs and priorities of the reserve; plans for a proposed future boundary expansion through inclusion of past and future land acquisition; and facility development priorities to support reserve operations.

The Jacques Cousteau Reserve takes an integrated approach to management, linking research and education, coastal training, and stewardship functions. The Rutgers University has outlined how it will administer the reserve and its core programs by providing detailed actions that will enable it to accomplish specific goals and objectives. Since the last management plan, the reserve has: Provided technical expertise to coastal communities to reduce risks to natural hazards; expanded monitoring programs; installed a sentinel site for monitoring marsh ecosystem response to sea level rise; upgraded exhibits; conducted training workshops; implemented K–12 education programs; purchased a marsh; installed a trail; and promoted reclamation of ghost crab pots.

The total number of acres within the boundary is 116,116 acres, which is a modification of the original 114,665 acres identified in the previous management plan. The revised acreage is a result of updated mapping techniques rather than a boundary expansion resulting from inclusion of new habitats. The revised management plan will serve as the guiding document for the Jacques Cousteau Reserve for the next five years.

NOAA's Office Coastal Management will be conducting an environmental analysis in accordance with the National Environmental Policy Act on the proposed approval of the Reserve's revised management plan. The public is invited to provide comment or information about any potential environmental impacts of the proposed action, and these comments will be used to inform the decision making process.

View the Jacques Cousteau Reserve Management Plan revision at (*https://jcnerr.org/JCNERR_MNGMTPLAN_2018to2023.pdf*) and provide comments to the Reserve's Assistant Manager, Lisa Auermuller (*auermull@marine.rutgers.edu*).

Keelin Kuipers,

Acting Deputy Director, Office for Coastal Management National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–00182 Filed 1–8–18; 8:45 am]

BILLING CODE 3510–08–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Monday, January 8, 2018; 1:00 p.m.*

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, MD 20814.

STATUS: Commission Meeting—Closed to the Public.

MATTER TO BE CONSIDERED: Compliance Matter: The Commission staff will brief the Commission on the status of a compliance matter.

* The Commission unanimously determined by recorded vote that Agency business requires calling the meeting without seven calendar days advance public notice.

CONTACT PERSON FOR MORE INFORMATION: Alberta E. Mills, Acting Secretary, Office of the Secretariat, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7479.

Dated: January 4, 2018.

Alberta E. Mills,

Acting Secretary.

[FR Doc. 2018–00229 Filed 1–5–18; 11:15 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

Secretary of the Navy Advisory Panel (SNAP) and Subcommittee Naval Research Advisory Committee; Notice of Meeting

AGENCY: Department of the Navy, DoD.

ACTION: Amendment to Notice of Public Meeting.

SUMMARY: The Secretary of the Navy Advisory Panel (SNAP) and subcommittee Naval Research Advisory Committee (NRAC) will meet to discuss materials in support of two studies: ''Use and Acquisition of Unmanned Systems in the Department of the Navy'' and ''Improving Governance in the Department of the Navy.'' These sessions will be open to the public, with exception to any specific deliberations which may include the review of classified material.

DATES: The meeting will be held on Monday, January 8, 2018, from 10:00 a.m. to 12:00 p.m. Due to unforeseen circumstances, the Secretary of the Navy Advisory Panel was unable to provide public notification concerning its meeting along with a meeting of the Naval Research Advisory Committee, a subcommittee of the Secretary of the Navy Advisory Panel on January 8, 2018, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

ADDRESSES: The meeting will be held at the Pentagon, Conference Center, Room B5.

FOR FURTHER INFORMATION CONTACT: James Custer, Secretary of the Navy Advisory Panel, Office of the Deputy Secretary of the Navy for Policy, 1000 Navy Pentagon, Washington, DC 20350, *james.custer@navy.mil,* 703–693–3403.

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. 52b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Public access is limited due to Pentagon security requirements. Members of the public wishing to attend this event must enter through the Pentagon Visitors' Center adjacent to the Pentagon's Metro Station Entrance. All Pentagon visitors must present two forms of valid government-issued photo identification. All visitors and belongings are required to go through security screening. All belongings are required to pass through an x-ray machine. With the exception of Department of Defense Common Access Card (CAC) holders, Pentagon visitors are required to have a sponsor/escort for access into the Pentagon and must be escorted at all times. Members wishing to attend this meeting must have completed all security procedures no later than 09:15 p.m. to receive a visitor badge and depart the waiting area with their sponsor/escort. Guests requiring escort will be escorted directly to the meeting room and access will be limited to areas related to meeting activities. Members of the public shall remain with designated escorts at all times while on the Pentagon reservation. Upon completion of the period of meeting open to the public, guests will be escorted to the building exit. Members of the public with questions regarding visitor access to the Pentagon may call 703–693–3953.

To request a sponsor and escort for the open session of this meeting, at least 5 days in advance of the meeting, email *james.custer@navy.mil* and *Christopher.rodeman@navy.mil* or call 703–693–3403. In the subject line, please enter ''Request a sponsor and escort for the Jan 8 SNAP/NRAC open session'' and indicate in the body that you ''will be attending the open session of the Advisory Panel meeting on January 8, 2018.'' Include your name and mobile phone number. Individuals or groups may submit written statements for consideration by the Secretary of the Navy Advisory Panel at any time or in response to the agenda of a scheduled meeting. All correspondence must be submitted to the Designated Federal Officer (DFO) in care of the address below. If the written statement is in response to the agenda of this meeting, to be considered, must be received at least five days prior to the meeting in question. The DFO will review all timely submissions with the Chair of the Secretary of the Navy Panel. The DFO will ensure submissions are provided to Panel members prior to the meeting subject to this notice.

To contact the DFO, write to: Designated Federal Officer, Secretary of the Navy Advisory Panel, Office of the Deputy Secretary of the Navy for Policy, 1000 Navy Pentagon, Washington, DC 20350.

Dated: January 3, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–00179 Filed 1–8–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0002]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; The Title VI Undergraduate International Studies and Foreign Language (UISFL) Program Application

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before February 8, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0002. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tanyelle Richardson, 202–453–6391.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in

accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: The Title VI Undergraduate International Studies and Foreign Language (UISFL) Program Application.

OMB Control Number: 1840–0796.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 11,000.

Abstract: This application package is used by institutions of higher education, partnerships between nonprofit educational organizations and institutions of higher education, and public and private nonprofit organizations, to apply for grants under the Title VI UISFL program. Information submitted in this collection will be used during the peer review to evaluate and score the applications, and to make funding decisions. The Department requires this information collection in order to make discretionary grant awards under this program.

Dated: January 4, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–00175 Filed 1–8–18; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Public Meeting for EAC Standards Board

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice.

Date and Time: Thursday, January 25, 2018, 8:30 a.m.–5:00 p.m. and Friday, January 26, 2018, 8:00–11:45 a.m. [Executive Board Session: Thursday, January 25, 2018, 7:30 p.m. (administrative business only)]

Place: Hyatt Regency Coral Gables, 50 Alhambra Plaza, Coral Gables, FL 33134, Phone: (305) 441–1234.

Purpose: In accordance with the Federal Advisory Committee Act (FACA), Public Law 92–463, as amended (5 U.S.C. Appendix 2), the U.S. Election Assistance Commission (EAC) Standards Board will meet to address its responsibilities under the Help America Vote Act of 2002 (HAVA), to present its views on issues in the administration of Federal elections, formulate recommendations to the EAC, and receive updates on EAC activities.

Agenda: The Standards Board will receive an overview and updates on EAC programs and agency operations. The Standards Board will receive updates on the Voluntary Voting System Guidelines (VVSG) 2.0 and on equipment certification. The Board will consider a resolution(s) on VVSG recommendations. The Board will hear a panel discussion on Elections & Disaster Recovery.

The Standards Board will conduct committee breakout sessions and hear committee reports. The Executive Board of the Standards Board may appoint Standards Board committee members and chairs, and consider other administrative matters.

Supplementary: Members of the public may submit relevant written statements to the Standards Board with respect to the meeting no later than 5:00 p.m. EDT on Thursday, January 18, 2018. Statements may be sent via email at *facaboards@eac.gov,* via standard mail addressed to the U.S. Election Assistance Commission, 1335 East West Highway, Suite 4300, Silver Spring, MD 20910, or by fax at 301–734–3108.

This meeting will be open to the public.

Person To Contact for Information: Bryan Whitener, Telephone: (301) 563–3961.

Bryan Whitener,

Director, National Clearinghouse on Elections, U.S. Election Assistance Commission.

[FR Doc. 2018–00167 Filed 1–8–18; 8:45 am]

BILLING CODE 6820–KF–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: RP18–305–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Negotiated Capacity Release Agreements—1/1/2018 to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5124.
Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–306–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Calculations supporting the Measurement Variance/Fuel Use Factors utilized during the period July 1, 2017 through December 31, 2017 of Iroquois Gas Transmission System, L.P. under RP18–306.
Filed Date: 1/2/18.
Accession Number: 20180102–5135.
Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–307–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (RE Gas 35433, 34955 to BP 36840, 36841) to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5202.
Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–308–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Negotiated Rate Agreement (Total 1932) to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5205.
Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–309–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Amendment to Neg Rate Agmt (Total 167–2) to be effective 1/1/2018.

Filed Date: 1/2/18.
Accession Number: 20180102–5208.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–310–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta 8438 to various eff 1–1–2018) to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5210.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–311–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 010218 Negotiated Rates—Mercuria Energy America, Inc. R–7540–02 to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5219.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–312–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmt (EOG 34687 to Texla 48933) to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5272.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–313–000.
Applicants: ETC Tiger Pipeline, LLC.
Description: § 4(d) Rate Filing: Fuel Filing Out of Cycle on 1–2–18 to be effective 2/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5345.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–314–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: Compliance filing Pro Forma—Priority of Service Provisions to be effective N/A.
Filed Date: 1/2/18.
Accession Number: 20180102–5359.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: RP18–315–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Compliance filing Limited Tariff Waiver Due to Shippers' Mutual Capacity Release Mistake to be effective N/A.
Filed Date: 1/2/18.
Accession Number: 20180102–5394.
Comments Due: 5 p.m. ET 1/16/18.
Docket Numbers: PR18–16–000.
Applicants: UGI Central Penn Gas, Inc.
Description: Tariff filings per 284.123 (e)/.224. Termination of SOC to be effective 12/31/2017.
Filed Date: 12/29/17.
Accession Number: 201712295040.
Comments Due: 5 p.m. ET 1/19/18.
Docket Numbers: PR17–62–001.
Applicants: Trans-Pecos Pipeline, LLC.
Description: Tariff filings per 284.123 (e)/: Trans-Pecos Pipeline, LLC Amended SOC, Effective 12/23/2017.
Filed Date: 12/21/17.
Accession Number: 20171225135.
Comments Due: 5 p.m. ET 1/11/18.
Docket Numbers: PR17–63–001.
Applicants: Comanche Trail Pipeline, LLC.
Description: Tariff filings per 284.123 (e)/.224. Comanche Trail Pipeline, LLC Amended SOC, Effective 12/24/2017.
Filed Date: 12/21/17.
Accession Number: 201712215139.
Comments Due: 5 p.m. ET 1/11/18.

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: January 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00205 Filed 1–8–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–125–001.
Applicants: NextEra Energy Transmission New York, Inc.
Description: Tariff Amendment: NextEra Energy Transmission New York, Inc. Response to Deficiency Letter to be effective 12/19/2017.
Filed Date: 1/2/18.
Accession Number: 20180102–5365.
Comments Due: 5 p.m. ET 1/23/18.
Docket Numbers: ER18–387–003.
Applicants: ISO New England Inc., Emera Maine.
Description: Tariff Amendment: Supplemental Filing Related to Original Service Agreement under Schedule 21–EM to be effective 1/1/2016.
Filed Date: 1/3/18.
Accession Number: 20180103–5050.
Comments Due: 5 p.m. ET 1/24/18.
Docket Numbers: ER18–579–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Supplement Filing to 2018 Annual Cost Allocation Update—Docket No. ER18–579 to be effective 1/1/2018.
Filed Date: 1/3/18.
Accession Number: 20180103–5110.
Comments Due: 5 p.m. ET 1/24/18.
Docket Numbers: ER18–588–000.
Applicants: NextEra Energy Transmission West, LLC.
Description: § 205(d) Rate Filing: NextEra Energy Transmission West, LLC Amendments to Transmission Owner Tariff to be effective 1/28/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5357.
Comments Due: 5 p.m. ET 1/23/18.
Docket Numbers: ER18–589–000.
Applicants: Public Service Company of New Mexico.
Description: § 205(d) Rate Filing: Modifications to NITSA/NOA between PNM and Los Alamos to be effective 1/1/2018.
Filed Date: 1/2/18.
Accession Number: 20180102–5369.
Comments Due: 5 p.m. ET 1/23/18.
Docket Numbers: ER18–590–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 3125R5 Basin Electric Power Cooperative NITSA and NOA to be effective 12/1/2017.
Filed Date: 1/2/18.
Accession Number: 20180102–5391.
Comments Due: 5 p.m. ET 1/23/18.
Docket Numbers: ER18–591–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2415R9 Kansas Municipal Energy Agency NITSA and NOA to be effective 12/1/2017.
Filed Date: 1/2/18.
Accession Number: 20180102–5398.
Comments Due: 5 p.m. ET 1/23/18.
Docket Numbers: ER18–592–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: Attachment J Section III Clean-Up Filing to be effective 10/1/2017.
Filed Date: 1/3/18.

Accession Number: 20180103–5073.
Comments Due: 5 p.m. ET 1/24/18.
Docket Numbers: ER18–593–000.
Applicants: PacifiCorp.
Description: § 205(d) Rate Filing: BPA Construction Agmt ? UIUC Winchester to be effective 12/15/2017.
Filed Date: 1/3/18.
Accession Number: 20180103–5090.
Comments Due: 5 p.m. ET 1/24/18.

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: January 3, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00204 Filed 1–8–18; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0687]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before March 12, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0687.
Title: Access to Telecommunications Equipment and Services by Persons with Disabilities, CC Docket No. 87–124 and CG Docket No. 13–46.
Form Number: N/A.
Type of Review: Revision of a currently approved collection.
Respondents: Businesses or other for-profit entities; not-for-profit entities.
Number of Respondents and Responses: 331 respondents; 3,028 responses.
Estimated Time per Response: .25 hours (15 minutes) to 24 hours.
Frequency of Response: Annual and on-occasion reporting requirements; Third party disclosure requirement.
Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in section 710 of the Communications Act of 1934, as amended, 47 U.S.C. 610.
Total Annual Burden: 7,236 hours.
Total Annual Cost: $991,618.
Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information from individuals.
Privacy Impact Assessment: No impact(s).
Needs and Uses: This notice and request for comments pertains to the extension of the currently approved information collection requirements concerning hearing aid compatibility (HAC) for wireline handsets used with the legacy telephone network, updated estimates of existing burdens that were included in the February 2015 PRA submission to OMB, and new collections related to HAC for wireline handsets used with advanced communications services (ACS), such as Voice over internet Protocol (VoIP). These handsets are known as ACS telephonic customer premises equipment (ACS telephonic CPE).

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

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

Wireline Handsets Used With the Legacy Telephone Network

• 47 CFR 68.224 requires that every non-hearing aid compatible wireline telephone used with the legacy wireline network that is offered for sale to the public contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid compatible. If the handset is offered for sale without a surrounding package, then the telephone must be affixed with a written statement that the telephone is not hearing aid compatible. In addition, each handset must be accompanied by instructions in accordance with 47 CFR 62.218(b)(2).

• 47 CFR 68.300 requires that all wireline telephones used with the legacy wireline network that are manufactured in the United States (other than for export) or imported for use in the United States and that are hearing aid compatible have the letters ''HAC'' permanently affixed.

ACS Telephonic CPE

• New § 68.502(a) of the Commission's rules contains information collection requirements for ACS telephonic CPE that are similar to the HAC label and notice requirements in 47 CFR 68.224 and 68.300 (discussed above), *i.e.,* the ''HAC'' labeling requirement for hearing aid compatible equipment, and the package information for non-hearing aid compatible equipment, apply to ACS telephonic CPE.

• New § 68.501 of the Commission's rules requires responsible parties to obtain certifications of their equipment by using a third-party Telecommunications Certification Body (TCB) or a Supplier's Declaration of Conformity. (A responsible party is the party, such as the manufacturer, that is responsible for the compliance of ACS telephonic CPE with the hearing aid compatibility rules and other applicable technical criteria. A Supplier's Declaration of Conformity is a procedure whereby a responsible party makes measurements or takes steps to ensure that CPE complies with technical standards, which results in a document by the same name.) Section 68.501 of the Commission's rules applies to ACS telephonic CPE rule sections defining the roles of TCBs and the uses of Supplier's Declarations of Conformity for wireline handsets used with the legacy telephone network.

• New § 68.504 of the Commission's rules requires information about ACS telephonic CPE to be included in a database administered by ACTA. (ACTA is an organization, previously created pursuant to FCC regulations, whose key function is to maintain a database of telephone equipment.) In addition, ACS telephonic CPE must be labeled as required by ACTA.

• New § 68.502(b)–(d) of the Commission's rules requires responsible parties to: Warrant that ACS telephonic CPE complies with applicable regulations and technical criteria; give the user instructions required by ACTA for ACS telephonic CPE that is hearing aid compatible; give the user a notice for ACS telephonic CPE that is not hearing aid compatible; and notify the purchaser or user of ACS telephonic CPE whose approval is revoked, that the purchaser or user must discontinue its use.

• New § 68.503 of the Commission's rules requires manufacturers of ACS telephonic CPE to designate an agent for service of process for complaints that may be filed at the FCC.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00191 Filed 1–8–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0848]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before February 8, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's

burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0848.

Title: Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98–147.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 750 respondents; 9,270 responses.

Estimated Time per Response: 3.54 hours (average burden per response).

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third-party disclosure requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 201 and 251 of the Communications Act of 1934, as amended.

Total Annual Burden: 32,845 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information. Any respondent that submits information to the Commission that they believe is confidential may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The information collection requirements implement sections 201 and 251 of the Communications Act of 1934, as amended, to provide for physical collocation on rates, terms and conditions that are just, reasonable and nondiscriminatory, and to promote deployment of advanced telecommunications services without significantly degrading the performance of other services. All of the requirements will be used by the Commission and competitive local exchange carriers (LECs) to facilitate the deployment of telecommunications services, including advanced telecommunications services.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00193 Filed 1–8–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–XXXX]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before March 12, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control No.: 3060–XXXX.

Title: Section 74.803(c) and (d), Wireless Microphones.

Form No.: N/A.

Type of Review: New collection.

Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents and Responses: 215 respondents; 2,365 responses.

Estimated Time per Response: 22 hours.

Frequency of Response: One-time and on occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), 4(j), 7(a) 301, 302(a), 303(f), 307(e), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 302(a), 303(f), 307(e), and 332.

Total Annual Burden: 2,490 hours.

Total Annual Cost: $166,563.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No information is requested that would require assurance of confidentiality.

Needs and Uses: The Commission will submit this information collection to OMB as a new collection after this 60 day comment period to obtain the full three-year clearance from them.

On July 14, 2017 the Federal Communications Commission released

an Order on Reconsideration and Further Notice of Proposed Rulemaking, *Promoting Spectrum Access for Wireless Microphone Operations; Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37; Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions; Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band; Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition; Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones,* Order on Reconsideration and Further Notice of Proposed Rulemaking, GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No. 12–268, WT Docket No. 08–167, and ET Docket No. 10–24, in which the Commission permits certain qualifying professional theaters, music, and performing arts organizations to obtain a part 74 license that would allow them as licensees to obtain such interference protection in the TV bands and, when needed, also to operate in other spectrum bands available for licensed wireless microphone operations under part 74. In addition, with respect to licensed wireless microphone operations in other frequency bands, revisions to the channelization plan for licensed wireless microphone operations in the 169–172 MHz band, generally affirm but provide clarifications regarding the 30-megahertz limit placed on licensed wireless microphone users' access to spectrum in the 1435–1525 MHz band, and clarify coordination requirements and operational limitations for licensed wireless microphone operations in the 941.5–944 MHz band. With these various revisions and clarifications, the Commission finalized the technical rules for wireless microphone operations and, the Commission promotes our goal of accommodating wireless microphone users' needs through access to spectrum resources following the incentive auction and reconfiguration of the TV bands.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00192 Filed 1–8–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *First Federal Bancorp, MHC, and First Federal Bancorp, Inc., both in Lake City, Florida;* each to reconvert to savings and loan holding companies after acquiring Coastal Banking Company, Inc., Beaufort, South Carolina, a bank holding company, and thereby indirectly acquire CBC National Bank, Fernandina Beach, Florida.

Upon the acquisition of CBC National Bank, CBC National Bank will merge into First Federal's subsidiary, First Federal Bank of Florida, Lake City, Florida.

Board of Governors of the Federal Reserve System, January 3, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00146 Filed 1–8–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 23, 2018.

A. Federal Reserve Bank of St. Louis (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Chester Porter Trust Fund A, Shepherdsville, Kentucky, Jack Chester Porter, Taylorsville, Kentucky, and Jennifer Elizabeth Porter, Mount Washington, Kentucky, as trustees;* to retain voting shares of (1) Crossroads Bancorp, Inc., and thereby retain shares of Peoples Bank, both of Mount Washington, Kentucky and (2) Lake Valley Bancorp, Inc., and thereby retain shares of Peoples Bank, both of Taylorsville, Kentucky.

Board of Governors of the Federal Reserve System, January 3, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00148 Filed 1–8–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 2, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *Independent Bank Corporation, Grand Rapids, Michigan;* to merge with TCSB Bancorp, Inc., Traverse City, Michigan, and thereby indirectly acquire voting shares of Traverse City State Bank, Traverse City, Michigan.

Board of Governors of the Federal Reserve System, January 3, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00147 Filed 1–8–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Adapting Clinical Guidelines for the Digital Age Meeting

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the Adapting Clinical Guidelines for the Digital Age meeting. Adapting Clinical Guidelines for the Digital Age is an initiative to improve patient care and health outcomes by working to ensure that clinical guidelines are not only evidence-based but also are used in practice. Because there are multiple roles in developing and disseminating clinical guidelines, it is important to get a comprehensive understanding of the current challenges in translating guidelines in order to develop a standardized process for the future. The meeting will use the Kaizen approach to ensure stakeholder perspectives and experiences along the clinical guideline continuum are collected. Kaizen focuses on continuous improvement by bringing together stakeholders to gather individual perspectives and experiences so that improvements can be made to a specific area of focus in a process. Additional information about Kaizen is available at the Electronic Clinical Quality Improvement Resource Center website (*https://ecqi.healthit.gov/ecqi/kaizen*). The scope of the meeting will encompass the following: Gathering individual perspectives and experiences about guideline creation and summarizing the evidence; informatics framework for guideline translation; dissemination modalities and communication methods; translation and implementation support; and evidence.

DATES: The meeting will be held February 5–9, 2018, from 9:00 a.m. to 5:00 p.m. EST each day.

ADDRESSES: The meeting will be held at the Centers for Disease Control and Prevention's Century Center Campus, 2500 Century Parkway, Atlanta, GA 30345. You should be aware that the meeting location is in a Federal government facility; therefore, Federal security measures are applicable. For additional information, please see CDC Security Guidelines under **SUPPLEMENTARY INFORMATION.** Information regarding meeting logistics will be available on the ''Adapting Clinical Guidelines for the Digital Age'' website (*https://wwwdev.cdc.gov/ophss/WhatWeDoACG.html*) closer to the date of the meeting.

Meeting Accessibility: This meeting is open to the public, limited only by space availability. All in-person meeting attendees must RSVP to the point-of-contact in the **FOR FURTHER INFORMATION CONTACT** section by January 17, 2018 to ensure the required security procedures are completed to gain access to CDC facilities. Failure to RSVP by the dates identified could result in the inability to attend the meeting due to the strict security regulations on federal facilities. Due to space limitations, we are unable to honor all requests. Registrants for the in-person meeting will be notified by email that their registration has been confirmed. The intent is to have equal representation of individuals to ensure that a wide variety of individual perspectives and experiences are collected.

Public Comment: The opportunity for public comment will be available during the full-group portions of the meeting. Individuals wishing to make public comments must indicate their desire to do so in advance by providing their name, organizational affiliation, and the topic to be addressed with their RSVP.

Meeting Accessibility: This meeting is available to the public via Webcast. Live captioning will also be available. The Webcast URL will be sent to registrants upon receipt of their RSVP. All webcast meeting participants must RSVP by January 17, 2018 to receive the webcast information, which will be emailed to them by Maria Michaels (*maria.michaels@cdc.gov*).

FOR FURTHER INFORMATION CONTACT: Maria Michaels, Office of the Director; Office of Public Health Scientific Services; Centers for Disease Control and Prevention, 1600 Clifton Road, MS–E–33, Atlanta, GA 30333, phone: (404) 498–0997, email: *maria.michaels@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The purpose of the meeting is for CDC and stakeholders to help obtain a better understanding of how potential changes to clinical guideline translation might impact clinicians, electronic health record vendors, professional organizations, clinical decision support developers, federal partners, public health partners, standard developers, and CDC programs.

Proposed discussion topics:* The different stages of guideline translation; guideline dissemination; guideline adoption; how the guideline

development, dissemination, and translation process works; and how potential changes to the current process would impact stakeholders.

* Pending final approval of review preparations.

Century Center Campus Security Guidelines: The CDC Century Center Campus is located at 2500 Century Parkway NE, Atlanta, GA 30345. The meeting is being held in a Federal government facility; therefore, Federal security measures are applicable.

All meeting attendees must RSVP by the dates outlined under MEETING ACCESSIBILITY. In planning your arrival time, please take into account the need to park and clear security. Upon arrival at the facility, visitors must present government-issued photo identification (*e.g.,* a valid federal identification badge, state driver's license, state non-driver's identification card, or passport). Non-United States citizens must complete the required security paperwork prior to the meeting date and must present a valid passport, visa, Permanent Resident Card, or other type of work authorization document upon arrival at the facility. Security clearance for non-United States citizens requires a minimum of 10 business days to process. All persons entering the building must pass through a metal detector. Visitors will be issued a visitor's ID badge and may be escorted to the meeting room. All items brought to HHS/CDC are subject to inspection.

Dated: January 4, 2018.

Lauren Hoffmann,

Acting Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–00203 Filed 1–8–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10291]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by February 8, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State Collection and Reporting of Dental Provider and Benefit Package Information on the Insure Kids Now! Website and Hotline; *Use:* On the Insure Kids Now (IKN) website, the Secretary is required to post a current and accurate list of dentists and providers that provide dental services to children enrolled in the state plan (or waiver) under Medicaid or the state child health plan (or waiver) under CHIP. States collect the information pertaining to their Medicaid and CHIP dental benefits. *Form Number:* CMS–10291 (OMB control number: 0938–1065); *Frequency:* Yearly and quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 255; *Total Annual Hours:* 11,781. (For policy questions regarding this collection contact Andrew Snyder at 410–786–1274.)

Dated: January 4, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–00202 Filed 1–8–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10380]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by February 8, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions:

OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Grants to States for Rate Review and Effective Rate Review Program; *Use:* Section 2794(c) directs the Secretary to carry out a program to award grants to states, which are to serve the following purposes: (1) Establish or enhance rate review programs, referred to as ''Rate Review'' activities; (2) Help states to provide data to the Secretary regarding trends in rate increases as well as recommendations regarding plan participation in the Exchange, referred to as ''Required Rate Reporting'' activities; (3) Establish or enhance Data Centers that collect, analyze, and disseminate health care pricing data to the public, referred to as ''Data Center'' activities.

The Centers for Medicare & Medicaid Services (CMS) has released Premium Review Grants in four funding opportunity cycles. Grant recipients must states submit the following to the Secretary for each grant cycle, as applicable: Quarterly reports—30 days after the quarter has ended for the entire duration of the grant; Annual report—This report does not contain data, but instead documents the progress toward establishing or enhancing an Effective Rate Review Program and/or a Data Center; Final report—This report is due at the end of the grant period.

The final rule ''Patient Protection and Affordable Care Act; Health Insurance Market Rules; Rate Review'' (78 FR 13406, February 27, 2013) modified criteria and factors for states to have an Effective Rate Review Program. These changes were necessary to reflect market reform provisions and to fulfill the statutory requirement that the Secretary, in conjunction with the states, monitor premium increases of health insurance coverage offered through an Exchange and outside of an Exchange.

CMS is authorized under 45 CFR 154.301(d) to evaluate whether, and to what extent, a state's circumstances have changed such that it has begun to or has ceased to satisfy the Effective Rate Review Program criteria. States respond to a questionnaire annually via the Health Insurance Oversight System (HIOS), a web-based data collection system commonly used on a regular basis. All submissions are made electronically and no paper submissions are required. CMS is not requesting any changes to the questionnaire at this time. *Form Number:* CMS–10380 (OMB control number: 0938–1121); *Frequency:* Quarterly and Yearly; *Affected Public:* State governments; *Number of Respondents:* 51; *Total Annual Responses:* 571; *Total Annual Hours:* 15,415. (For policy questions regarding this collection contact Lisa Cuozzo at 410–786–1746.)

Dated: January 4, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–00181 Filed 1–8–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–209 and CMS–29]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by March 12, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–209 Laboratory Personnel Report (CLIA) and Supporting Regulations

CMS–29 Verification of Clinic Data—Rural Health Clinic Form and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report (CLIA) and Supporting Regulations; *Use:* The information collected on this survey form is used in the administrative pursuit of the Congressionally-mandated program with regard to regulation of laboratories participating in CLIA. The surveyor will provide the laboratory with the CMS–209 form. While the surveyor performs other aspects of the survey, the laboratory will complete the CMS–209 by recording the personnel data needed to support their compliance with the personnel requirements of CLIA. The surveyor will then use this information in choosing a sample of personnel to verify compliance with the personnel requirements. Information on personnel qualifications of all technical personnel is needed to ensure the sample is representative of the entire laboratory. *Form Number:* CMS–209 (OMB control number 0938–0151); *Frequency:* Biennially; *Affected Public:* Private Sector—State, Local, or Tribal Governments; and Federal Government; *Number of Respondents:* 19,051; *Total Annual Responses:* 9,592; *Total Annual Hours:* 4,796. (For policy questions regarding this collection contact Kathleen Todd at 410–786–3385.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Verification of Clinic Data—Rural Health Clinic Form and Supporting Regulations; *Use:* The form is utilized as an application to be completed by suppliers of Rural Health Clinic (RHC) services requesting participation in the Medicare program. This form initiates the process of obtaining a decision as to whether the conditions for certification are met as a supplier of RHC services. It also promotes data reduction or introduction to and retrieval from the Automated Survey Process Environment (ASPEN) and related survey and certification databases by the CMS Regional Offices. Should any question arise regarding the structure of the organization, this information is readily available. *Form Number:* CMS–29 (OMB control number 0938–0074); *Frequency:* Occasionally (initially and then every six years); *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 820; *Total Annual Responses:* 820; *Total Annual Hours:* 137. (For policy questions regarding this collection contact Shonté Carter at 410–786–3532.)

Dated: January 4, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–00198 Filed 1–8–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Small Health Care Provider Quality Improvement Program, OMB No. 0915–0387—Revision.

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than March 12, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting

information, please include the information request collection title for reference.

Information Collection Request Title: Small Health Care Provider Quality Improvement Program, OMB No. 0915–0387—Revision.

Abstract: This program is authorized by Title III, Public Health Service Act, Section 330A(g) (42 U.S.C. 254c(g)), as amended. This authority permits the Federal Office of Rural Health Policy (FORHP) to support grants that expand access to, coordinate, contain the cost of, and improve the quality of essential health care services, including preventive and emergency services, through the development of health care networks in rural and frontier areas and regions. The authority also allows HRSA to provide funds to rural and frontier communities to support the direct delivery of health care and related services, expand existing services, or enhance health service delivery through education, promotion, and prevention programs.

The purpose of the Small Health Care Provider Quality Improvement Grant (Rural Quality) Program is to provide support to rural primary care providers for implementation of quality improvement activities. The program promotes the development of an evidence-based culture and delivery of coordinated care in the primary care setting. Additional objectives of the program include improved health outcomes for patients, enhanced chronic disease management, and better engagement of patients and their caregivers. Organizations participating in the program are required to use an evidence-based quality improvement model; develop, implement and assess effectiveness of quality improvement initiatives; and use health information technology (HIT) to collect and report data. HIT may include an electronic patient registry or an electronic health record, and is a critical component for improving quality and patient outcomes. With HIT, it is possible to generate timely and meaningful data, which helps providers track and plan care.

Need and Proposed Use of the Information: FORHP collects this information to quantify the impact of grant funding on access to health care, quality of services, and improvement of health outcomes. FORHP uses the data for program improvement and grantees use the data for performance tracking. The measures encompass access to care, population demographics, consortium/network, sustainability, quality improvement implementation strategies, clinical, and optional topic utilization.

The proposed Rural Quality draft measures reflect a reduced number of measures: 25 total (previously 43), which includes 18 required measures applicable to all awardees in addition to 7 optional measures. Proposed revisions specifically include the following: (1) Alignment of clinical measures to current National Quality Forum endorsement recommendations and (2) broadened orientation of measures for improved applicability across variety of rural quality improvement project topic areas.

Likely Respondents: The respondents would be award recipients of the Small Health Care Provider Quality Improvement Program.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Small Health Care Provider Quality Improvement Program Performance Improvement Measurement System (PIMS) Measurement	32	1	32	26	832
Total	32		32		832

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–00173 Filed 1–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: Radiation Exposure Screening and Education Program, OMB No. 0906–0012—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than March 12, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the

proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Radiation Exposure Screening and Education Program, OMB No. 0906–0012—Revision.

Abstract: The Radiation Exposure Screening and Education Program (RESEP) is authorized by section 417C of the Public Health Service Act (42 U.S.C. 285a–9). The purpose of RESEP is to assist individuals who live (or lived) in areas where U.S. nuclear weapons testing occurred and who are diagnosed with cancer and other radiogenic diseases caused by exposure to nuclear fallout or nuclear materials such as uranium. RESEP funds support eligible health care organizations in implementing cancer screening programs; developing education programs; disseminating information on radiogenic diseases and the importance of early detection; screening eligible individuals for cancer and other radiogenic diseases; providing appropriate referrals for medical treatment; and facilitating documentation of radiation exposure.

Need and Proposed Use of the Information: For this program, performance measures were drafted to provide data useful to the program and to enable HRSA to provide aggregate program data required by Congress under the Government Performance and Results Act of 1993 (Pub. L. 103–62). These measures cover the principal topic areas of interest to the Federal Office of Rural Health Policy (FORHP), including demographics for the RESEP program user population, medical screening activities for cancers and other radiogenic diseases, exposure and presentation types for eligible radiogenic malignant and nonmalignant diseases, referrals for appropriate medical treatment, eligibility counseling and referral assistance for the Radiation Exposure Compensation Act, and program outreach and education activities. These measures speak to FORHP's progress toward meeting the established goals. In order to reduce the reporting burden by the award recipients, a number of questions have been removed with the new set of measures reflecting an effort to streamline data collection and collect consistent and uniform measures across FORHP's grant programs.

Likely Respondents: Radiation Exposure Screening and Education Program award recipients.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to: (1) Review instructions; (2) develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; (3) train personnel and to be able to respond to a collection of information; (4) search data sources; to complete and review the collection of information; and (5) transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Radiation Exposure Screening and Education Program	8	1	8	12	96
	8	.....	8	.....	96

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–00145 Filed 1–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Dental and Craniofacial Research Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Dental and Craniofacial Research Council.

Date: January 31, 2018.

Open: 8:30 a.m. to 12:00 p.m.

Agenda: Report to the Director, NIDCR.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: 1:30 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, 6th Floor, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities,

National Institute of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, 301–594–4805, *adombroski@nidcr.nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: January 2, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00155 Filed 1–8–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meeting of the National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; MSM Program Review (2018/05).

Date: February 12, 2018.

Time: 5:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Plaza, Suite 920, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Manana Sukhareva, Ph.D., Scientific Review Officer, National Institutes of Biomedical Imaging and Bioengineering, National Institutes of Health, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, (301) 451–3397, *sukharem@mail.nih.gov.*

Dated: January 2, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00154 Filed 1–8–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Confidentiality of Substance Use Disorder Patient Records

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) announces that it will hold a public listening session on Wednesday, January 31, 2018, to solicit information concerning the Confidentiality of Substance Use Disorder Patient Records regulations as required by Section 11002 of the 21st Century Cures Act. The listening session will provide an opportunity for the public to provide input to SAMHSA concerning the effect of part 2 on ''patient care, health outcomes, and patient privacy'' as well as potential regulatory changes and future subregulatory guidance.

DATES: The listening session will be held on Wednesday, January 31, 2018, from 8:30 a.m. (Eastern) to 1:00 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: For information concerning the listening session, please contact Rachel Karton, Senior Legislative and Regulatory Analyst, SAMHSA, 5600 Fishers Lane, Rockville, MD 20857, (240) 276–0416 or email *PrivacyRegulations@SAMHSA.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Participation: The Listening Session proceeding will be recorded, and subsequently archived and posted on the SAMHSA website. The public may attend the listening session:

- *Via Teleconference/Webcast:* The entire proceeding will be streamed live over the internet (requires prior registration). Audio and streaming information will be sent to those who register prior to the meeting. Capacity for the Teleconference/Webcast participation is limited so early registration is recommended.
- *In Person:* The address for this meeting is 5600 Fishers Lane, 5th (Main) Floor Pavilion rooms, Rockville, Maryland 20852. The building is a federal facility; prior registration, a security screening and a federally-approved identification (*e.g.,* driver's license) are required to attend in-person. Capacity for in-person attendance is limited so early registration is recommended.

Registration: Registration is required for participation in the listening session in person or via Teleconference/Webcast. Registration is now open. Registration for the in-person session will close on 01/22/2018 at 12:00 p.m. Eastern Time (ET). Registration for the Teleconference/Webcast will close on 01/31/2018 at 8:30 a.m. ET. Persons registering should indicate if they wish to make a public comment. SAMHSA recommends that when commenters suggest changes or revisions to current regulations that they indicate specifically, when feasible, how such regulation text should be revised. Only one representative of an organization may be allowed to present oral comments. Presentations will be limited to three minutes per speaker. SAMHSA will try to accommodate all speakers who wish to present based on the time allotted for this meeting. Persons making oral presentations are encouraged to also submit written comments as discussed below.

To register, go to: *https://42-cfr-part2-listening-session.eventbrite.com.*

Special Assistance: Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Rachel Karton (contact information provided below) at least 10 days prior to the meeting.

Public Comments: In addition to attending the session in person or joining via Teleconference/Webcast, the Agency offers several ways to provide comments. SAMHSA recommends that when commenters suggest changes or revisions to current regulations that they indicate specifically, when feasible, how such regulation text should be revised. You may provide comments through the following means:

- *Electronically: PrivacyRegulations@SAMHSA.hhs.gov* (preferred).
- *Regular, Express or Overnight Mail, or Hand Delivery or Courier:* Written comments must be sent to the following address ONLY: Substance Abuse and Mental Health Services Administration (SAMHSA), Department of Health and

Human Services, Attn: Mitchell Berger, SAMHSA, 5600 Fishers Lane, Room 18E89C, Rockville, Maryland 20852. Due to the anticipated high volume of comments, please note that receipt of comments will not be acknowledged. Comments must be received by 5:00 p.m. ET on Wednesday February 28, 2018.

Background: Title 42, section 290dd–2, of the United States Code, pertaining to Confidentiality of Records, provides that ''[r]ecords of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall [. . .] be confidential and be disclosed only for the purposes and under the circumstances expressly authorized'' by the statute or as otherwise provided. The statute further provides that such records may not be ''used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient'' without an appropriate court order.

The implementing regulations, 42 CFR part 2, were first promulgated as a final rule on July 1, 1975 (40 FR 27802), and substantively updated in 1987 (52 FR 21796). On February 9, 2016, SAMHSA issued a notice of proposed rulemaking (NPRM) regarding substantive changes to part 2 (81 FR 6987) and on January 18, 2017, SAMHSA finalized changes to these regulations (82 FR 6052). The January 2017 final rule became effective on March 21, 2017 (see 82 FR 10863, Feb. 16, 2017). This final rule was intended to ''ensure that patients with substance use disorders have the ability to participate in and benefit from health system delivery improvements, including from new integrated health care models while providing appropriate privacy safeguards.'' The final rule made substantive changes to regulatory provisions regarding Definitions (§ 2.11), Applicability (§ 2.12), Confidentiality restrictions and safeguards (§ 2.13), Security for records (§ 2.16), Disposition of records by discontinued programs (§ 2.19), Consent requirements (§ 2.31), Re-disclosure (§ 2.32), Medical emergencies (§ 2.51), Research (§ 2.52), and Audit and evaluation (§ 2.53).

Concurrently with finalizing these changes, SAMHSA issued a supplemental notice of proposed rulemaking (SNPRM) on January 18, 2017, proposing additional changes to facilitate disclosures by lawful holders to their contractors, subcontractors, and legal representative for the purposes of payment and health care operations and for carrying out an audit or evaluation and to permit disclosures by lawful holders to those conducting audits and evaluations on behalf of a governmental agency providing financial assistance to or regulatory oversight over the lawful holder. SAMHSA also sought comments on other topics, including an option for an abbreviated prohibition on re-disclosure notice. In January 2018, SAMHSA published a final rule implementing these changes.

In response to the 2016 NPRM and since publication of the January 2017 final rule and the SNPRM, SAMHSA has already heard from numerous stakeholders on a range of issues pertaining to part 2. For instance, some commenters asserted that part 2 has become a barrier to integration of care and research. Many commenters also have suggested that part 2 does not adequately align with the Health Insurance Portability and Accountability Act (HIPAA). SAMHSA also has received many comments emphasizing the continuing importance of part 2 in protecting patients who seek substance use disorder treatment from discrimination in housing, employment, education, and other settings as well as from criminal investigation and penalties. Some commenters also have urged SAMHSA to update part 2 penalty provisions and prevent what they believe to be misuse of patient identifying information.

On December 13, 2016, the 21st Century Cures Act was signed into law (Pub. L. 114–255). Section 11002 of this law requires that, within one year of the effective date of the final rule, ''the Secretary [HHS] shall convene relevant stakeholders to determine the effect of such regulations on patient care, health outcomes, and patient privacy.'' The listening session on January 31, 2018, will solicit input focused on how part 2 impacts patient care, health outcomes and patient privacy as well as potential regulatory changes and future subregulatory guidance. It is important to note that any recommendations of further changes to part 2 received during this meeting could, even if legally permissible and feasible, only be implemented after notice-and-comment as required by the Administrative Procedures Act.

* * * * *

Dated: January 3, 2017.

Charles LoDico,

Chemist.

[FR Doc. 2018–00150 Filed 1–8–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services: Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS) National Advisory Council (NAC) will meet on February 14, 2018, from 8:30 a.m. to 5:00 p.m. E.D.T. The CMHS NAC will convene in both open and closed sessions on February 14, 2018.

The closed portion of the meeting will include discussion and evaluation of grant applications reviewed by SAMHSA's Initial Review Groups, and involve an examination of confidential financial and business information as well as personal information concerning the applicants. Therefore, the meeting will be closed to the public from 8:30 a.m. to 10:00 a.m. as determined by the Assistant Secretary for Mental Health and Substance Use, SAMHSA in accordance with Title 5 U.S.C. 552b(c)(4) and (6) and Title 5 U.S.C. App. 2, 10(d).

The remainder of this meeting will be open to the public from 10:00 a.m. to 5:00 p.m., E.D.T., to include discussion of the Center's policy issues, presentations on SAMHSA's Policy Lab, Disaster Responses and a conversation with the Assistant Secretary for Mental Health and Substance Use.

Attendance by the public will be limited to available space. Interested persons may present data, information, or views, orally or in writing, on issues pending before the council. Written submissions should be forwarded to the contact person (below) on or before January 31, 2018. Oral presentations from the public will be scheduled at the conclusion of the meeting on Wednesday, February 14, 2018. Five minutes will be allotted for each presentation. Meeting information and a roster of Council members may be obtained either by accessing the SAMHSA Council website at *http://www.samhsa.gov/about-us/advisory-councils/cmhs-national-advisory-*

council or by contacting Ms. Pamela Foote (see contact information below).

The meeting can be accessed via telephone. To obtain the conference call-in number and access code, submit written or brief oral comments, or request special accommodations for persons with disabilities, please register at the SAMHSA's Advisory Council website at *http://nac.samhsa.gov/Registration/meetingsRegistration.aspx,* or contact Pamela Foote (see contact information below).

Committee Name: Substance Abuse and Mental Health Services Administration Center for Mental Health Services National Advisory Council.

Dates/Time/Type: Wednesday, February 14, 2018, 8:30 a.m. to 10:00 a.m. EDT: CLOSED, Wednesday, February 14, 2018, 10:00 a.m. to 5:00 p.m. EDT: OPEN.

Place: SAMHSA, 5600 Fishers Lane, 5th Floor, Conference Room 5N76, Rockville, Maryland 20857.

Contact: Pamela Foote, Designated Federal Official, SAMHSA CMHS National Advisory Council, 5600 Fishers Lane, Room 14E53C, Rockville, Maryland 20857, Telephone: (240) 276–1279, Fax: (301) 480–8491, Email: *pamela.foote@samhsa.hhs.gov.*

Carlos Castillo,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2018–00149 Filed 1–8–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Quarterly IRS Interest Rates Used in Calculating Interest on Overdue Accounts and Refunds on Customs Duties

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain the same from the previous quarter. For the calendar quarter beginning January 1, 2018, the interest rates for overpayments will be 3 percent for corporations and 4 percent for non-corporations, and the interest rate for underpayments will be 4 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

DATES: The rates announced in this notice are applicable as of January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Shandy Plicka, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 298–1717.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85–93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: one for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2017–25, the IRS determined the rates of interest for the calendar quarter beginning January 1, 2018, and ending on March 31, 2018. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). These interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties are the same from the previous quarter. These interest rates are subject to change for the calendar quarter beginning April 1, 2018, and ending June 30, 2018.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

Beginning date	Ending date	Under payments (percent)	Over payments (percent)	Corporate overpayments (eff. 1–1–99) (percent)
070174	063075	6	6	
070175	013176	9	9	
020176	013178	7	7	
020178	013180	6	6	
020180	013182	12	12	
020182	123182	20	20	
010183	063083	16	16	
070183	123184	11	11	
010185	063085	13	13	
070185	123185	11	11	
010186	063086	10	10	
070186	123186	9	9	
010187	093087	9	8	
100187	123187	10	9	
010188	033188	11	10	

Beginning date	Ending date	Under payments (percent)	Over payments (percent)	Corporate overpayments (eff. 1–1–99) (percent)
040188	093088	10	9	
100188	033189	11	10	
040189	093089	12	11	
100189	033191	11	10	
040191	123191	10	9	
010192	033192	9	8	
040192	093092	8	7	
100192	063094	7	6	
070194	093094	8	7	
100194	033195	9	8	
040195	063095	10	9	
070195	033196	9	8	
040196	063096	8	7	
070196	033198	9	8	
040198	123198	8	7	
010199	033199	7	7	6
040199	033100	8	8	7
040100	033101	9	9	8
040101	063001	8	8	7
070101	123101	7	7	6
010102	123102	6	6	5
010103	093003	5	5	4
100103	033104	4	4	3
040104	063004	5	5	4
070104	093004	4	4	3
100104	033105	5	5	4
040105	093005	6	6	5
100105	063006	7	7	6
070106	123107	8	8	7
010108	033108	7	7	6
040108	063008	6	6	5
070108	093008	5	5	4
100108	123108	6	6	5
010109	033109	5	5	4
040109	123110	4	4	3
010111	033111	3	3	2
040111	093011	4	4	3
100111	033116	3	3	2
040116	033118	4	4	3

Dated: January 4, 2018.

Sean M. Mildrew,

Acting Chief Financial Officer, Office of Finance.

[FR Doc. 2018–00176 Filed 1–8–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Workforce Innovation and Opportunity Act Common Performance Reporting

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) revision titled, ''Workforce Innovation and Opportunity Act Common Performance Reporting,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before February 8, 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 of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201709-1205-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for

revisions to the Workforce Innovation and Opportunity Act (WIOA) Common Performance Reporting information collection. The WIOA requires states to report on performance in core programs such as the Wagner-Peyser Act programs, the Adult, Dislocated Worker, and Youth programs, Adult Education and Family Literacy Act programs, and the Vocational Rehabilitation Act programs. This collection contains the data to be collected for the measure states are to use to report on performance. This information collection has been classified as a revision, because of changes to the WIOA Eligible Training Provider Performance Report (EPT) (Definitions-Only) (Form ETA–9171), WIOA Annual Statewide Performance Report (Form ETA–9169), and WIOA Joint PIRL (Form ETA–9170). Additionally, in this ICR, data elements related to training program information to the ETP Performance Report have been added. This additional information is necessary to facilitate the provision of more useful information to assist participants in choosing employment and training activities, and in choosing ETPs. Other changes include clarifying specifications and data elements as well as aligning the forms with published guidance and policy. WIOA section 116 authorizes this information collection. *See* 29 U.S.C. 3141.

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. The DOL obtains OMB approval for this information collection under Control Number 1205–0526. The current approval is scheduled to expire on August 31, 2019; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 19, 2017 (82 FR 6651).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0526. The OMB 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.

Title of Collection: Workforce Innovation and Opportunity Act Common Performance Reporting.

OMB Control Number: 1205–0526.

Affected Public: State, Local, and Tribal Governments and Individuals or Households.

Total Estimated Number of Respondents: 19,113,711.

Total Estimated Number of Responses: 38,216,056.

Total Estimated Annual Time Burden: 9,863,065 hours.

Total Estimated Annual Other Costs Burden: $30,957,760.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 3, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–00174 Filed 1–8–18; 8:45 am]

BILLING CODE 4510–FN–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On December 4, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on January 3, 2018 to:

Permit No. 2018–028

1. Alexander Simms

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–00163 Filed 1–8–18; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket No. ACR2017; Order No. 4334]

Postal Service Performance Report and Performance Plan

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: On December 29, 2017, the Postal Service filed the FY 2017 Performance Report and FY 2018 Performance Plan with its FY 2017 Annual Compliance Report. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES:

Comments are due: February 8, 2018.

Reply Comments are due: February 22, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Each year the Postal Service must submit to the Commission its most recent annual performance plan and annual performance report. 39 U.S.C.

3652(g). On December 29, 2017, the Postal Service filed its FY 2017 Annual Report to Congress in Docket No. ACR2017.[1] The FY 2017 Annual Report includes the Postal Service's FY 2018 annual performance plan (FY 2018 Plan) and FY 2017 annual performance report (FY 2017 Report). FY 2017 Annual Report at 13–28.

The FY 2018 Plan reviews the Postal Service's plans for FY 2018. The FY 2017 Report discusses the Postal Service's progress during FY 2017 toward its four performance goals:

- High-Quality Service
- Excellent Customer Experiences
- Safe Workplace and Engaged Workforce
- Financial Health

Each year, the Commission must evaluate whether the Postal Service met the performance goals established in the annual performance plan and annual performance report. 39 U.S.C. 3653(d). The Commission may also ''provide recommendations to the Postal Service related to the protection or promotion of public policy objectives set out in'' title 39. *Id.*

Since Docket No. ACR2013, the Commission has evaluated whether the Postal Service met its performance goals in reports separate from the Annual Compliance Determination.[2] The Commission continues this current practice to provide a more in-depth analysis of the Postal Service's progress toward meetings its performance goals and plans to improve performance in future years. To facilitate this review, the Commission invites public comment on the following issues:

- Did the Postal Service meet its performance goals in FY 2017?
- Do the FY 2017 Report and the FY 2018 Plan meet applicable statutory requirements, including 39 U.S.C. 2803 and 2804?
- What recommendations should the Commission provide to the Postal Service that relate to protecting or promoting public policy objectives in title 39?
- What recommendations or observations should the Commission make concerning the Postal Service's strategic initiatives? [3]
- What other matters are relevant to the Commission's analysis of the FY 2017 Report and the FY 2018 Plan under 39 U.S.C. 3653(d)?

II. Request for Comments

Comments by interested persons are due no later than February 8, 2018. Reply comments are due no later than February 22, 2018. Pursuant to 39 U.S.C. 505, Katalin K. Clendenin is appointed to serve as Public Representative to represent the interests of the general public in this proceeding with respect to issues related to the Commission's analysis of the FY 2017 Report and the FY 2018 Plan.

III. Ordering Paragraphs

It is ordered:

1. The Commission invites public comment on the Postal Service's FY 2017 Report and FY 2018 Plan.

2. Pursuant to 39 U.S.C. 505, the Commission appoints Katalin K. Clendenin to serve as Public Representative to represent the interests of the general public in this proceeding with respect to issues related to the Commission's analysis of the FY 2017 Report and the FY 2018 Plan.

3. Comments are due no later than February 8, 2018.

4. Reply comments are due no later than February 22, 2018.

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

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–00165 Filed 1–8–18; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Sunshine Act; Notice of Public Meeting

Notice is hereby given that the Railroad Retirement Board will hold a meeting on January 24, 2018, 10:00 a.m. at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois, 60611. The agenda for this meeting follows:

Portion open to the public:

(1) Executive Committee Reports

The person to contact for more information is Martha P. Rico, Secretary to the Board, Phone No. 312–751–4920.

For the Board.

Dated: January 5, 2018.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2018–00254 Filed 1–5–18; 4:15 pm]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82434; File No. SR–DTC–2017–024]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Amend Procedures in the DTC Settlement Service Guide Relating to the Intra-Month Collection of Required Participants Fund Deposits

January 3, 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 December 22, 2017, The Depository Trust Company (''DTC'') 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 clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change of DTC is annexed hereto as Exhibit 5.[3] The proposed rule change would amend the Procedures, set forth in the Settlement Guide, relating to the amount a Participant is required to Deposit to the Participants Fund to satisfy a deficiency in its Required Participants Fund Deposit (''Deficiency''),[4] as a result of an

[1] United States Postal Service FY 2017 Annual Report to Congress, Library Reference USPS–FY17–17, December 29, 2017 (FY 2017 Annual Report).

[2] *See* Docket No. ACR2013, Postal Regulatory Commission, Review of Postal Service FY 2013 Performance Report and FY 2014 Performance Plan, July 7, 2014; Docket No. ACR2014, Postal Regulatory Commission, Analysis of the Postal Service's FY 2014 Program Performance Report and FY 2015 Performance Plan, July 7, 2015; Docket No. ACR2015, Postal Regulatory Commission, Analysis of the Postal Service's FY 2015 Annual Performance Report and FY 2016 Performance Plan, May 4, 2016; Docket No. ACR2016, Postal Regulatory Commission, Analysis of the Postal Service's FY 2016 Annual Performance Report and FY 2017 Performance Plan, April 27, 2017.

[3] *See* FY 2017 Annual Report at 27–28.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Each capitalized term not otherwise defined herein has its respective meaning as set forth in the Rules, By-Laws and Organization Certificate of The Depository Trust Company (''Rules''), *available at http://www.dtcc.com/legal/rules-and-procedures.aspx* and the DTC Settlement Service Guide (''Settlement Guide''), *available at http://www.dtcc.com/–/media/Files/Downloads/legal/service-guides/Settlement.pdf*.

[4] The Required Participants Fund Deposit of a Participant is the amount the Participant is required to Deposit to the Participants Fund pursuant to Section 1 of Rule 4. Rule 4, Section 1, *supra* note 3. The Participants Fund, described more fully below, is provided for in Rule 4. Rule 4, *supra* note 3. Deposit, in this context, pursuant to Section 1 of Rule 1, means causing the appropriate amount in cash to be paid to DTC for credit to the Participants Fund pursuant to Section 1 of Rule 4. Rule 1, Section 1, *supra* note 3. The Settlement Guide,

increase in its Required Participants Fund Deposit calculated on an intra-month basis, *i.e.,* on a Business Day [5] other than the last Business Day of a month, as described below. Specifically, the proposed rule change would codify in the Settlement Guide the practice currently followed by DTC, to determine the ''Reference Amount'' (as defined below) used by DTC, in conjunction with the existing methodology that determines whether a Participant must Deposit an additional amount to the Participants Fund to satisfy a Deficiency that occurs intra-month.[6] In addition, the proposed rule change would codify a practice used by DTC relating to calculating a threshold amount, for any intra-month increase in the Required Participants Fund Deposit for a Participant that has been placed on the Watch List [7] (''Watch List Threshold''), to determine whether the Participant must Deposit an additional amount to the Participants Fund to satisfy a Deficiency that occurs intra-month. The proposed rule change would provide that the Watch List Threshold would be lower than the Standard Threshold (as defined below).[8] The proposed rule change would also include technical and clarifying changes to the text of the Settlement Guide (a) for enhanced readability, (b) to make grammatical corrections, and (c) to add new section headings, as discussed below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency 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 clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend the Procedures set forth in the Settlement Guide relating to the amount a Participant is required to Deposit [9] to the Participants Fund to satisfy a Deficiency, due to an increase to its Required Participants Fund Deposit, as calculated on an intra-month basis, as described below.[10] Specifically, the proposed rule change would codify the practices currently followed by DTC with respect to (i) determining the Reference Amount for a Participant (as described below) and (ii) the application of the Watch List Threshold, as described below. The proposed rule change would also include technical and clarifying changes to the text of the Settlement Guide (a) for enhanced readability, (b) to make grammatical corrections, and (c) to add new section headings, as discussed below.

Background

DTC maintains a cash Participants Fund in an aggregate amount based on maintaining liquidity resources sufficient to complete net settlement among non-defaulting Participants if a Participant, or Affiliated Family of Participants, with the largest net settlement obligation failed to settle.[11] The Settlement Guide describes the methodology for the calculation and procedures for payment of Required Participants Fund Deposits.[12] The aggregate Required Participants Fund Deposits must equal $1.15 billion (BN); however, Participants may make Voluntary Participants Fund Deposits to support their activity.[13] The minimum Required Participants Fund Deposit for each Participant is $7,500.[14] The Required Participants Fund Deposit for each Participant is calculated based on a 60 business-day rolling average (''60-day Rolling Average'') of the Participant's highest intra-day Net Debit Balance peaks, to allocate ratably the first $450 million (''MM'') of the aggregate Participants Fund.[15] An additional algorithm proportionally allocates an additional $700 MM among Participants whose Affiliated Family's Net Debit Caps exceed $2.15 BN.[16] If a Participant defaults, its Actual Participants Fund Deposit (the Required Participants Fund Deposit plus its Voluntary Participants Fund Deposit) may be applied to satisfy any liability or loss due to its default, including liquidity to complete settlement.[17]

The Required Participants Fund Deposit of each Participant is calculated on a daily basis.[18] As the calculation of the Required Participants Fund Deposit of a Participant takes into account the 60-day Rolling Average, however, the Required Participants Fund Deposit remains stable and does not undergo material change from day-to-day. Therefore, the Settlement Guide only requires collection of the full amount of any Deficiency on a monthly basis unless an increase to its Required Participants Fund Deposit as calculated intra-month exceeds the Standard Threshold.[19] In this regard, a Participant

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which is proposed to be amended hereby, sets forth Procedures for the calculation and payment of the Required Participants Fund Deposit. *See* Settlement Guide, *supra* note 3 at 47–50. Procedures, in this context, pursuant to Section 1 of Rule 1, means ''the Procedures, service guides, and regulations of DTC adopted pursuant to Rule 27, as amended from time to time.'' Rule 1, Section 1, *supra* note 3. The Settlement Guide constitutes Procedures of DTC, as defined in the Rules. *See* Settlement Guide, *supra* note 3 at 1.

[5] The term ''Business Day'' means any day on which DTC is open for business. Rule 1, Section 1, *supra* note 3.

[6] *See* Settlement Guide, *supra* note 3 at 50–51 (describing this methodology).

[7] The term ''Watch List'' means, at any time and from time to time, the list of Participants whose credit ratings derived from the Credit Risk Rating Matrix are 5, 6 or 7, as well as Participants that, based on the Corporation's consideration of relevant factors, including those set forth in Section 10 of Rule 2, are deemed by the Corporation to pose a heightened risk to the Corporation and its Participants. Rule 1, Section 1, *supra* note 3. Rule 1 states: ''The term ''Credit Risk Rating Matrix'' means a matrix of credit ratings of Participants specified in Section 10(a) of Rule 2. The matrix is developed by the Corporation to evaluate the credit risk such Participants pose to the Corporation and its Participants and is based on factors determined to be relevant by the Corporation from time to time, which factors are designed to collectively reflect the financial and operational condition of a Participant. These factors include (i) quantitative factors, such as capital, assets, earnings, and liquidity, and (ii) qualitative factors, such as management quality, market position/environment, and capital and liquidity risk management.'' *Id.*

[8] Pursuant to the Settlement Guide, if there is a significant increase to the Participant's Required Participants Fund Deposit as calculated on an intra-month Business Day, such that the increase meets a certain threshold amount (''Standard Threshold''), the Participant is required to Deposit the difference between its Actual Participants Fund Deposit and its Required Participants Fund Deposit. *See* Settlement Guide, *supra* note 3 at 50–51.

[9] Deposit, in this context, pursuant to Section 1 of Rule 1, means causing the appropriate amount in cash to be paid to DTC for credit to the Participants Fund pursuant to Section 1 of Rule 4. Rule 1, Section 1, *supra* note 3.

[10] *See Id.*

[11] The DTC net settlement system and the Rules are structured so that the net settlement obligation of a Participant (its Net Debit Balance) is limited by its Net Debit Cap. *See* Settlement Guide, *supra* note 3 at 65. The maximum Net Debit Cap of any Participant is $1.8 BN and the maximum Net Debit Cap for an Affiliated Family of Participants is $2.85 BN. *See* Settlement Guide, *supra* note 3 at 65–66. These limits are determined based on liquidity resources available to DTC in the cash Participants Fund or under a committed line of credit from a syndicate of commercial lenders for $1.9 BN (''Line of Credit''). *Id.*

[12] Settlement Guide, *supra* note 3 at 47–50.

[13] Rule 4, Section 3, *supra* note 3. The term ''Voluntary Participants Fund Deposit'' of a Participant means, any amount the Participant has Deposited to the Participants Fund in excess of its Required Participants Fund Deposit. Rule 1, Section 1, *supra* note 3.

[14] Settlement Guide, *supra* note 3 at 47–50.

[15] *Id.*

[16] *Id.*

[17] *See* Rule 4, *supra* note 3. *See also* Settlement Guide, *supra* note 3 at 47–50.

[18] Rule 4, Section 1, *supra* note 3.

[19] *See* Settlement Guide, *supra* note 3 at 50–51.

must satisfy any Deficiency as calculated on the last Business Day of a month.

Pursuant to the Settlement Guide, if there is a significant increase to the Participant's Required Participants Fund Deposit as calculated on an intra-month Business Day, such that the increase meets the Standard Threshold, the Participant is required to Deposit the difference between its Actual Participants Fund Deposit and its Required Participants Fund Deposit.[20] The Standard Threshold is met when the difference between the Participant's Required Participants Fund Deposit and the Reference Amount (a) equals or exceeds $500,000 and (b) represents a percentage increase of 25 percent or more over the Reference Amount.[21]

Proposed Rule Changes

As mentioned above, the proposed rule change would amend the Procedures set forth in the Settlement Guide relating to the amount a Participant is required to Deposit to the Participants Fund to satisfy a Deficiency, due to an increase to its Required Participants Fund Deposit, as calculated on an intra-month basis.[22] Specifically, as mentioned above, the proposed rule change would codify the practices currently followed by DTC with respect to (i) determining the Reference Amount for a Participant (as described below) and (ii) the application of the Watch List Threshold, as described below. The proposed rule change would also include technical and clarifying changes to the text of the Settlement Guide (a) for enhanced readability, (b) to make grammatical corrections, and (c) to add new section headings, as discussed below.

Proposed Clarification of Reference Amount

The Settlement Guide does not specify the Reference Amount used for the purpose of determining the Standard Threshold. In practice, DTC designates the Reference Amount for a Participant to be the Participant's Required Participants Fund Deposit relating to the most recent event that required the Participant to Deposit an additional amount to the Participants Fund. This would be the most recent occurrence, as it relates to the Participant, of (a) a month-end calculation, (b) an intra-month calculation that meets the Standard Threshold resulting in a collection of a Deficiency, or (c) an adjustment to the Participant's Required Participants Fund Deposit pursuant to Rule 9(A),[23] as described below. Pursuant to the proposed rule change, DTC would codify this practice, and would update it to take into account increases that a Participant would be required to Deposit because of an increase in its Required Participants Fund Deposit that meets the Watch List Threshold, as described below. In this regard, the proposed rule change would amend the Settlement Guide to state that the Reference Amount for the determination of the Standard Threshold and the Watch List Threshold for a Participant, on a given intra-month Business Day, would equal the Participant's Required Participants Fund Deposit as previously calculated on the latter of:

(a) The last Business Day of the prior month;

(b) the most recent intra-month Business Day (prior to the then current Business Day), when the amount resulting from daily calculation of the Participant's Required Participants Fund Deposit met or exceeded either the Standard Threshold or the Watch List Threshold and a deficit collection was effectuated pursuant to the intra-month collection procedures specified in the Settlement Guide; or

(c) the most recent intra-month Business Day (prior to the then current Business Day) when DTC effected an adjustment to the Participant's Required Participants Fund Deposit pursuant to Rule 9(A).[24]

Proposed Watch List Threshold

Pursuant to the Rules and Settlement Guide, DTC maintains the ability to seek additional assurances [25] and tools allowing it to conduct enhanced surveillance [26] of Participants that present heighted risk to DTC.

In this regard, DTC uses the Credit Risk Rating Matrix, the Watch List and the enhanced surveillance to manage and monitor default risks of Participants on an ongoing basis.[27] The level and frequency of such monitoring for a Participant is determined by the Participant's risk of default as assessed by DTC.[28] Participants that are deemed by DTC to pose a heightened risk to DTC and its Participants are subject to, among other things, closer and more frequent monitoring and enhanced reporting requirements.[29]

In addition to the above, pursuant to Rule 9(A), if DTC becomes concerned with a Participant's operational or financial soundness, DTC may require adequate assurances of financial or operational capacity from the Participant, as a risk mitigant,[30] including requiring the Participant to Deposit an additional amount to the Participants Fund.[31] Any additional requirements are designed to provide appropriate incentives to affected Participant(s) to address the underlying condition or activity.

In determining whether it is appropriate to require a Participant to Deposit an additional amount to the Participants Fund for a Participant, DTC takes into account credit, market, operational or other concerns regarding the Participant. Typically, the following factors may be considered, including: (i) The Participant's liquidity arrangements; (ii) the Participant's overall financial condition; (iii) published news or reports and/or regulatory observations relating to the Participant; and (iv) the Participant's internal credit rating, if any.[32]

As a further mitigant of risks presented by Participants that present heightened risk to DTC, and in light of the fact that a Participant's internal credit rating is a contributing factor to both DTC's determination to add a Participant to the Watch List and/or make an adjustment with respect to the Participant's Required Participants Required Participants Fund Deposit, the proposed rule change would amend the Settlement Guide to add the Watch List Threshold.

[20] *See Id.*

[21] *See Id.*

[22] *See Id.*

[23] Rule 9(A), Section 2, *supra* note 3. *See also* Settlement Guide, supra note 1 at 50 (describing adjustments that may be made pursuant to Rule 9(A).

[24] Rule 9(A), Section 2, *supra* note 3.

[25] *Infra* note 30.

[26] *Infra* note 29.

[27] *See* Securities Exchange Act Release No. 80734 (May 19, 2017), 82 FR 24177 (May 25, 2017) (SR–DTC–2017–002)

[28] *See Id.*

[29] Rule 2, Section 10, *supra* note 3. Section 10 of Rule 2 states: ''A Participant being subject to enhanced surveillance or being placed on the Watch List shall result in more thorough monitoring of the Participant's financial condition and/or operational capability, which could include, for example, on-site visits or additional due diligence information requests from the Corporation. In addition, the Corporation may require a Participant placed on the Watch List and/or subject to enhanced surveillance to make more frequent financial disclosures, including, without limitation, interim and/or pro forma reports. Participants that are subject to enhanced surveillance are also reported to the Corporation's management committees and regularly reviewed by a cross-functional team comprised of senior management of the Corporation. The Corporation may also take such additional actions with regard to any Participant (including a Participant placed on the Watch List and/or subject to enhanced surveillance) as are permitted by the Rules and Procedures.'' *Id.*

[30] Rule 9(A), Section 2, *supra* note 3.

[31] Any such additional amount shall be part of the Required Participants Fund Deposit of the Participant. *See* Rule 4, Section 1(a), *supra* note 3.

[32] *See* Settlement Guide, *supra* note 3 at 50.

As mentioned above, the proposed rule change relating to the Watch List Threshold would reflect criteria DTC currently uses in practice for Participants that have been placed on the Watch List, to determine whether a Participant that has been placed on the Watch List must Deposit additional amount to the Participants Fund to satisfy a Deficiency. The Watch List Threshold is lower than the Standard Threshold and, when met, would require the Participant to Deposit the full amount of any Deficiency. The proposed rule change would add text to the Settlement Guide stating that the Watch List Threshold would apply to a Participant if its Required Participants Fund Deposit increases and the difference between the Required Participants Fund Deposit and the Reference Amount equals or is greater than 10 percent of the Reference Amount.

Technical and Clarifying Changes

The proposed rule change would also include technical and clarifying changes to the text of the ''Settlement of Participants Fund Deposits'' section of the Settlement Guide:

(a) To revise and re-order existing text for enhanced readability and flow of content;

(b) to add subheadings with respect to provisions relating to (i) settlement of Required Participants Fund Deposits calculated at the end of a month, (ii) collection of Required Participants Fund Deposits calculated on an intra-month basis, (iii) return of any amount by which a Participant's Actual Participants Fund Deposit exceeds its Required Participants Fund Deposit;

(c) to revise informal references to terms already defined in the Rules to use the actual defined terms, as applicable, including changing references from (i) ''requirement'' to ''Required Participants Fund Deposit, (ii) referring informally to a Participant's ''deposit'' to ''Actual Participants Fund Deposit'' and (iii) ''business day'' to ''Business Day''; and

(d) to make grammatical corrections.

Implementation Timeframe

The proposed rule change would be effective upon approval of the proposed rule change by the Commission.

2. Statutory Basis

Section 17A(b)(3)(F) of the Securities Exchange Act of 1934, as amended (''Act'')[33] requires, *inter alia,* that the Rules promote the prompt and accurate clearance and settlement of securities transactions. DTC believes that the proposed rule changes are consistent with this provision because they would (i) add provisions in the Settlement Guide that provide for, among other things, the criteria currently used by DTC to determine whether a Participant must increase the amount of its Actual Participants Fund Deposit on an intra-month basis, and (ii) include technical and clarifying changes to the text of the Settlement Guide (a) for enhanced readability, (b) to make grammatical corrections and (c) to add new section headings, as discussed above. In this regard, the proposed changes would enhance the transparency and clarity of the applicable provisions of the Settlement Guide, which would facilitate stakeholders' ability to understand DTC's criteria the determination of whether a Participant would be required to make an additional Deposit to the Participants Fund based on the intra-month calculation of its Required Participants Fund Deposit. As mentioned above, the Participants Fund provides DTC with the liquidity to complete end-of-day settlement notwithstanding the failure to settle of the Participant or Affiliated Family of Participants with the largest settlement obligation. Therefore, by providing stakeholders with enhanced transparency with regard to the criteria and related Procedures related to whether a Participant must Deposit additional amounts to satisfy a Deficiency, DTC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions consistent with Section 17A(b)(3)(F) of the Act.

The proposed rule change is also designed to be consistent with Rule 17Ad–22(e)(23)(ii) of the Act.[34] Rule 17Ad–22(e)(ii) requires DTC, *inter alia,* to establish, implement, maintain and enforce written policies and procedures reasonably designed to provide sufficient information to enable participants to identify and evaluate the risks and material costs they incur by participating in the covered clearing agency.[35] As discussed above, the proposed rule change would (i) provide greater transparency in the Settlement Guide with respect to, the methodology used by DTC to determine whether a Participant must Deposit an additional amount to the Participants Fund based on an intra-month calculation of its Required Participants Fund Deposit and (ii) make other clarifying changes for readability and grammatical changes to the text of the Settlement Guide in this regard. By providing for greater transparency and clarity in this regard, DTC believes that the proposed rule change is consistent with Rule 17Ad–22(e)(23)(ii), cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change to add provisions to the Settlement Guide relating to the Watch List Threshold, as discussed above, would impact competition.[36] The proposed rule change codifies a procedure that is consistent with the existing core concept relating to DTC's authority to impose an adjustment on a Required Participants Fund Deposit on a Participant because of its internal credit rating,[37] *i.e.,* relating to Credit Risk Rating Matrix, which determines a Participant's placement on the Watch List, as described above. Based on the foregoing, DTC believes that the proposed rule change relating to addition of provisions to the Settlement Guide relating to the Watch List Threshold would not have any impact on competition.

DTC does not believe that the proposed rule change to codify in the Settlement Guide the criteria DTC currently uses to determine the Reference Amount would impact competition.[38] The proposed rule change consists of changes to the Settlement Guide that do not alter the methodology by which Required Participants Fund Deposits are calculated and collected. Based on the foregoing, DTC believes that the proposed rule change clarifying the criteria for determining the Reference Amount would not have any impact on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to this proposed rule change have not been solicited or received. DTC will notify the Commission of any written comments received by DTC.

[33] 15 U.S.C. 78q–1(b)(3)(F).

[34] 17 CFR 240.17Ad–22(e)(23)(ii).

[35] DTC is a ''covered clearing agency'' as defined by new Rule 17Ad–22(a)(5) and must comply with subsection (e) of Rule 17Ad–22. *See* Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786 (October 13, 2016) (S7–03–14).

[36] 15 U.S.C. 78q–1(b)(3)(I).

[37] *See* Settlement Guide at 50 (stating that a Participant's internal credit rating is a factor DTC may take into consideration in determining whether to increase the Participant's Required Participants Fund Deposit, pursuant to Rule 9(A), cited above).

[38] *Supra* note 36.

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.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

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–DTC–2017–024 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

All submissions should refer to File Number SR–DTC–2017–024. 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 DTC and on DTCC's website (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2017–024 and should be submitted on or before January 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00159 Filed 1–8–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82436; File No. SR–CboeBZX–2017–022]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Risk Controls and Modify Rules 21.1, 21.10, and 21.17 in Connection With Technology Migration of Cboe Exchanges

January 3, 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 December 21, 2017, Cboe BZX Exchange, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to update Rule 21.1, Rule 21.10, and Rule 21.17 to make modifications to the Exchange's rules and functionality applicable to the Exchange's options platform (''BZX Options'') in preparation for the technology migration of the Exchange's affiliated options exchanges onto the same technology as the Exchange.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange and its affiliates Cboe BYX Exchange, Inc. (''BYX''), Cboe EDGA Exchange, Inc. (''EDGA''), and Cboe EDGX Exchange, Inc. (''EDGX'') received approval to affect a merger (the ''Merger'') of the Exchange's then-current indirect parent company, Bats Global Markets, Inc., with Cboe Global Markets f/k/a CBOE Holdings, Inc. (''Cboe''), the direct parent of Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc. (''C2 Options'', and together with the Exchange, EDGX, and Cboe Options the ''Cboe Affiliated Exchanges'').[5] The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges,

[39] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 79585 (December 16, 2016), 81 FR 93988 (December 22, 2016) (SR–BatsBZX–2016–68; SR–BatsBYX–2016–29; SR–BatsEDGA–2016–24; SR–BatsEDGX–2016–60). The Exchange notes that BYX and EDGA are also affiliated exchanges but do not operate options platforms and thus the integration described in this proposal is inapplicable to such exchanges.

in the context of a technology migration. Thus, the proposals set forth below are intended to add certain functionality to the Exchange's System [6] that is more similar to functionality offered by Cboe Options and C2 Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

The Exchange is proposing to adopt periodic but relatively minor changes to functionality in order to reduce risk in connection with the technology migration described above; this proposal is related to two such proposed changes. First, the Exchange proposes to adopt certain risk functionality in Rule 21.17, which is based on functionality on Cboe Options, C2 Options and/or the options trading platform operated by EDGX (''EDGX Options''). The Exchange notes that it also proposes to make a related change to Rule 21.1 to eliminate functionality that overlaps with the proposed risk functionality. Second, the Exchange proposes to modify Rule 21.10 to allow it to provide additional information on transaction reports.

Risk Controls

The Exchange currently provides certain controls to Users [7] of BZX Options pursuant to Rule 21.16, which describes the Exchange's ''Risk Monitor Mechanism.'' In addition, the Exchange provides a variety of optional risk controls to all Exchange Users pursuant to Interpretation and Policy .01 to Rule 11.13, including various controls related to the price of an order.[8] The Exchange proposes to adopt various risk controls currently offered by Cboe Options, C2 Options, and/or EDGX Options and to codify such risk controls in Rule 21.17.

Rule 21.17 currently permits the Exchange to share a User's risk settings with the Clearing Member that clears transactions on behalf of the User, which is a provision that the Exchange does not propose to modify. Rule 21.17 does not currently describe any applicable risk settings. As noted above, though certain risk settings offered for Users of BZX Options are codified in Rule 21.16, other optional risk settings offered by the Exchange are more generally described in Interpretation and Policy .01 to Rule 11.13 and have been described in other filings previously made by the Exchange.[9] The Exchange proposes to provide more specificity in proposed Rule 21.17 regarding the risk settings the Exchange proposes to implement for BZX Options, which is consistent with the approach taken by Cboe Options and C2 Options.

As a general matter, the Exchange proposes to adopt various numeric values that would apply to the risk settings offered by the Exchange. Consistent with the rules of EDGX Options,[10] the Exchange proposes to maintain all numeric values established by the Exchange pursuant to Rule 21.17 in publicly available specifications and/or published in a Regulatory Circular. Further, as a general matter, the proposed risk settings would be applied to all orders and quotes received by BZX Options rather than optionally configured and enabled by Users. Thus, proposed Rule 21.17 would explicitly state that unless otherwise specified, the price protections in the Rule, including the numeric values established by the Exchange, may not be disabled or adjusted. Below are descriptions of the specific risk settings proposed by the Exchange.

The first risk control the Exchange proposes to adopt is the Market Order NBBO Width Protection. As proposed, if a User submits a Market Order [11] to the System when the NBBO [12] width is greater than x% of the midpoint of the NBBO, subject to minimum and maximum dollar values established by the Exchange, the System will reject or cancel back to the User the Market Order. The Exchange proposes to establish ''x'' and the minimum and maximum values on a class-by-class basis. The proposed Market Order NBBO Width Protection is based on and similar to the Market-Width Parameter set forth in C2 Options Rule 6.17(a)(1).[13] In particular, similar to C2 Options Rule 6.17(a)(1), the Exchange would reject or cancel Market Orders when the width of the NBBO is greater than an acceptable range and would establish the numeric values that would ultimately determine acceptable quote widths on a class-by-class basis. However, in contrast to C2 Options Rule 6.17(a)(1), the Exchange does not propose to set forth specific boundaries for quote widths within the proposed rule. The Exchange believes that it needs flexibility to modify acceptable quote widths based on experience with the risk control and Users would always have access to the applicable settings in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange notes that the Nasdaq Options Market (''NOM'') has a similar quote width protection in place for market orders that does not specify the applicable limits within the rule.[14] The Exchange notes that it does not currently have an NBBO width protection in place for Market Orders, and thus this protection is an additive control to protect against erroneous executions.

The second risk control the Exchange proposes to adopt is the Limit Order Fat Finger Check. As proposed, if a User submits a buy (sell) limit order to the System with a price that is more than a buffer amount established by the Exchange above (below) the NBO (NBB), or, in the case of an order received prior to 9:30 a.m., above (below) the midpoint of the NBBO at the close of the market on the previous trading day, the System will reject or cancel back to the User the limit order. The proposed Limit Order Fat Finger Check is based on and similar to certain Limit Order Price Parameters set forth in C2 Options Rule 6.17(b). In particular, similar to C2 Options Rule 6.17(b)(1) and (b)(2), the Exchange would reject or cancel limit orders that are more than an acceptable difference from the applicable reference price and

[6] The ''System'' is the automated trading system used by BZX Options for the trading of options contracts. See Rule 16.1(a)(59).

[7] The term ''User'' means any Options Member or Sponsored Participant who is authorized to obtain access to the Exchange's System (as defined below) pursuant to Rule 11.3. *See* Rule 16.1(a)(63).

[8] *See* Rule 11.13, Interpretation and Policy .01; *see also* Securities Exchange Act Release Nos. 60236 (July 2, 2009), 74 FR 34068 (July 14, 2009) (SR–BATS–2009–019) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish a Sponsored Access Risk Management Tool); 68330 (November 30, 2012), 77 FR 72894 (December 6, 2012) (SR–BATS–2012–045) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Expand the Availability of Risk Management Tools).

[9] *See id.*

[10] *See, e.g.,* Interpretation and Policies .04(c)(1), .04(e), .04(f) and .06 to EDGX Rule 21.20, which refer to various risk control values offered by EDGX Options with respect to complex orders that are communicated to members of EDGX via specifications and/or Regulatory Circular.

[11] *See* Rule 21.1(d)(5).

[12] As defined in Rule 16.1(a)(29), the term ''NBB'' means the national best bid, the term ''NBO'' means the national best offer, and the term ''NBBO'' means the national best bid or offer as calculated by BZX Options based on market information received by BZX Options from OPRA.

[13] The Exchange notes that identical or similar rules regarding risk controls offered by C2 Options are also provided in the rules of Cboe Options and on other options exchanges. However, the Exchange has focused on the Rules of C2 Options as well as EDGX Options for purposes of this proposal.

[14] *See* NOM Chapter VI, Section 6(c), which describes the NOM Market Order Spread Protection and states that ''System Orders that are Market Orders will be rejected if the best of the NBBO and the internal market BBO (the ''Reference BBO'') is wider than a preset threshold at the time the order is received by the System.''

would distinguish the applicable reference price depending on whether an order was received prior to market open or during the trading day. However, in contrast to C2 Options Rule 6.17(b), which states that the acceptable tick distance shall be no less than two minimum increment ticks for simple orders, the Exchange does not propose to set forth specific boundaries for the acceptable difference within the proposed rule. As is true for the Market Order NBBO Width Protection described above, the Exchange believes that it needs flexibility to modify the acceptable price range based on experience with the risk control and Users would always have access to the applicable settings in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange notes that the BOX Options Exchange (''BOX'') has a similar price protection in place for limit orders that does specify potential percentages in the Rule but also permits BOX to modify such percentages via Information Circular without establishing outer boundaries.[15] The Exchange notes that EDGX Options also currently applies mandatory fat finger protection to complex orders received by EDGX Options pursuant to Interpretation and Policy .06 to EDGX Rule 21.20. The Exchange also notes that it currently offers price protections analogous to the proposed Limit Order Fat Finger Check for orders other than complex orders (*i.e.,* ''simple orders''), however, as noted above such price protections are optional.

The third risk control the Exchange proposes to adopt is the Buy Order Put Check. As proposed, if a User enters a buy limit order for a put with a price that is higher than or equal to the strike price of the option, the System will reject or cancel back to the User the limit order. Similarly, if a User enters a buy Market Order for a put that would execute at (or the remaining portion would execute at) a price higher than or equal to the strike price of the option, the System will reject or cancel back to the User the Market Order (or remaining portion). The Exchange does not propose to apply this check to adjusted options. The proposed Buy Order Put Check is based on and substantively identical to the Put Strike Price Value Check set forth in C2 Options Rule 6.17(d)(1)(A). The Exchange notes that it does not currently have an analogous risk control in place, and thus, this protection is an additive control to protect against erroneous executions.

The fourth and final risk control the Exchange proposes to adopt is the Drill-Through Price Protection. As proposed, the Drill-Through Price Protection feature is a price protection mechanism applicable to all orders under which a buy (sell) order will not be executed at a price that is higher (lower) than the NBO (NBB) at the time of order entry plus (minus) a buffer amount established by the Exchange (the ''Drill-Through Price''). If a buy (sell) order would execute or post to the BZX Options Book at a price higher (lower) than the Drill-Through Price, the System will instead post the order to the BZX Options Book at the Drill-Through Price, unless the terms of the order instruct otherwise. Any order (or unexecuted portion thereof) will rest in the BZX Options Book (based on the time at which it enters the book for priority purposes) for a time period in milliseconds that may not exceed three seconds with a price equal to the Drill-Through Price. If the order (or unexecuted portion thereof) does not execute during that time period, the System will cancel it. While similar to and based on C2 Options Rule 6.17(a)(2), the proposed Rule is more directly based on Interpretation and Policy .04, to EDGX Options Rule 21.20, which describes Drill-Through Price Protection applicable to complex orders on EDGX Options. The proposed Drill-Through Price Protection is identical to Interpretation and Policy .04 to EDGX Options Rule 21.20 with the exceptions of necessary differences between language related to simple orders and complex orders and that in contrast to a User being able to modify the protection to a more or less restrictive control, which is available for the control on EDGX Options for complex orders, the Exchange proposes to apply standard Drill-Through Price Protection to all orders and such protection cannot be modified.

In connection with the changes described above, the Exchange proposes to remove a portion of the definition of a [sic] Market Orders to remove a risk protection currently in place that overlaps with various risk controls described above. Market Orders are currently defined in in Rule 21.1(d)(5) as ''orders to buy or sell at the best price available at the time of execution.'' Rule 21.1(d)(5) further states that ''[a]ny portion of a Market Order that would execute at a price more than $0.50 or 5 percent worse than the NBBO at the time the order initially reaches BZX Options, whichever is greater, will be cancelled.'' The Exchange proposes to remove this price protection for Market Orders because it is no longer necessary in light of the proposed risk controls described above (other than the Limit Order Fat Finger Check, which is inapplicable to Market Orders). In particular, the Drill-Through Price Protection provides a control with respect to the execution prices of Market Orders and would be duplicative of the existing control.

Details in Transaction Reports

The Exchange also proposes to modify Rule 21.10, Anonymity, to allow it to provide additional information on transaction reports. Current Rule 21.10(a) states that ''[t]he intra-day transaction reports produced by the System will indicate the details of the transactions, and shall not reveal contra party identities.'' The Exchange notes that this provision is consistent with Rule 11.15(d) of its cash equities trading platform (''BZX Equities'') but is not a common provision in the rules of other options exchanges, including Cboe Options or C2 Options, which do not have such a provision. The Exchange currently provides details regarding contra-parties on various end of day and end of month reports for clearing purposes, and this information is similarly readily available through the Options Clearing Corporation (''OCC'') for clearing purposes.

The Exchange proposes to remove the restriction on providing contra party identities and to specifically state that aggregated and individual transaction reports produced by the System will indicate the details of a User's transactions, including the contra party's MPID, capacity, and clearing firm account number.

Current paragraph (c) of Rule 21.10 contains three exceptions to the general rule of anonymity, providing that the ''Exchange shall reveal a User's identity in the following circumstances: (1) For regulatory purposes or to comply with an order of an arbitrator or court; (2) if both Users to the transaction consent; (3) Unless otherwise instructed by a User, the Exchange will reveal to a User, no later than the end of the day on the date an anonymous trade was executed, when the User's Order has been decremented by another Order submitted by that same User.'' The Exchange proposes to retain only the first exception, regarding regulatory purposes or to comply with an order of

[15] *See* BOX Rule 7290, which describes the Price Protection for Limit Orders and Quotes and states that ''[t]he price parameter is set by either the Exchange or the Participant on an underlying security basis and is a percentage of the NBBO on the opposite side of the incoming order or quote. Unless determined otherwise by the Exchange and announced to Participants via Informational Circular, the specified percentage shall be: 100% for the contra-side NBB or NBO priced at or below $0.25; and 50% for the contraside NBB or NBO priced above $0.25.''

an arbitrator or court, as the second and third exceptions are no longer necessary to the extent the Exchange will provide information on individual and aggregate transaction reports produced by the System.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [16] in general, and furthers the objectives of Section 6(b)(5) of the Act [17] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, consistent rules and functionality between the Exchange and its affiliated exchanges will reduce complexity and help avoid potential confusion by the Users of the Exchange that are also participants on other Cboe Affiliated Exchanges.[18]

The Exchange believes the proposed amendment will reduce complexity and increase the understanding of the Exchange's operations for all Users of the Exchange. In particular, by adopting certain mandatory risk controls, the Exchange's functionality will be more similar to that of Cboe Options and C2 Options. In turn, when Cboe Options and C2 Options are migrated to the same technology as that of the Exchange, Users of the Exchange and other Cboe Affiliated Exchanges will have access to similar functionality on all Cboe Affiliated Exchanges. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange further believes that the proposed price protection mechanisms and risk controls will protect investors and the public interest and maintain fair and orderly markets by mitigating potential risks associated with market participants entering orders and quotes at unintended prices, and risks associated with orders and quotes trading at prices that are extreme and potentially erroneous, which may likely have resulted from human or operational error. While the Exchange has previously offered many risk controls under Interpretation and Policy .01 to Rule 11.13 and other filings previously made by the Exchange,[19] the Exchange believes that Users will benefit from the additional specificity provided under the proposed rules, particularly because, in contrast to optional risk control functionality, the proposed rules provide that each proposed risk control will be applied to all orders received by BZX Options. Although the Exchange's proposed price protection mechanisms and risk controls are similar to and based on existing rules of C2 Options or the Exchange, the Exchange notes that it has not proposed to establish outer boundaries or limits to the levels at which the mechanisms can be set. The Exchange believes this is reasonable and is necessary to afford the Exchange the flexibility to establish and modify the default parameters in order to protect investors and the public interest and maintain a fair and orderly market. The Exchange again notes that the applicable specified levels will always be available in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange also notes that this approach is consistent with certain rules of other options exchanges, which similarly offer risk controls that can be modified without regard to a rule based limitation.[20]

The Exchange believes the proposed changes to Rule 21.10 that will permit the Exchange to provide additional detail in transaction reports is consistent with the rules of other options exchanges that do not contain explicit restrictions on providing such information. The proposed changes are similarly consistent with a variety of current Exchange and options industry practices, including the fact that clearing information available through OCC already provides contra-party information, as well as the ability of a User on the Exchange to disclose their identity when quoting.[21] Based on the foregoing, the Exchange believes the proposed changes to Rule 21.10 are consistent with Section 6(b)(5) of the Act [22] in particular, in that they are designed to foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in securities.

(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 notes that the proposal will further promote consistency between the Exchange and its affiliated exchanges, and is part of a larger technology integration that will ultimately reduce complexity for Users of the Exchange that are also participants on other Cboe Affiliated Exchanges. The Exchange does not believe that the proposed changes will have any direct impact on competition. Thus, the Exchange does not believe that the proposal creates any significant 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 not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, 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 [23] and paragraph (f)(6) of Rule 19b–4 thereunder,[24] the Exchange has designated this rule filing as non-controversial. The Exchange has given 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.

A proposed rule change filed under Rule 19b–4(f)(6) [25] normally does not become operative prior to 30 days after the date of the filing. However, Rule

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] The Exchange notes that its affiliate, EDGX, also intends to adopt changes that are substantively identical to the changes set forth in this proposal. In addition, as Cboe Options and C2 Options migrate to the same technology platform as the Exchange, Cboe Options and C2 Options intend to modify rules and functionality to be consistent with the Exchange and EDGX, unless the retention of differences is intended.

[19] *See supra,* note 8.

[20] *See supra,* notes 14 and 15.

[21] *See, e.g.,* Rule 21.1(c)(1), defining ''Attributable Orders'' as orders that are designated for display (price and size) including the User's market participant identifier (''MPID'').

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4.

[25] 17 CFR 240.19b–4(f)(6).

19b–4(f)(6)(iii) [26] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that the proposal will promote consistency between the Exchange and its affiliated exchanges, and is part of a larger technology integration that will ultimately reduce complexity for Users of the Exchange that are also participants on other Cboe Affiliated Exchanges. The Exchange further notes that allowing the Exchange to move forward with the proposed changes without an operative delay will ensure that the technology integration can continue with periodic but measured changes rather than implementing several changes at once. Furthermore, the Exchange states that the implementation of the risk controls will help to avoid potentially erroneous executions. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[27]

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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–CboeBZX–2017–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBZX–2017–022. 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–2017–022 and should be submitted on or before January 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

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[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82442; File No. SR–Phlx–2017–108]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule

January 4, 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 December 21, 2017, Nasdaq PHLX LLC (''Phlx'' or ''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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule in the following respects: (i) Modify the Simple Order rebate applicable to Specialists [3] and Market Makers [4] for adding liquidity in SPY; [5] (ii) establish a new $0.05 per contract surcharge for Customers [6] whose SPY Complex Orders execute against simple Market Maker or Specialist orders resting on the Simple Order Book; (iii) reduce the per contract

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Specialist'' applies to transactions for the account of a Specialist (as defined in Exchange Rule 1020(a)). A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a). An options Specialist includes a Remote Specialist which is defined as an options specialist in one or more classes that does not have a physical presence on an Exchange floor and is approved by the Exchange pursuant to Rule 501.

[4] The term ''ROT, SQT and RSQT'' applies to transactions for the accounts of Registered Option Traders (''ROTs''), Streaming Quote Traders (''SQTs''), and Remote Streaming Quote Traders (''RSQTs''). For purposes of the Pricing Schedule, the term ''Market Maker'' will be utilized to describe fees and rebates applicable to ROTs, SQTs and RSQTs. RSQTs may also be referred to as Remote Market Markers (''RMMs'').

[5] Options overlying Standard and Poor's Depositary Receipts/SPDRs (''SPY'') are based on the SPDR exchange-traded fund (''ETF''), which is designed to track the performance of the S&P 500 Index.

[6] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of a broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

credit that certain member organizations are entitled to receive when routing away more than 5,000 Customer contracts per day in a given month; and (iv) increase permit fees for Floor Brokers and Floor Specialists and Market Makers.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's Pricing Schedule in the following respects: (i) Modify the Simple Order rebate applicable to Specialists and Market Makers for adding liquidity in SPY; (ii) establish a new $0.05 per contract surcharge for Customers whose SPY Complex Orders execute against simple Market Maker or Specialist orders resting on the Simple Order Book; (iii) reduce the per contract credit that certain member organizations are entitled to receive when routing away more than 5,000 Customer contracts per day in a given month; and (iv) increase permit fees for Floor Brokers and Floor Specialists and Market Makers.

Simple Order Rebate for Adding Liquidity in SPY

The Exchange first proposes to amend Section I.A. of the Exchange's Pricing Schedule, which sets forth a schedule of rebates and fees for adding and removing liquidity in SPY with respect to Simple Orders. Presently, the Pricing Schedule provides that Customers and Specialists are entitled to a rebate to the extent that they add a requisite amount of electronically executed Simple Order contracts per day in a given month in SPY. The existing rebate varies on a five tier basis, which each tier corresponding to a range of average daily volumes (''ADV'') of Simple Order contracts in SPY added per month. The Exchange now proposes to add a sixth tier to this Pricing Schedule. Specifically, it proposes to amend Tier 4 by adjusting the applicable ADV range from 20,000 to 49,999 to 20,000 to 34,999 contracts per day in SPY in a month and by decreasing the applicable per contract rebate from $0.31 to $0.27 per contract. The Exchange also proposes to establish a new Tier 5, which will provide for a $0.30 per contract rebate that Customers and Specialists will receive for adding an ADV of between 35,000 and 49,999 contracts per day in SPY in a month. Finally, the Exchange proposes to rename the existing Tier 5 as Tier 6. The rebate applicable to the new Tier 6 will remain $0.35 per contract for an ADV of greater than 49,999 contracts per day in SPY in a month.

The Exchange proposes the foregoing amendments, which will reduce the rebate amount from that which applies to existing Tier 4 to that which will apply to new Tiers 4 and 5, so as to provide a greater incentive to Specialists and Market Makers to seek to qualify for the top tier of rebates (new Tier 6). The Exchange also proposes to split the existing Tier 4 into two tiers to provide for a more graduated transition among tiers in the Pricing Schedule.

Customer Complex Order Surcharge

Second, the Exchange proposes to amend Section I.B of the Pricing Schedule, which sets forth a schedule of rebates and fees for adding and removing liquidity in SPY with respect to Complex Orders. Presently, the Pricing Schedule charges Customers no fees for adding or removing Complex Orders in SPY even as it charges fees to other categories of member organizations for doing the same, including Market Makers and Specialists.

Customers submit Complex Orders to the Exchange because often, Customers are able to execute such Complex Orders immediately by executing the individual components thereof through interactions with Market Maker and Specialist quotes that rest on the Exchange's Simple Order Book. These Customers benefit from not having to wait for counterparties that are willing to execute against their Complex Orders in the Complex Order Book.

Going forward, the Exchange proposes to impose a $0.05 per contract surcharge on Customers that execute Complex Orders against Market Maker or Specialist quotes resting on the Simple Order Book. The Exchange proposes this surcharge to reduce the costs to it of such transactions. Not only does the Exchange receive no fees from Customers for engaging in these transactions, but the Exchange also pays rebates to the Market Makers and Specialists whose quotes execute against the Customers' Complex Orders. Pursuant to Section I.A. of the Exchange's Pricing Schedule, these rebates range from $0.15 to $0.35 per contact.

Routing Credit

Third, the Exchange proposes to amend Section V of its Pricing Schedule, which sets forth the fees it charges to Customers and Non-Customers for routing orders away from the Exchange. Presently, Section V pays a credit (equal to a Fixed Fee plus $0.05 per contract) [7] to a member organization that qualifies for a Tier 2, 3, 4 or 5 rebate in the Customer Rebate Program in Section B of the Pricing Schedule and that routes away more than 5,000 Customer contracts per day in a given month. The Exchange proposes to decrease the amount of the per contract portion of the credit from $0.05 to $0.01 per contract. The Exchange proposes to decrease the amount of this credit because it no longer wishes to provide substantial subsidies to member organizations that route Customer orders away from the Exchange.

Permit Fees

Finally, the Exchange proposes to amend Section VI of the Pricing Schedule, which sets forth the Exchange's membership fees. Specifically, the Exchange proposes to increase its monthly Permit Fees for Floor Brokers, Floor Specialists and Market Makers. The Exchange presently charges Floor Brokers a monthly Permit Fee of $3,000 and it now proposes to increase that fee to $4,000 per month. The Exchange presently charges Floor Specialists and Market Makers a monthly Permit Fee of $4,500 and it now proposes to increase that Fee to $6,000 per month. The Exchange proposes to increase the amounts of these Permit Fees to recoup its financial investment in building a new Trading Floor for the Exchange as well as the costs associated with developing and deploying new and more advanced technologies for use on the new Trading Floor by Floor Brokers, Floor Specialists, and Market Makers.

[7] If the away market transaction fee is $0.00 or the away market pays a rebate, then the Exchange provides the member organization with a credit equal to the applicable Fixed Fee only.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] 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.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [10]

Likewise, in *NetCoalition* v. *Securities and Exchange Commission* [11] (''NetCoalition'') the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.[12] As the court emphasized, the Commission ''intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost.'' [13]

Further, ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [14] Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

Simple Order Rebate for Adding Liquidity in SPY

The Exchange believes that its proposal is reasonable to decrease the amounts of its mid-tier rebates to Market Makers and Specialists that add liquidity in SPY because the Exchange seeks to provide a greater incentive to Market Makers and Specialists to increase their ADVs of contracts in SPY so as to qualify for the top rebate tier, which will be new Tier 6. The Exchange believes that this proposal is an equitable allocation and is not unfairly discriminatory because the same decrease in rebates will apply to all similarly situated Market Makers and Specialists. Further, Market Makers and Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[15] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Customer Complex Order Surcharge

The Exchange believes that its proposal is reasonable to impose a $0.05 per contract surcharge on Customers that execute Complex Orders against Market Maker or Specialist Quotes that rest on the Simple Order Book. Specifically, the Exchange believes that it is reasonable for it to impose this surcharge as a means to reduce the Exchange's costs associated with these transactions because each such transaction costs the Exchange between $0.15 and $0.35 per contract in rebates to Market Makers and Specialists. Moreover, it is reasonable to impose this surcharge on Customers because Customers benefit the most from being able to achieve immediate executions of their Complex Orders in the relevant scenario. The Exchange believes that the surcharge is minimal and will not be substantial enough to eliminate or even significantly diminish the benefits to Customers of being able to achieve immediate executions in this manner. Finally, the Exchange notes that all other account categories—Professionals, Firms, Broker-Dealers, Specialists, and Market Makers—pay higher fees (between $0.43 and $0.50 per contract) for removing liquidity from the Complex Order Book than Customers would pay under the proposal when they execute their Complex Orders against Simple Orders of Market Makers and Specialists that are resting on the Simple Order Book.

The Exchange believes that the proposal is an equitable allocation and is not unfairly discriminatory because the Exchange will uniformly apply the fee to all similarly situated Customers. Moreover, Customers may avoid this new surcharge by executing their Complex Orders in the Exchange's Complex Order Book or by sending them to other trading venues where the transaction costs to them will be less expensive. Even with this surcharge, Customers are assessed the least amount per contract for executions in SPY. As noted herein, Customers are not assessed fees for adding and removing liquidity for SPY Complex Orders. The Exchange believes that assessing Customers lower fees is equitable and not unfairly discriminatory because Customer orders bring valuable liquidity to the market, which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Routing Credit

The Exchange believes that its proposal is reasonable to reduce the amount of the credit it presently provides to certain member organizations that route away more than 5,000 Customer orders per day in a given month. Although the Exchange wishes to continue providing incentives to member organizations to utilize its routing service, it seeks to reduce the incentive for member organizations to route orders to away markets. Despite the reduction, the Exchange believes the credit remains competitive.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

[11] *NetCoalition* v. *SEC,* 615 F.3d 525 (D.C. Cir. 2010).

[12] *See NetCoalition,* at 534–535.

[13] *Id.* at 537.

[14] *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[15] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

The Exchange believes that the proposal is an equitable allocation and is not unfairly discriminatory because the same reduced credit will uniformly be assessed on all member organizations when routing orders.

Permit Fees

Finally, the Exchange believes that its proposal is reasonable to increase its monthly Permit Fees for Floor Brokers and Floor Specialists and Market Makers. The Exchange has made substantial investments in building a new state-of-the-art Trading Floor for the Exchange as well as developing and deploying new and more advanced technologies for use on the new Trading Floor to the benefit of Floor Brokers, Floor Specialists, and Market Makers. The increased Permit Fees are a reasonable way for the Exchange to recoup some of these investments. Moreover, it is reasonable for the Exchange to recoup these investments from those members and member organizations that utilize the new Trading Floor and associated technologies.

The Exchange believes that the proposal is an equitable allocation and is not unfairly discriminatory because the same reduced credit will uniformly apply uniformly to all situated Floor Brokers, Specialists, and Market Makers that utilize the Trading Floor. Likewise, the Exchange does not believe that its proposal to increase Permit Fees will unduly burden competition because Floor Brokers, Market Makers, and Specialists may choose to utilize the Exchange's electronic environment or become members of other exchanges' trading floors if they conclude that the Exchange's Permit Fees are prohibitively expensive.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the charges assessed and the credits and rebates available do not impose a burden on competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from other exchanges and from off-exchange venues. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Simple Order Rebate for Adding Liquidity in SPY

The Exchange's proposal to decrease the amounts of its mid-tier rebates to Market Makers and Specialists that add liquidity in SPY does not impose an undue burden on competition because Market Makers and Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[16] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings. The differentiation as between Specialists and Market Makers and all other market participants recognizes the differing contributions made to the liquidity and trading environment on the Exchange by these market participants. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Customer Complex Order Surcharge

The Exchange's proposal to impose a $0.05 per contract surcharge on Customers that execute Complex Orders against Market Maker or Specialist Quotes that rest on the Simple Order Book does not impose an undue burden on competition because Customers may avoid this new surcharge by executing their Complex Orders in the Exchange's Complex Order Book or by sending them to other trading venues where the transaction costs to them will be less expensive. Even with this surcharge, Customers are assessed the least amount per contract for executions in SPY. As noted herein, Customers are not assessed fees for adding and removing liquidity for SPY Complex Orders. The Exchange believes that assessing Customers lower fees is equitable and not unfairly discriminatory because Customer orders bring valuable liquidity to the market, which liquidity benefits other market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

Routing Credit

The Exchange's proposal to reduce the amount of the credit it presently provides to certain member organizations that route away more than 5,000 Customer orders per day in a given month does not impose an undue burden on competition because the reduced credit will uniformly be assessed on all member organizations when routing orders.

Permit Fees

The Exchange's proposal to increase its monthly Permit Fees for Floor Brokers and Floor Specialists and Market Makers does not impose an undue burden on competition because the permit fees will be uniformly assessed to all Floor Brokers, Specialists, and Market Makers that utilize the Trading Floor. Likewise, the Exchange does not believe that its proposal to increase Permit Fees will unduly burden competition because Floor Brokers, Market Makers, and Specialists may choose to utilize the Exchange's electronic environment or become members of other exchanges' trading floors if they conclude that the Exchange's Permit Fees are prohibitively expensive.

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.

[16] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

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.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (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–Phlx–2017–108 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–Phlx–2017–108. 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–Phlx–2017–108, and should be submitted on or before January 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00214 Filed 1–8–18; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82437; File No. SR–CboeEDGX–2017–009]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Risk Controls and Modify Rules 21.1, 21.10, and 21.17 in Connection With Technology Migration of Cboe Exchanges

January 3, 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 December 21, 2017, Cboe EDGX Exchange, Inc. (the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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 update Rule 21.1, Rule 21.10, and Rule 21.17 to make modifications to the Exchange's rules and functionality applicable to the Exchange's options platform (''EDGX Options'') in preparation for the technology migration of the Exchange's affiliated options exchanges onto the same technology as the Exchange.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange and its affiliates Cboe BYX Exchange, Inc. (''BYX''), Cboe EDGA Exchange, Inc. (''EDGA''), and Cboe BZX Exchange, Inc. (''BZX'') received approval to affect a merger (the ''Merger'') of the Exchange's then-current indirect parent company, Bats Global Markets, Inc., with Cboe Global Markets f/k/a CBOE Holdings, Inc. (''Cboe''), the direct parent of Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc. (''C2 Options'', and together with the Exchange, BZX, and Cboe Options the ''Cboe Affiliated Exchanges'').[5] The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges,

[5] *See* Securities Exchange Act Release No. 79585 (December 16, 2016), 81 FR 93988 (December 22, 2016) (SR–BatsBZX–2016–68; SR–BatsBYX–2016–29; SR–BatsEDGA–2016–24; SR–BatsEDGX–2016–60). The Exchange notes that BYX and EDGA are also affiliated exchanges but do not operate options platforms and thus the integration described in this proposal is inapplicable to such exchanges.

in the context of a technology migration. Thus, the proposals set forth below are intended to add certain functionality to the Exchange's System [6] that is more similar to functionality offered by Cboe Options and C2 Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

The Exchange is proposing to adopt periodic but relatively minor changes to functionality in order to reduce risk in connection with the technology migration described above; this proposal is related to two such proposed changes. First, the Exchange proposes to adopt certain risk functionality in Rule 21.17, which is based on functionality on Cboe Options, C2 Options and/or the Exchange's functionality applicable to complex orders. The Exchange notes that it also proposes to make a related change to Rule 21.1 to eliminate functionality that overlaps with the proposed risk functionality. Second, the Exchange proposes to modify Rule 21.10 to allow it to provide additional information on transaction reports.

Risk Controls

The Exchange currently provides certain controls to Users [7] of EDGX Options pursuant to Rule 21.16, which describes the Exchange's ''Risk Monitor Mechanism,'' and Rule 21.20, which describes the Exchange's functionality for complex orders. In addition, the Exchange provides a variety of optional risk controls to all Exchange Users pursuant to Interpretation and Policy .01 to Rule 11.10, including various controls related to the price of an order.[8] The Exchange proposes to adopt various risk controls currently offered by Cboe Options, C2 Options, and/or the Exchange with respect to complex orders and to codify such risk controls in Rule 21.17.

Rule 21.17 currently permits the Exchange to share a User's risk settings with the Clearing Member that clears transactions on behalf of the User, which is a provision that the Exchange does not propose to modify. Rule 21.17 does not currently describe any applicable risk settings. As noted above, though certain risk settings offered for Users of EDGX Options are codified in Rule 21.16, other optional risk settings offered by the Exchange are more generally described in Interpretation and Policy .01 to Rule 11.10 and have been described in other filings previously made by the Exchange.[9] The Exchange proposes to provide more specificity in proposed Rule 21.17 regarding the risk settings the Exchange proposes to implement for EDGX Options, which is consistent with the approach taken by Cboe Options and C2 Options.

As a general matter, the Exchange proposes to adopt various numeric values that would apply to the risk settings offered by the Exchange. Consistent with other rules of the Exchange,[10] the Exchange proposes to maintain all numeric values established by the Exchange pursuant to Rule 21.17 in publicly available specifications and/or published in a Regulatory Circular. Further, as a general matter, the proposed risk settings would be applied to all orders and quotes received by EDGX Options rather than optionally configured and enabled by Users. Thus, proposed Rule 21.17 would explicitly state that unless otherwise specified, the price protections in the Rule, including the numeric values established by the Exchange, may not be disabled or adjusted. Below are descriptions of the specific risk settings proposed by the Exchange.

The first risk control the Exchange proposes to adopt is the Market Order NBBO Width Protection. As proposed, if a User submits a Market Order [11] to the System when the NBBO [12] width is greater than x% of the midpoint of the NBBO, subject to minimum and maximum dollar values established by the Exchange, the System will reject or cancel back to the User the Market Order. The Exchange proposes to establish ''x'' and the minimum and maximum values on a class-by-class basis. The proposed Market Order NBBO Width Protection is based on and similar to the Market-Width Parameter set forth in C2 Options Rule 6.17(a)(1).[13] In particular, similar to C2 Options Rule 6.17(a)(1), the Exchange would reject or cancel Market Orders when the width of the NBBO is greater than an acceptable range and would establish the numeric values that would ultimately determine acceptable quote widths on a class-by-class basis. However, in contrast to C2 Options Rule 6.17(a)(1), the Exchange does not propose to set forth specific boundaries for quote widths within the proposed rule. The Exchange believes that it needs flexibility to modify acceptable quote widths based on experience with the risk control and Users would always have access to the applicable settings in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange notes that the Nasdaq Options Market (''NOM'') has a similar quote width protection in place for market orders that does not specify the applicable limits within the rule.[14] The Exchange notes that it does not currently have an NBBO width protection in place for Market Orders, and thus this protection is an additive control to protect against erroneous executions.

The second risk control the Exchange proposes to adopt is the Limit Order Fat Finger Check. As proposed, if a User submits a buy (sell) limit order to the System with a price that is more than a buffer amount established by the Exchange above (below) the NBO (NBB), or, in the case of an order received prior to 9:30 a.m., above (below) the midpoint of the NBBO at the close of the market on the previous trading day, the System will reject or cancel back to the User the limit order. The proposed Limit Order Fat Finger Check is based on and similar to certain Limit Order Price Parameters set forth in C2 Options Rule 6.17(b). In particular, similar to C2 Options Rule 6.17(b)(1) and (b)(2), the Exchange would reject or cancel limit orders that

[6] The ''System'' is the automated trading system used by EDGX Options for the trading of options contracts. *See* Rule 16.1(a)(59).

[7] The term ''User'' means any Options Member or Sponsored Participant who is authorized to obtain access to the Exchange's System (as defined below) pursuant to Rule 11.3. *See* Rule 16.1(a)(63).

[8] *See* Rule 11.10, Interpretation and Policy .01; *see also* Securities Exchange Act Release No. 67266 (June 26, 2012), 77 FR 39300 (July 2, 2012) (SR–EDGX–2012–21) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to New Market Access Risk Management Service).

[9] *See id.*

[10] *See, e.g.,* Interpretation and Policies .04(c)(1), .04(e), .04(f) and .06 to Rule 21.20, which refer to various risk control values offered by the Exchange with respect to complex orders that are communicated to members of the Exchange via specifications and/or Regulatory Circular.

[11] *See* Rule 21.1(d)(5).

[12] As defined in Rule 16.1(a)(29), the term ''NBB'' means the national best bid, the term ''NBO'' means the national best offer, and the term ''NBBO'' means the national best bid or offer as calculated by EDGX Options based on market information received by EDGX Options from OPRA.

[13] The Exchange notes that identical or similar rules regarding risk controls offered by C2 Options are also provided in the rules of Cboe Options and on other options exchanges. However, the Exchange has focused on the Rules of C2 Options as well as the Exchange's own rules applicable to complex orders for purposes of this proposal.

[14] *See* NOM Chapter VI, Section 6(c), which describes the NOM Market Order Spread Protection and states that ''System Orders that are Market Orders will be rejected if the best of the NBBO and the internal market BBO (the ''Reference BBO'') is wider than a preset threshold at the time the order is received by the System.''

are more than an acceptable difference from the applicable reference price and would distinguish the applicable reference price depending on whether an order was received prior to market open or during the trading day. However, in contrast to C2 Options Rule 6.17(b), which states that the acceptable tick distance shall be no less than two minimum increment ticks for simple orders, the Exchange does not propose to set forth specific boundaries for the acceptable difference within the proposed rule. As is true for the Market Order NBBO Width Protection described above, the Exchange believes that it needs flexibility to modify the acceptable price range based on experience with the risk control and Users would always have access to the applicable settings in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange notes that the BOX Options Exchange (''BOX'') has a similar price protection in place for limit orders that does specify potential percentages in the Rule but also permits BOX to modify such percentages via Information Circular without establishing outer boundaries.[15] The Exchange notes that it currently applies mandatory fat finger protection to complex orders received by the Exchange pursuant to Interpretation and Policy .06 to Rule 21.20. The Exchange also notes that it currently offers price protections analogous to the proposed Limit Order Fat Finger Check for orders other than complex orders (*i.e.,* ''simple orders''), however, as noted above such price protections are optional.

The third risk control the Exchange proposes to adopt is the Buy Order Put Check. As proposed, if a User enters a buy limit order for a put with a price that is higher than or equal to the strike price of the option, the System will reject or cancel back to the User the limit order. Similarly, if a User enters a buy Market Order for a put that would execute at (or the remaining portion would execute at) a price higher than or equal to the strike price of the option, the System will reject or cancel back to the User the Market Order (or remaining portion). The Exchange does not propose to apply this check to adjusted options. The proposed Buy Order Put Check is based on and substantively identical to the Put Strike Price Value Check set forth in C2 Options Rule 6.17(d)(1)(A). The Exchange notes that it does not currently have an analogous risk control in place, and thus, this protection is an additive control to protect against erroneous executions.

The fourth and final risk control the Exchange proposes to adopt is the Drill-Through Price Protection. As proposed, the Drill-Through Price Protection feature is a price protection mechanism applicable to all orders under which a buy (sell) order will not be executed at a price that is higher (lower) than the NBO (NBB) at the time of order entry plus (minus) a buffer amount established by the Exchange (the ''Drill-Through Price''). If a buy (sell) order would execute or post to the EDGX Options Book at a price higher (lower) than the Drill-Through Price, the System will instead post the order to the EDGX Options Book at the Drill-Through Price, unless the terms of the order instruct otherwise. Any order (or unexecuted portion thereof) will rest in the EDGX Options Book (based on the time at which it enters the book for priority purposes) for a time period in milliseconds that may not exceed three seconds with a price equal to the Drill-Through Price. If the order (or unexecuted portion thereof) does not execute during that time period, the System will cancel it. While similar to and based on C2 Options Rule 6.17(a)(2), the proposed Rule is more directly based on Interpretation and Policy .04, to Exchange Rule 21.20, which describes Drill-Through Price Protection applicable to complex orders on EDGX Options. The proposed Drill-Through Price Protection is identical to Interpretation and Policy .04 to Rule 21.20 with the exceptions of necessary differences between language related to simple orders and complex orders and that in contrast to a User being able to modify the protection to a more or less restrictive control, which is available for the control on the Exchange for complex orders, the Exchange proposes to apply standard Drill-Through Price Protection to all orders and such protection cannot be modified.

In connection with the changes described above, the Exchange proposes to remove a portion of the definition of a [sic] Market Orders to remove a risk protection currently in place that overlaps with various risk controls described above. Market Orders are currently defined in in Rule 21.1(d)(5) as ''orders to buy or sell at the best price available at the time of execution.'' Rule 21.1(d)(5) further states that ''[a]ny portion of a Market Order that would execute at a price more than $0.50 or 5 percent worse than the NBBO at the time the order initially reaches EDGX Options, whichever is greater, will be cancelled.'' The Exchange proposes to remove this price protection for Market Orders because it is no longer necessary in light of the proposed risk controls described above (other than the Limit Order Fat Finger Check, which is inapplicable to Market Orders). In particular, the Drill-Through Price Protection provides a control with respect to the execution prices of Market Orders and would be duplicative of the existing control.

Details in Transaction Reports

The Exchange also proposes to modify Rule 21.10, Anonymity, to allow it to provide additional information on transaction reports. Current Rule 21.10(a) states that ''[t]he intra-day transaction reports produced by the System will indicate the details of the transactions, and shall not reveal contra party identities.'' The Exchange notes that this provision is consistent with Rule 11.13(d) of its cash equities trading platform (''EDGX Equities'') but is not a common provision in the rules of other options exchanges, including Cboe Options or C2 Options, which do not have such a provision. The Exchange currently provides details regarding contra-parties on various end of day and end of month reports for clearing purposes, and this information is similarly readily available through the Options Clearing Corporation (''OCC'') for clearing purposes.

The Exchange proposes to remove the restriction on providing contra party identities and to specifically state that aggregated and individual transaction reports produced by the System will indicate the details of a User's transactions, including the contra party's MPID, capacity, and clearing firm account number.

Current paragraph (c) of Rule 21.10 contains four exceptions to the general rule of anonymity, providing that the ''Exchange shall reveal a User's identity in the following circumstances: (1) For regulatory purposes or to comply with an order of an arbitrator or court; (2) if both Users to the transaction consent; (3) if a User is acting as either a Market Maker or sending Orders on behalf of a Priority Customer; or (4) unless otherwise instructed by a User, the Exchange will reveal to a User, no later than the end of the day on the date an anonymous trade was executed, when the User's Order has been decremented by another Order submitted by that same User.'' The Exchange proposes to

[15] *See* BOX Rule 7290, which describes the Price Protection for Limit Orders and Quotes and states that ''[t]he price parameter is set by either the Exchange or the Participant on an underlying security basis and is a percentage of the NBBO on the opposite side of the incoming order or quote. Unless determined otherwise by the Exchange and announced to Participants via Informational Circular, the specified percentage shall be: 100% for the contra-side NBB or NBO priced at or below $0.25; and 50% for the contraside NBB or NBO priced above $0.25.''

retain only the first exception, regarding regulatory purposes or to comply with an order of an arbitrator or court, as the other exceptions are no longer necessary to the extent the Exchange will provide information on individual and aggregate transaction reports produced by the System.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act [16] in general, and furthers the objectives of Section 6(b)(5) of the Act [17] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, consistent rules and functionality between the Exchange and its affiliated exchanges will reduce complexity and help avoid potential confusion by the Users of the Exchange that are also participants on other Cboe Affiliated Exchanges.[18]

The Exchange believes the proposed amendment will reduce complexity and increase the understanding of the Exchange's operations for all Users of the Exchange. In particular, by adopting certain mandatory risk controls, the Exchange's functionality will be more similar to that of Cboe Options and C2 Options. In turn, when Cboe Options and C2 Options are migrated to the same technology as that of the Exchange, Users of the Exchange and other Cboe Affiliated Exchanges will have access to similar functionality on all Cboe Affiliated Exchanges. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange further believes that the proposed price protection mechanisms and risk controls will protect investors and the public interest and maintain fair and orderly markets by mitigating potential risks associated with market participants entering orders and quotes at unintended prices, and risks associated with orders and quotes trading at prices that are extreme and potentially erroneous, which may likely have resulted from human or operational error. While the Exchange has previously offered many risk controls under Interpretation and Policy .01 to Rule 11.10 and other filings previously made by the Exchange,[19] the Exchange believes that Users will benefit from the additional specificity provided under the proposed rules, particularly because, in contrast to optional risk control functionality, the proposed rules provide that each proposed risk control will be applied to all orders received by EDGX Options. Although the Exchange's proposed price protection mechanisms and risk controls are similar to and based on existing rules of C2 Options or the Exchange, the Exchange notes that it has not proposed to establish outer boundaries or limits to the levels at which the mechanisms can be set. The Exchange believes this is reasonable and is necessary to afford the Exchange the flexibility to establish and modify the default parameters in order to protect investors and the public interest and maintain a fair and orderly market. The Exchange again notes that the applicable specified levels will always be available in the Exchange's publicly available specifications and/or as published in a Regulatory Circular. The Exchange also notes that this approach is consistent with certain rules of other options exchanges, which similarly offer risk controls that can be modified without regard to a rule based limitation.[20]

The Exchange believes the proposed changes to Rule 21.10 that will permit the Exchange to provide additional detail in transaction reports is consistent with the rules of other options exchanges that do not contain explicit restrictions on providing such information. The proposed changes are similarly consistent with a variety of current Exchange and options industry practices, including the fact that clearing information available through OCC already provides contra-party information, as well as the ability of a User on the Exchange to disclose their identity when quoting.[21] Based on the foregoing, the Exchange believes the proposed changes to Rule 21.10 are consistent with Section 6(b)(5) of the Act [22] in particular, in that they are designed to foster cooperation and coordination with persons engaged in clearing, settling, processing information with respect to, and facilitating transactions in securities.

(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 notes that the proposal will further promote consistency between the Exchange and its affiliated exchanges, and is part of a larger technology integration that will ultimately reduce complexity for Users of the Exchange that are also participants on other Cboe Affiliated Exchanges. The Exchange does not believe that the proposed changes will have any direct impact on competition. Thus, the Exchange does not believe that the proposal creates any significant 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 not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, 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 [23] and paragraph (f)(6) of Rule 19b–4 thereunder,[24] the Exchange has designated this rule filing as non-controversial. The Exchange has given 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.

A proposed rule change filed under Rule 19b–4(f)(6) [25] normally does not become operative prior to 30 days after

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] The Exchange notes that its affiliate, BZX, also intends to adopt changes that are substantively identical to the changes set forth in this proposal. In addition, as Cboe Options and C2 Options migrate to the same technology platform as the Exchange, Cboe Options and C2 Options intend to modify rules and functionality to be consistent with the Exchange and BZX, unless the retention of differences is intended.

[19] *See supra,* note 7.

[20] *See supra,* notes 13 and 14.

[21] *See, e.g.,* Rule 21.1(c)(1), defining ''Attributable Orders'' as orders that are designated for display (price and size) including the User's market participant identifier (''MPID'').

[22] 15 U.S.C. 78f(b)(5).

[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4.

[25] 17 CFR 240.19b–4(f)(6).

the date of the filing. However, Rule 19b–4(f)(6)(iii) [26] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange notes that the proposal will promote consistency between the Exchange and its affiliated exchanges, and is part of a larger technology integration that will ultimately reduce complexity for Users of the Exchange that are also participants on other Cboe Affiliated Exchanges. The Exchange further notes that allowing the Exchange to move forward with the proposed changes without an operative delay will ensure that the technology integration can continue with periodic but measured changes rather than implementing several changes at once. Furthermore, the Exchange states that the implementation of the risk controls will help to avoid potentially erroneous executions. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change as operative upon filing.[27]

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: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) 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–CboeEDGX–2017–009 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeEDGX–2017–009. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2017–009 and should be submitted on or before January 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[28]

Eduardo A. Aleman,

Assistant Secretary.

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[26] 17 CFR 240.19b–4(f)(6)(iii).

[27] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[28] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82439; File No. SR–NASDAQ–2017–128]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade the Shares of the Western Asset Total Return ETF

January 3, 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 December 20, 2017, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade the shares of the Western Asset Total Return ETF (the ''Fund''), a series of Legg Mason ETF Investment Trust (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange. *See, e.g.,* Securities Exchange Act Release Nos. 80946 (June 15, 2017), 82 FR 28126 (June 20, 2017) (SR–NASDAQ–2017–039) (order approving listing and trading of Guggenheim Limited Duration ETF); 78592 (August 16, 2016), 81 FR 56729 (August 22, 2016) (SR–NASDAQ–2016–061) (order approving listing and trading of First Trust Equity Market Neutral ETF); 78443 (July 29, 2016), 81 FR 51517 (August 4, 2016) (SR–NASDAQ–2016–064) (order approving listing and trading of First Trust Strategic Mortgage REIT ETF); 71913 (April 9, 2014), 79 FR 21333 (April 15, 2014) (SR–NASDAQ–2014–019) (order approving listing and trading of First Trust Managed Municipal ETF); 69464 (April 26, 2013), 78 FR 25774 (May 2, 2013) (SR–NASDAQ–2013–036) (order approving listing and trading of First Trust Senior Loan Fund); 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund); *see also* filings for similar ETFs listed on other national securities exchanges: Securities Exchange Act Release Nos. 80657 (May 11, 2017) 82 FR 22702 (May 17, 2017) (SR–NYSE Arca–2017–09) (order approving listing and trading of Janus Short Duration Income ETF); 79683 (December 23, 2016), 81 FR 96539 (December 30, 2016) (SR–NYSEArca–2016–82) (order approving listing and trading of JPMorgan Diversified Event Driven ETF); 77904 (May 25, 2016), 81 FR 35101 (SR–NYSE Arca–2016–17) (order approving listing and trading of JPMorgan Diversified Alternative ETF); 68870

of the Fund are collectively referred to herein as the ''Shares.''

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 list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares [4] on the Exchange. The Fund will be an exchange-traded fund (''ETF'') that is actively managed. The Shares will be offered by the Trust, which was established as a Maryland statutory trust on June 8, 2015.[5] The Exchange notes that other actively-managed, broad market fixed-income ETFs have been previously approved by the SEC prior to the adoption of ''generic'' listing standards for actively-managed ETFs.[6] The Trust is registered with the Commission as an investment company under the 1940 Act and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission with respect to the Fund.[7] The Fund will be a series of the Trust. The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.

Legg Mason Partners Fund Advisor, LLC will be the investment manager (''Manager'') to the Fund. Western Asset Management Company will serve as the sub-adviser to the Fund (the ''Sub-Adviser'') [8] and Western Asset Management Company Limited in London (''Western Asset London''), Western Asset Management Company Pte. Ltd. in Singapore (''Western Asset Singapore'') and Western Asset Management Company Ltd in Japan (''Western Asset Japan'') will each serve as the sub-sub-advisers to the Fund (collectively, the ''Sub-Sub-Advisers'' and each, a ''Sub-Sub-Adviser'').[9] Hereinafter, references to ''Sub-Adviser'' or ''Sub-Advisers'' include the Sub-Adviser and each applicable Sub-Sub-Adviser. Legg Mason Investor Services, LLC (the ''Distributor'') will be the distributor of the Fund's Shares. The Manager, each of the Sub-Advisers and the Distributor are wholly-owned subsidiaries of Legg Mason, Inc. (''Legg Mason''). An entity that is not affiliated with Legg Mason, and which is named in the Registration Statement, will act as the administrator, accounting agent, custodian, and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect and maintain a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[10] In addition, paragraph (g) further requires that personnel who make decisions on the investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-

(February 8 2013), 78 FR 11245 (February 15, 2013) (SR–NYSEArca–2012–139) (order approving listing and trading of First Trust Preferred Securities and Income ETF). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered as an investment company under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objective and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 32391 (December 13, 2016) (File No. 812–14547) (the ''Exemptive Relief''). In addition, on December 6, 2012, the staff of the Commission's Division of Investment Management (''Division'') issued a no-action letter (''No-Action Letter'') relating to the use of derivatives by actively-managed ETFs. *See* No-Action Letter dated December 6, 2012 from Elizabeth G. Osterman, Associate Director, Office of Exemptive Applications, Division of Investment Management. The No-Action Letter stated that the Division would not recommend enforcement action to the Commission under applicable provisions of and rules under the 1940 Act if actively-managed ETFs operating in reliance on specified orders (which include the Exemptive Relief) invest in options contracts, futures contracts or swap agreements provided that they comply with certain representations stated in the No-Action Letter.

[6] *See, e.g.,* Securities Exchange Act Release Nos. 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (SR–NYSEArca–2015–73) (granting approval for the listing of shares of the Guggenheim Total Return Bond ETF); 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (granting approval for the listing of shares of the PIMCO Total Return Exchange Traded Fund (now known as the PIMCO Active Bond Exchange-Traded Fund)); and 72666 (July 24, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEArca–2013–122) (granting approval to the use of derivatives by the PIMCO Total Return Exchange Traded Fund); *see also infra* note 60.

[7] *See* Post-Effective Amendment No. 27 to the Registration Statement on Form N–1A for the Trust (File Nos. 333–206784 and 811–23096) as filed on August 8, 2017. The Trust will file an amendment to the Registration Statement as necessary to conform to the representations in this filing. The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[8] The Sub-Adviser is responsible for the day-to-day management of the Fund and, as such, typically makes all decisions with respect to portfolio holdings. The Manager has ongoing oversight responsibility.

[9] Each of the Sub-Sub-Advisers provides advisory services to the Fund relating to the Fund's investments. Sub-Sub-Advisers advise primarily on instruments traded in the region in which the Sub-Sub-Adviser is located, but they may advise on portfolio instruments held by the Fund that are traded in other regions. Western Asset London generally advises on the Fund's portfolio holdings in non-U.S. and non-Asian investment instruments and currencies (including through ETFs and derivative instruments that provide exposure to those instruments and currencies); Western Asset Japan generally advises on the Fund's portfolio holdings in Japanese investment instruments and currencies (including through ETFs and derivative instruments that provide exposure to those instruments and currencies); and Western Asset Singapore generally advises on the Fund's portfolio holdings in non-Japan, Asian investment instruments and currencies (including through ETFs and derivative instruments that provide exposure to those instruments and currencies).

[10] An investment adviser to an investment company is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Manager and the Sub-Advisers and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. Rule 204A–1 requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

public information regarding the investment company's portfolio.

Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment and maintenance of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable investment company's portfolio, not an underlying benchmark index, as is the case with index-based funds. None of the Manager or any of the Sub-Advisers is a broker-dealer, but each is affiliated with the Distributor, a broker-dealer, and has implemented and will maintain a fire wall with respect to its broker-dealer affiliate regarding access to information concerning proposed changes to the composition and/or changes to the portfolio prior to implementation.

In addition, personnel who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Manager or any of the Sub-Advisers registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new manager or sub-adviser to the Fund is a registered broker-dealer or becomes affiliated with another broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning proposed changes to the composition and/or changes to the Fund's portfolio prior to implementation and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Western Asset Total Return ETF

Principal Investments

The investment objective of the Fund will be to seek to maximize total return, consistent with prudent investment management and liquidity needs. Although the Fund may invest in securities and Debt (as defined below) of any maturity, the Fund will normally maintain an average effective duration within 35% of the average duration of the U.S. bond market as a whole (generally, this bond market range is 2.5 to 7 years) as estimated by the Sub-Adviser.[11] Effective duration seeks to measure the expected sensitivity of market price to changes in interest rates, taking into account the anticipated effects of structural complexities (for example, some bonds can be prepaid by the issuer).

Under Normal Market Conditions,[12] the Fund will seek to achieve its investment objective by investing at least 80% of its net assets in a portfolio comprised of U.S. or foreign fixed income securities; U.S. or foreign Debt (as defined below); [13] ETFs [14] that provide exposure to such U.S. or foreign fixed income securities, Debt or other Principal Investments (defined below); derivatives [15] that (i) provide exposure to such U.S. or foreign fixed income securities, Debt and other Principal Investments, (ii) are used to risk manage the Fund's holdings, or (iii) are used to enhance returns, such as through covered call strategies; [16] U.S. or foreign equity securities of any type acquired in reorganizations of issuers of fixed income securities or Debt held by the Fund (''Work Out Securities''); [17] U.S. or foreign non-convertible preferred securities (other than trust preferred securities, which the Fund may invest in but which are treated as fixed income securities [18]) (''Non-Convertible

[11] The average effective duration of the Fund may fall outside of its expected range due to market movements. If this happens, the Sub-Advisers will take action to bring the Fund's average effective duration back within its expected range within a reasonable period of time.

[12] The term ''Normal Market Conditions'' has the meaning set forth in Nasdaq Rule 5735(c)(5). The Fund may vary from ordinary parameters on a temporary basis, including for defensive purposes, during the initial invest-up period (*i.e.,* the six-week period following the commencement of trading of Shares on the Exchange) and during periods of high cash inflows or outflows (*i.e.,* rolling periods of seven calendar days during which inflows or outflows of cash, in the aggregate, exceed 10% of the Fund's net assets as of the opening of business on the first day of such periods). In those situations, the Fund may depart from its principal investment strategies and may, for example, hold a higher than normal proportion of its assets in cash and cash equivalents. During such periods, the Fund may not be able to achieve its investment objective. The Fund may also adopt a defensive strategy and hold a significant portion of its assets in cash and cash equivalents when the Manager or any Sub-Adviser believes securities, Debt and other instruments in which the Fund normally invests have elevated risks due to political or economic factors, heightened market volatility or in other extraordinary circumstances that do not constitute ''Normal Market Conditions''. The Fund's investments in cash equivalents are described in greater detail in note 22 *infra.*

[13] As noted below, the Fund will not invest more than 30% of its total assets in fixed income or equity securities or Debt of non-U.S. issuers or more than 25% of its total assets directly in non-U.S. dollar denominated fixed income or equity securities or Debt. As a result, although the Fund does intend to invest in foreign instruments described above, the size of such investments will be limited. *See infra* ''Investment Restrictions''.

[14] The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705(b)), Portfolio Depositary Receipts (as described in Nasdaq Rule 5705(a)), and Managed Fund Shares (as described in Nasdaq Rule 5735). The Fund will not invest in ETFs that are not registered as investment companies under the 1940 Act. The ETFs held by the Fund will invest in fixed income securities, Debt and money-market instruments to which the Fund seeks exposure. All such ETFs will trade in markets that are members of the ISG or exchanges that are parties to a comprehensive surveillance sharing agreement with the Exchange. The Fund will not invest in leveraged ETFs, inverse ETFs, or inverse leveraged ETFs. Other fixed-income funds have been approved to include ETFs in their 80% principal investment category. *See, e.g.,* Securities Exchange Act Release No. 80946 (June 15, 2017), 82 FR 28126 (June 20, 2017) (SR–NASDAQ–2017–039) (approving fund seeking to meet its investment objective of having at least 80% of net assets invested in a portfolio of debt instruments in part through investments in ETFs that invest substantially all of their assets in such debt instruments).

[15] Derivatives will include: (i) Swaps and security-based swaps, futures, options, options on futures, and swaptions that are traded on an exchange, trading facility, swap execution facility or alternative trading system (A) that is a member of the Intermarket Surveillance Group (''ISG''), which includes all U.S. national securities exchanges and most futures exchanges, (B) that is subject to a comprehensive surveillance sharing agreement with the Exchange, or (C) that is not an ISG member and with which the Exchange does not have a comprehensive surveillance sharing agreement (''Exchange-Traded Derivatives''); and (ii) swaps and security-based swaps, options, options on futures, swaptions, forwards and similar instruments that are traded in the over-the-counter market and are either centrally cleared or cleared bilaterally (''OTC Derivatives''), as further described below. For the purposes of describing the scope of the Fund's potential investments in derivatives, the terms ''swaps'' and ''security-based swaps'' shall have the meanings set forth in the Commodity Exchange Act (''CEA''), as amended by The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law No. 111–203, 124 Stat. 1376 (2010) (''Dodd-Frank''), and regulations thereunder, and references to swaps and forwards on foreign exchange or currencies shall include ''foreign exchange forwards'' and ''foreign exchange swaps'', as such terms are defined in Sections 1a(24)–(25) of the CEA. The terms ''exchange-traded'' and ''exchange-listed'', when used with respect to swaps or security-based swaps, shall include swaps and security-based swaps that are executed on swap execution facilities and security-based swap execution facilities and cleared through regulated, central clearing facilities. For purposes of the 80% principal investments measure, the Fund will value derivatives based on the mark-to-market value or exposure of such derivatives. This approach is consistent with the valuation methodology for asset coverage purposes in Rule 18f–4 under the 1940 Act proposed by the Commission. *See* Investment Company Act Release No. 31933 (December 11, 2015); 80 FR 80884 (December 28, 2015) (the ''Derivatives Rule Proposing Release''); *see also infra* note 75. Not more than 10% of the net assets of the Fund will be invested in Exchange-Traded Derivatives whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.

[16] *See also* ''The Fund's Use of Derivatives,'' *infra.*

[17] Work Out Securities will generally be traded in the OTC market or may be listed on an exchange that may or may not be an ISG member.

[18] *See* Nasdaq Rule 5735(b)(1)(B).

Preferred Securities''); [19] warrants [20] on U.S. or foreign fixed income securities; warrants on U.S. or foreign equity securities that are attached to, accompany or are purchased alongside investments in U.S. or foreign fixed income securities issued by the issuer of the warrants (''Equity-Related Warrants''); [21] cash and cash equivalents; [22] and foreign currencies (together, the ''Principal Investments'' and the equity elements of the Principal Investments, which consist of Work Out Securities, ETFs that provide exposure to fixed income securities, Debt or other Principal Investments, Equity-Related Warrants and Non-Convertible Preferred Securities, are referred to as the ''Principal Investment Equities''). [23]

The Manager or Sub-Advisers (as applicable) may select from any of the following types of fixed income securities: (i) U.S. or foreign corporate debt securities, including notes, bonds, debentures, trust preferred securities, and commercial paper issued by corporations, trusts, limited partnerships, limited liability companies and other types of non-governmental legal entities; (ii) U.S. government securities, including obligations of, or guaranteed by, the U.S. government, its agencies or government-sponsored entities; (iii) sovereign debt securities, which include fixed income securities issued by governments, agencies or instrumentalities and their political subdivisions, securities issued by government-owned, controlled or sponsored entities, interests in entities organized and operated for the purpose of restructuring the investment instruments issued by such entities, Brady Bonds, [24] and fixed income securities issued by supranational entities such as the World Bank; [25] (iv) U.S. or foreign mortgage-backed securities (''MBS''), which are securities that represent direct or indirect participations in, or are collateralized by and payable from, mortgage loans secured by real property and which may be issued by private issuers, by government-sponsored entities such as Fannie Mae (formally known as the Federal National Mortgage Association) or Freddie Mac (formally known as the Federal Home Loan Mortgage Corporation) or by agencies of the U.S. government, such as the Government National Mortgage Association (''Ginnie Mae''); [26] (v) U.S. or foreign asset-backed securities (''ABS''), which represent participations in, or are secured by and payable from, assets such as installment sales or loan contracts, leases, credit card receivables and other categories of receivables other than real estate; [27] (vi) municipal securities, which include general obligation bonds, revenue bonds, housing authority bonds, private activity bonds, industrial development bonds, residual interest bonds, tender option bonds, tax and revenue anticipation notes, bond anticipation notes, tax-exempt commercial paper, municipal leases, participation certificates and custodial receipts; (vii) zero coupon securities, which are securities that pay no interest during the life of the obligation but are issued at prices below their stated maturity value; (viii) pay-in-kind securities, which have a stated coupon, but the interest is generally paid in the form of obligations of the same type as the underlying pay-in-kind securities (*e.g.,* bonds) rather than in cash; (ix) deferred interest securities, which are obligations that generally provide for a period of delay before the regular payment of interest begins and are issued at a significant discount from face value; (x) U.S. or foreign structured notes and indexed securities, including securities that have demand, tender or put features, or interest rate reset features; and (xi) U.S. or foreign inflation-indexed or inflation-protected securities, which are fixed income securities that are structured to provide protection against inflation and whose principal value or coupon is periodically adjusted according to the rate of inflation and which include, among others, U.S. Treasury Inflation Protected Securities. The securities may pay fixed, variable or floating rates of interest or, in the case of instruments such as zero coupon bonds, do not pay

[19] Non-convertible preferred stock, such as that comprising the Non-Convertible Preferred Securities, provide holders with a fixed or variable distribution and a status upon bankruptcy of the issuer that is subordinated to debt holders but preferred over common shareholders. Non-Convertible Preferred Securities may be listed on either an ISG member exchange (or an exchange with which the Exchange has a comprehensive surveillance sharing agreement) or a non-ISG member exchange or be unlisted and trade in the over-the-counter market.

[20] Warrants are securities that provide the holder with the right to purchase specified securities of the issuer of the warrants at a specified exercise price until the expiration date of the warrant. The Fund may hold warrants that provide the right to purchase fixed income securities or equity securities, and such warrants may be traded in the OTC market or may be listed on an exchange, including an exchange that is not an ISG member. The Fund expects that most of the warrants it holds will be attached to related fixed income securities.

[21] The Fund's interests in Equity-Related Warrants are similar to the Fund's interest in Work Out Securities in that they reflect interests in equity securities that are held solely in connection with investments in fixed income securities.

[22] Cash equivalents consist of the following, all of which have maturities of less than three months: U.S. government securities; certificates of deposit issued against funds deposited in a bank or savings and loan association; bankers' acceptances (which are short-term credit instruments used to finance commercial transactions); repurchase agreements and reverse repurchase agreements; and bank time deposits (which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest). Cash equivalents also consist of money market funds registered under the 1940 Act and money market funds that are not registered under the 1940 Act but that comply with Rule 2a–7 under the 1940 Act (together, ''Money Market Funds''), money market ETFs and commercial paper, which are short-term unsecured promissory notes, having maturities of 360 days or less. The Exchange notes that, while the Fund treats commercial paper with maturities of three months or greater as cash equivalents for the purposes of the 80% principal investments measure, the Fund will apply the definition of cash equivalents in Nasdaq Rule 5735(b)(1)(C) (which is limited to instruments with maturities of less than three months) for purposes of compliance with Nasdaq Rule 5735(b)(1) and will comply with the applicable requirements of Nasdaq Rule 5735(b)(1) with respect to all commercial paper held by the Fund. Investments in cash equivalents that are Money Market Funds will be made in accordance with Rule 12d1–1 under the 1940 Act.

[23] The Manager and Sub-Advisers will manage the Fund to ensure that the weight of Non-Convertible Preferred Securities, Equity-Related Warrants and Work Out Securities (which are generally traded solely in the over-the-counter market) together do not exceed 30% of the Fund's net assets.

[24] Brady Bonds are debt securities issued under the framework of the Brady Plan as a means for debtor nations to restructure their outstanding external indebtedness.

[25] A supranational entity is a bank, commission or company established or financially supported by the national governments of one or more countries to promote reconstruction or development.

[26] MBS include collateralized mortgage obligations (''CMOs''), which are debt obligations collateralized by mortgage loans or mortgage pass-through securities. Typically, CMOs are collateralized by Ginnie Mae, Fannie Mae or Freddie Mac Certificates, but may also be collateralized by whole loans or pass-through securities issued by private issuers (*i.e.,* issuers other than government agencies or government-sponsored entities) (referred to as ''Mortgage Assets''). Payments of principal and of interest on the Mortgage Assets, and any reinvestment income thereon, provide the funds to pay debt service on the CMOs. In a CMO, a series of bonds or certificates is issued in multiple classes. Each class of CMOs, often referred to as a ''tranche'' of securities, is issued at a specified fixed or floating coupon rate and has a stated maturity or final distribution date.

[27] ABS include collateralized debt obligations (''CDOs''). CDOs include collateralized bond obligations (''CBOs''), collateralized loan obligations (''CLOs'') and other similarly structured securities. A CBO is a trust or other special purpose entity that is typically backed by a diversified pool of fixed income securities (which may include high risk, below investment grade securities). A CLO is a trust or other special purpose entity that is typically collateralized by a pool of loans, which may also include, among others, domestic and non-U.S. senior secured loans, senior unsecured loans, and subordinated corporate loans, including loans that may be rated below investment grade or equivalent unrated loans, as well as loans that rank senior to the borrower's traditional debt obligations. Like CMOs, CDOs generally issue separate series or ''tranches'' of securities, which vary with respect to risk and yield.

current interest but are issued at a discount from their face values. MBS and ABS in which the Fund will invest make periodic payments of interest and/or principal on underlying pools of mortgages, government securities or, in the case of ABS, loans, leases and receivables other than real estate. The Fund may also invest in stripped ABS or MBS, which represent the right to receive either payments of principal or payments of interest on real estate receivables, in the case of MBS, or non-real estate receivables, in the case of ABS.

Investments by the Fund in debt instruments (''Debt'') that may be deemed not to be ''securities'', as defined in the Act, are comprised primarily of the following: (i) U.S. or foreign bank loans and participations in bank loans; (ii) U.S. or foreign loans by non-bank lenders and participations in such loans; (iii) U.S. or foreign loans on real estate secured by mortgages and participations (without guarantees by a government-sponsored entity (''GSE'')); and (iv) participations in U.S. or foreign loans and/or other extensions of credit, such as guarantees, made by governmental entities or financial institutions. Debt may be partially or fully secured by collateral supporting the payment of interest and principal, or unsecured and/or subordinated to other instruments. Debt may relate to financings for highly-leveraged borrowers. The Fund may acquire an interest in Debt by purchasing participations in and/or assignments of portions of loans from third parties or by investing in pools of loans, such as collateralized debt obligations.

With respect to fixed income securities and Debt, the Fund may invest in restricted instruments, such as Rule 144A and Regulation S securities, which are subject to resale restrictions that limit purchasers to qualified institutional buyers, as defined in Rule 144A under the Securities Act of 1933, as amended (the ''Securities Act'') or non-U.S. persons, within the meaning of Regulation S under the Securities Act.

The Fund will use derivatives to (i) provide exposure to U.S. or foreign fixed income securities, Debt and other Principal Investments, (ii) risk manage the Fund's holdings,[28] and (iii) enhance returns, such as through covered call strategies.[29] The Fund will not use derivatives for the purpose of seeking leveraged returns or performance that is the multiple or inverse multiple of a benchmark. Derivatives that the Fund may enter into include: Over-the-counter deliverable and non-deliverable foreign exchange forward contracts; exchange-listed futures contracts on securities (including Treasury Securities and foreign government securities), commodities, indices, interest rates, financial rates and currencies; exchange-listed or over-the-counter options or swaptions (*i.e.,* options to enter into a swap) on securities, commodities, indices, interest rates, financial rates, currencies and futures contracts; and exchange-listed or over-the-counter swaps (including total return swaps) on securities, commodities, indices, interest rates, financial rates, currencies and debt and credit default swaps on single names, baskets and indices (both as protection seller and as protection buyer). As a result of the Fund's use of derivatives and to serve as collateral, the Fund may also hold significant amounts of Treasury Securities, cash and cash equivalents and, in the case of derivatives that are payable in a foreign currency, the foreign currency in which the derivatives are payable.

The Fund may, without limitation, enter into repurchase arrangements and borrowing and reverse repurchase arrangements, purchase and sale contracts, buybacks and dollar rolls [30] and spot currency transactions. The Fund may also, subject to required margin and without limitation, purchase securities and other instruments under when-issued, delayed delivery, to be announced or forward commitment transactions, where the securities or instruments will not be delivered or paid for immediately. To the extent required under applicable federal securities laws (including the 1940 Act), rules, and interpretations thereof, the Fund will ''set aside'' liquid assets or engage in other measures to ''cover'' open positions held in connection with the foregoing types of transactions, as well as derivative transactions.

Other Investments

Under Normal Market Conditions, the Fund will seek its investment objective by investing at least 80% of its net assets in a portfolio of the Principal Investments. The Fund may invest its remaining assets exclusively in: (i) U.S. or foreign exchange-listed or over-the counter convertible fixed income securities; and (ii) OTC Derivatives (as defined below) and Exchange-Traded Derivatives (as defined below) that do not satisfy the Fund's primary uses for derivatives, which are to (A) provide exposure to such U.S. or foreign fixed income securities, Debt and other Principal Investments, (B) risk manage the Fund's holdings, and (C) enhance returns.[31]

The Fund's Use of Derivatives

The Fund proposes to invest in the types of derivatives described in the ''Principal Investments'' and ''Other Investments'' sections above. Exchange-Traded Derivatives will primarily be traded on exchanges that are ISG members or exchanges with which the Exchange has a comprehensive surveillance sharing agreement. The Fund may, however, invest up to 10% of the net assets of the Fund in Exchange-Traded Derivatives whose principal market is not a member of ISG or a market with which the Exchange has a comprehensive surveillance sharing agreement. For purposes of this 10% limit, the weight of such Exchange-Traded Derivatives will be calculated based on the mark-to-market value or exposure of such Exchange-Traded Derivatives.

The Fund will limit the weight of its investments in OTC Derivatives to 10% of the net assets of the Fund, with the exception of Interest Rate Derivatives [32] and Currency Derivatives [33] (together,

[28] The risk management uses of derivatives will include managing (i) investment-related risks, (ii) risks due to fluctuations in securities prices, interest rates, or currency exchanges rates, (iii) risks due to the credit-worthiness of an issuer, and (iv) the effective duration of the Fund's portfolio.

[29] *See also* ''The Fund's Use of Derivatives,'' *infra.*

[30] In a forward roll transaction (also referred to as a mortgage dollar roll), the Fund sells a MBS while simultaneously agreeing to purchase a similar security from the same party (the counterparty) on a specified future date at a lower fixed price. During the roll period, the Fund forgoes principal and interest paid on the securities. The Fund is compensated by the difference between the current sales price and the forward price for the future purchase, as well as by the interest earned on the cash proceeds of the initial sale. The Fund may enter into a forward roll transaction with the intention of entering into an offsetting transaction whereby, rather than accepting delivery of the security on the specified date, the Fund sells the security and agrees to repurchase a similar security at a later time.

[31] Investments in OTC Derivatives and Exchange-Traded Derivatives will also be subject to the limitations described in the ''The Fund's Use of Derivatives'' section below.

[32] ''Interest Rate Derivatives'' are comprised of interest rate swaps, swaptions (*i.e.,* options on interest rate swaps), rate options and other similar derivatives, and may be Exchange-Traded Derivatives or OTC Derivatives. As reflected in statistics compiled by the Bank for International Settlements, as of June 30, 2017 there were approximately $416 trillion (notional amount) of total interest rate contracts outstanding in the over-the-counter markets alone. Interest Rate Derivatives also trade on trading platforms that are not ISG members. As reflected by the statistics, the market is wide, deep and liquid. *See https://www.bis.org/statistics/d7.pdf (accessed November 2017).*

[33] ''Currency Derivatives'' are comprised of deliverable forwards, which are agreements between the contracting parties to exchange a specified amount of currency at a specified future

''Interest Rate and Currency Derivatives'') entered into with broker-dealers, banks and other financial intermediaries. Investments in Interest Rate and Currency Derivatives (whether the instruments are Exchange-Traded Derivatives or OTC Derivatives) will not be subject to a limit. For purposes of this 10% limit on OTC Derivatives, the weight of such OTC Derivatives will be calculated based on the mark-to-market value or exposure of such OTC Derivatives. The mark-to-market methodology is consistent with the methodology proposed by the SEC in proposed Rule 18f–4 for the purposes of asset coverage requirements [34] and in keeping with disclosures regarding compliance with Section 18 of the 1940 Act made by other registered investment companies and reviewed by the SEC staff for a number of years.[35] In that regard, the SEC expressly noted in the Derivatives Rule Proposing Release that reliance on a mark-to-market valuation of a derivatives position for purposes of calculating the required coverage amount ''would generally correspond to the amount of the fund's liability with respect to the derivatives transaction'' and, therefore, be consistent with the appropriate valuation of the derivatives transaction.[36] The mark-to-market value is also the measure of ''exposure'' on which collateral posting is based under the Master Agreement published by the International Swaps and Derivatives Association, Inc. (''ISDA''), which is the predominant agreement used to trade derivatives.[37] This value measures gain and loss to the Fund of the Fund's derivatives position on a daily basis, as well as on a net basis across all transactions covered by a master netting agreement and, as a result, accurately reflects the actual economic exposure of the Fund to the counterparty on the derivative (as compared to notional amount, which may overstate or understate economic risk).

The Fund may choose not to make use of derivatives.

Generally, derivatives are financial contracts whose value depends upon, or is derived from, the value of an underlying asset, reference rate or index, and may relate to stocks, bonds, interest rates, currencies or currency exchange rates, commodities, and related indexes. As described above, the Fund will use derivatives to (i) provide exposure to U.S. or foreign fixed income securities, Debt and other Principal Investments, (ii) risk manage the Fund's holdings,[38] and (iii) enhance returns, such as through covered call strategies. The Fund will not use derivatives for the purpose of seeking leveraged returns or performance that is the multiple or inverse multiple of a benchmark. The Fund will enter into derivatives only with counterparties that the Fund reasonably believes are financially and operationally able to perform the contract or instrument, and the Fund will collect collateral from the counterparty in accordance with credit considerations and margining requirements under applicable law.[39]

Investments in derivative instruments will be made in accordance with the 1940 Act and consistent with the Fund's investment objective and policies. To limit the potential risk (including leveraging risk) associated with such transactions, the Fund will segregate or ''earmark'' assets determined to be liquid by the Manager and/or the Sub-Advisers in accordance with procedures established by the Trust's Board of Trustees (the ''Board'') and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into offsetting positions) to cover its obligations under derivative instruments. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that transactions of the Fund, including the Fund's use of derivatives, may give rise to additional leverage, causing the Fund to be more volatile than if it had not been leveraged. Because the markets for securities or Debt, or the securities themselves or Debt, may be unavailable, cost prohibitive or tax-inefficient as compared to derivative instruments, suitable derivative transactions may be an efficient alternative for the Fund to obtain the desired asset exposure.

The Manager and the Sub-Advisers believe that derivatives can be an economically attractive substitute for an underlying physical security or Debt that the Fund would otherwise purchase. For example, the Fund could purchase futures contracts on Treasury Securities instead of investing directly in Treasury Securities or could sell credit default protection on a corporate bond instead of buying a physical bond. Economic benefits include potentially lower transactions costs, attractive relative valuation of a derivative versus a physical bond (*e.g.,* differences in yields) or economic exposure without incurring transfer or similar taxes.

The Manager and the Sub-Advisers further believe that derivatives can be used as a more liquid means of adjusting portfolio duration, as well as targeting specific areas of yield curve exposure, with potentially lower transaction costs than the underlying securities or Debt (*e.g.,* interest rate swaps may have lower transaction costs than the physical bonds). Similarly, money market futures can be used to gain exposure to short-term interest rates in order to express views on anticipated changes in central bank policy rates. In addition, derivatives can be used to protect client assets through selectively hedging downside (or ''tail risks'') in the Fund.

The Fund also can use derivatives to increase or decrease credit exposure. Index credit default swaps can be used to gain exposure to a basket of credit risk by ''selling protection'' against default or other credit events, or to hedge broad market credit risk by

time at a specified rate, non-deliverable forwards, which are agreements to pay the difference between the exchange rates specified for two currencies at a future date, swaps and options on currencies, and similar currency or foreign exchange derivatives. As reflected in statistics compiled by the Bank for International Settlements, as of June 30, 2017 there were approximately $77 trillion (notional amount) of Currency Derivatives outstanding in the over-the-counter markets alone. Currency Derivatives also trade on trading platforms that are not ISG members. As reflected by the statistics, the market is wide, deep and liquid. *See https://www.bis.org/statistics/d6.pdf* (accessed November 2017).

[34] *See* Derivatives Rule Proposing Release at 157–158; *see also infra* note 75.

[35] *See* Derivatives Rule Proposing Release at n.58, citing Comment Letter on SEC Concept Release (November 11, 2011) (File No. S7–33–11), Davis Polk & Wardwell LLP, *available at http://www.sec.gov/comments/s7-33-11/s73311-49.pdf* (''[F]und registration statements indicate that, in recent years, the Staff has not objected to the adoption by funds of policies that require segregation of the mark-to-market value, rather than the notional amount . . . [for asset segregation purposes].'').

[36] *See* Derivatives Rule Proposing Release at 157–158.

[37] The Credit Support Annex to the ISDA Master Agreement bases the collateral amount owed by a party to a derivatives contract, or that party's ''exposure'', by reference to the replacement value of the party's net positions. Replacement value, which has the same meaning as ''mark-to-market'' value, is the amount owed by a party at a point in time determined based on the net termination payment due under the outstanding transaction.

[38] The risk management uses of derivatives will include managing (i) investment-related risks, (ii) risks due to fluctuations in securities prices, interest rates, or currency exchanges rates, (iii) risks due to the credit-worthiness of an issuer, and (iv) the effective duration of the Fund's portfolio.

[39] The Fund will seek, where practicable, to trade with counterparties whose financial status is such that the risk of default is reduced. The Sub-Advisers will monitor the financial standing of counterparties on an ongoing basis. This monitoring may include reliance on information provided by credit agencies or of credit analysts employed by the Sub-Advisers. The analysis may include earnings updates, the counterparty's reputation, past experience with the dealer, market levels for the counterparty's debt and equity, credit default swap levels for the counterparty's debt, the liquidity provided by the counterparty and its share of market participation.

''buying protection.'' Single name credit default swaps can be used to allow the Fund to increase or decrease exposure to specific issuers, saving investor capital through lower trading costs. The Fund can use total return swap contracts to obtain the total return of a reference asset or index in exchange for paying financing costs. A total return swap may be more efficient than buying underlying securities or Debt, potentially lowering transaction costs.

The Fund expects to manage foreign currency exchange rate risk by entering into Currency Derivatives.

The Sub-Advisers may use option strategies to meet the Fund's investment objectives. Option purchases and sales can also be used to hedge specific exposures in the portfolio and can provide access to return streams available to long-term investors such as the persistent difference between implied and realized volatility. Option strategies can generate income or improve execution prices (*e.g.,* covered calls).

Investment Restrictions

The Fund may invest up to 30% of its assets in Non-Convertible Preferred Securities, Equity-Related Warrants and Work Out Securities. The Fund will not invest in equity securities other than Principal Investment Equities. Principal Investment Equities consist of (i) Non-Convertible Preferred Securities, Equity-Related Warrants and Work Out Securities, which are subject to the 30% limit noted above and (ii) shares of ETFs that provide exposure to fixed income securities, Debt or other Principal Investments, which are subject to no limits.

While the Fund will invest principally in fixed income securities and Debt that are, at the time of purchase, investment grade, the Fund may invest up to 30% of its net assets in below investment grade fixed income securities and Debt. For these purposes, ''investment grade'' is defined as investments with a rating at the time of purchase in one of the four highest rating categories of at least one nationally recognized statistical ratings organization (''NRSRO'') (*e.g.,* BBB- or higher by S&P Global Ratings (''S&P''), and/or Fitch Ratings (''Fitch''), or Baa3 or higher by Moody's Investors Service, Inc. (''Moody's'')).[40] Unrated fixed income securities or Debt may be considered investment grade if, at the time of purchase, and under Normal Market Conditions, the applicable Sub-Adviser determines that such securities are of comparable quality based on a fundamental credit analysis of the unrated security or Debt instrument and comparable NRSRO-rated securities.

The Fund may invest in fixed income or equity securities and Debt issued by both U.S. and non-U.S. issuers (including issuers in emerging markets), but the Fund will not invest more than 30% of its total assets directly in fixed income or equity securities or Debt of non-U.S. issuers or more than 25% of its total assets directly in non-U.S. dollar denominated fixed income or equity securities or Debt. For purposes of these 30% and 25% concentration limits only, derivatives, warrants and ETFs traded on U.S. exchanges that provide indirect exposure to fixed income or equity securities or Debt (as applicable) of non-U.S. issuers or to fixed income or equity securities or Debt (as applicable) denominated in currencies other than U.S. dollars will not be counted by the Fund in calculating its holdings in non-U.S. issuers or in non-U.S. dollar denominated securities or Debt.

The Fund may invest a substantial portion of its net assets in ABS and MBS, but it will not invest more than 30% of the fixed income portion of the Fund's portfolio[41] in non-agency, non-GSE and privately-issued mortgage-related and other asset-backed securities (''Private ABS/MBS'').[42]

The Fund may not concentrate its investments (*i.e.,* invest more than 25% of the value of its total assets) in securities of issuers in any one industry. This restriction will be interpreted to permit investment without limit in the following: Obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities; securities of state, territory, possession or municipal governments and their authorities, agencies, instrumentalities or political subdivisions; and repurchase agreements collateralized by any such obligations.[43]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Manager or the Sub-Advisers.[44] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities or other illiquid assets. Illiquid securities and other illiquid assets include those subject to contractual or other restrictions on resale and other instruments or assets that lack readily available markets as determined in accordance with Commission staff guidance.[45]

As noted in the Use of Derivatives section above, the Fund's investments in derivatives, will be consistent with the Fund's investment objective and will not be used for the purpose of seeking leveraged returns or performance that is the multiple or inverse multiple of a benchmark (although derivatives have embedded leverage). Although the Fund will be permitted to borrow as permitted under the 1940 Act, it will not be operated as a ''leveraged ETF,'' (*i.e.,* it will not be operated in a manner designed to seek a multiple or inverse multiple of the performance of an underlying reference index). The Fund may engage in frequent and active trading of portfolio

[40] For the avoidance of doubt, if a security is rated by multiple NRSROs and receives different ratings, the Fund will treat the security as being rated in the highest rating category received from any one NRSRO.

[41] The Exchange notes that the terms ''fixed income weight of the portfolio'' and ''weight of the fixed income portion of the portfolio'' are used synonymously in Nasdaq Rule 5735.

[42] For purposes of this requirement, the weight of the Fund's exposure to Private ABS/MBS referenced in derivatives held by the Fund shall be calculated based on the mark-to-market value or exposure of such derivatives.

[43] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[44] In reaching liquidity decisions, the Manager or Sub-Advisers (as applicable) may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[45] Long-standing Commission guidelines have required investment companies to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), FN 34; *see also* Investment Company Act Release Nos. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); and 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). The Commission also recently adopted Rule 22e–4 under the 1940 Act, which requires that each registered open-end management investment company, including ETFs but not including money market mutual funds, to establish a liquidity risk management program that includes limitations on illiquid investments. *See* Investment Company Act Release No. 32315 (October 13, 2016), 81 FR 82142 (November 18, 2016). Under Rule 22e–4, a fund's portfolio security is illiquid if it cannot be sold or disposed of in current market conditions in seven calendar days or less without the sale or disposition significantly changing the market value of the investment. *See* 17 CFR 270.22e–4(a)(8).

securities, Debt, and derivatives to achieve its investment objective.

Under normal market conditions, the Fund will satisfy the following requirements, on a continuous basis measured at the time of purchase: (i) Component securities that in the aggregate account for at least 75% of the fixed income weight of the Fund's portfolio each shall have a minimum original principal amount outstanding of $100 million or more; (ii) no fixed income security held in the portfolio (excluding U.S. Treasury Securities and GSE Securities) [46] will represent more than 30% of the fixed income weight of the Fund's portfolio, and the five most heavily weighted portfolio securities (excluding Treasury Securities and GSE Securities) will not in the aggregate account for more than 65% of the fixed income weight of the Fund's portfolio; (iii) the Fund's portfolio (excluding exempted securities) will include a minimum of 13 non-affiliated issuers; (iv) at least 75% of the investments in securities issued by emerging market issuers shall have a minimum original principal amount outstanding of $200 million or more; and (v) at least 75% of investments in bank loans or corporate loan assets [47] shall be in senior loans with an initial deal size of $100 million or greater.[48]

In addition, the Fund will impose the limits described in the following section, which are alternative limits to the ''generic'' listing requirements of Nasdaq Rule 5735(b)(1).

Application of Generic Listing Requirements

The Exchange is submitting this proposed rule change because the Fund will not meet all of the ''generic'' listing requirements of Nasdaq Rule 5735(b)(1). The Fund will meet all such requirements except the requirements described below,[49] and the Exchange proposes that the Fund will comply with the alternative limits described below.

(i) The Fund will not comply with the requirements in Nasdaq Rule 5735(b)(1) regarding the use of aggregate gross notional value or exposure of derivatives when calculating the weight of such derivatives or the exposure that such derivatives provide to underlying reference assets, including the requirements in Rules 5735(b)(1)(D)(i),[50] 5735(b)(1)(D)(ii),[51] 5735(b)(1)(E) [52] and 5735(b)(1)(F).[53] Instead, the Exchange proposes that for the purposes of any applicable requirements under Nasdaq Rule 5735(b)(1), and any alternative requirements proposed by the Exchange, the Fund will use the mark-to-market value or exposure of its derivatives in calculating the weight of such derivatives or the exposure that such derivatives provide to their reference assets.[54]

(ii) The Fund will not comply with the requirement in Nasdaq Rule 5735(b)(1)(B)(v) that Private ABS/MBS in the Fund's portfolio account, in the aggregate, for no more than 20% of the weight of the fixed income portion of the Fund's portfolio. Instead, the Exchange proposes that the Fund will limit its holdings in Private ABS/MBS to no more than 30% of the weight of the fixed income portion of the Fund's portfolio, in order to enable the portfolio to be more diversified and provide the Fund with an opportunity to earn higher returns. For purposes of this requirement, the weight of the Fund's exposure to Private ABS/MBS referenced indirectly through investments in derivatives held by the Fund shall be calculated based on the mark-to-market value or exposure of such derivatives.

(iii) The Fund will not comply with the requirement that at least 90% of the fixed income weight of the Fund's portfolio meet one of the criteria in Nasdaq Rule 5735(b)(1)(B)(iv).[55] Instead, the Exchange proposes that the fixed income portion of the portfolio other than Private ABS/MBS will comply with the 90% requirement in Nasdaq Rule 5735(b)(1)(B)(iv), and Private ABS/MBS will not comply with such requirement. For purposes of this requirement, the weight of the Fund's exposure to any fixed income securities referenced in derivatives held by the Fund shall be calculated based on the mark-to-market value or exposure of such derivatives.

(iv) The Fund will not comply with the equity requirements in Nasdaq Rules 5735(b)(1)(A)(i) [56] and

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[46] The terms ''Treasury Securities'' and ''GSE Securities'' have the meanings set forth in Nasdaq Rule 5735(b)(1)(B).

[47] These include senior loans, syndicated bank loans, junior loans, bridge loans, unfunded commitments, revolvers and participation interests.

[48] The Exchange notes that Nasdaq Rule 5735(b)(1)(F) provides that to the extent that derivatives are used to gain exposure to individual fixed income securities or indexes of fixed income securities, the aggregate gross notional value of such exposure shall meet the criteria set forth in Nasdaq Rule 5735(b)(1)(B). The Exchange proposes, however, as further described below, that for the purposes of the requirements in this paragraph and any requirements under Nasdaq Rule 5735(b)(1), the Fund will use the mark-to-market value or exposure of its derivatives rather than gross notional value or exposure.

[49] The Exchange notes that, while the Fund treats commercial paper with maturities of three months or greater as cash equivalents for the purposes of its 80% principal investments measure, the Fund will comply with the applicable requirements of Nasdaq Rule 5735(b)(1) with respect to all commercial paper held by the Fund. Further, in accordance with Nasdaq Rule 5735(b)(1)(B), to the extent that the Fund holds securities that convert into fixed income securities, the fixed income securities into which any such securities are converted shall meet the criteria of Nasdaq Rule 5735(b)(1)(B) after converting.

[50] Nasdaq Rule 5735(b)(1)(D)(i) provides that at least 90% of the weight of a portfolio's holdings invested in futures, exchange-traded options, and listed swaps shall, on both an initial and continuing basis, consist of futures, options and swaps for which the Exchange may obtain information via the ISG, from other members or affiliates of the ISG, or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement; for the purposes of calculating this limitation, a portfolio's investment in such listed derivatives will be calculated as the aggregate gross notional value of the listed derivatives.

[51] Nasdaq Rule 5735(b)(1)(D)(ii) provides that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the portfolio (including gross notional exposures).

[52] Nasdaq Rule 5735(b)(1)(E) provides that on both an initial and continuing basis, no more than 20% of the assets in the portfolio may be invested in over-the-counter derivatives, including forwards, options, and swaps on commodities, currencies and financial instruments (*e.g.,* stocks, fixed income, interest rates, and volatility) or a basket or index of any of the foregoing; for purposes of calculating this limitation, the Fund's investment in OTC Derivatives will be calculated as the aggregate gross notional value of the OTC Derivatives.

[53] Nasdaq Rule 5735(b)(1)(F) provides that to the extent that listed or over-the-counter derivatives are used to gain exposure to individual equities and/or fixed income securities, or to indexes of equities and/or indexes of fixed income securities, the aggregate gross notional value of such exposure shall meet the criteria set forth in Nasdaq Rules 5735(b)(1)(A) and 5735(b)(1)(B), respectively.

[54] Further, as described further below, the Exchange is proposing that the Fund will comply with alternative requirements rather than Rules 5735(b)(1)(D)(i), 5735(b)(1)(D)(ii), and 5735(b)(1)(E).

[55] Nasdaq Rule 5735(b)(1)(B)(iv) provides that component securities that in the aggregate account for at least 90% of the fixed income weight of the portfolio must be either: (a) From issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Act; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least $1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Act; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country.

[56] Nasdaq Rule 5735(b)(1)(A)(i) provides that the components stocks of the equity portion of a portfolio that are U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705) shall meet the following criteria initially and on a continuing basis: (a) Component stocks (excluding Exchange Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) that in the aggregate account for at least 90% of the equity weight of the portfolio (excluding such Exchange

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5735(b)(1)(A)(ii)[57] with respect to the Fund's investment in Non-Convertible Preferred Securities, Work Out Securities and Equity-Related Warrants. Instead, the Exchange proposes that (i) the Fund's investments in equity securities other than Non-Convertible Preferred Securities, Work Out Securities and Equity-Related Warrants shall comply with the equity requirements in Nasdaq Rule 5735(b)(1)(A)[58] and (ii) the weight of Non-Convertible Preferred Securities, Work Out Securities and Equity-Related Warrants in the Fund's portfolio shall together not exceed 30% of the Fund's net assets.

(v) The Fund will not comply with the requirement in Nasdaq Rule 5735(b)(1)(E) that no more than 20% of the assets in the Fund's portfolio may be invested in over-the-counter derivatives. Instead, the Exchange proposes that there shall be no limit on the Fund's investment in Interest Rate and Currency Derivatives, and the weight of all OTC Derivatives other than Interest Rate and Currency Derivatives shall not exceed 10% of the Fund's net assets. For purposes of this 10% limit on OTC Derivatives, the weight of such OTC Derivatives will be calculated based on the mark-to-market value or exposure of such OTC Derivatives.

(vi) The Fund will not comply with the requirement in Nasdaq Rule 5735(b)(1)(D)(i) that at least 90% of the weight of the Fund's holdings in futures, exchange-traded options, and listed swaps shall, on both an initial and continuing basis, consist of futures, options and swaps for which the Exchange may obtain information via the ISG from other members or affiliates of the ISG, or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement. Instead, the Exchange proposes that no more than 10% of the net assets of the Fund will be invested in Exchange-Traded Derivatives whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement. For purposes of this 10% limit, the weight of such Exchange-Traded Derivatives will be calculated based on the mark-to-market value or exposure of such Exchange-Traded Derivatives.

(vii) The Fund will not comply with the requirement in Nasdaq Rule 5735(b)(1)(D)(ii) that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the Fund's portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the Fund's portfolio (including gross notional exposures). Instead, the Exchange proposes that the Fund will comply with the concentration requirements in Nasdaq Rule 5735(b)(1)(D)(ii) except with respect to the Fund's investment in futures and options (including options on futures) referencing Eurodollars and sovereign debt issued by the United States (*i.e.,* Treasury Securities) and other ''Group of Seven'' countries[59] where such futures and options contracts are listed on an exchange that is an ISG member or an exchange with which the Exchange has a comprehensive surveillance sharing agreement (''Eurodollar and G–7 Sovereign Futures and Options''). The Fund's investment in Eurodollar and G–7 Sovereign Futures and Options will not be subject to the concentration limits provided in Nasdaq Rule 5735(b)(1)(D)(ii). For purposes of this requirement, the weight of the applicable Exchange-Traded Derivatives will be calculated based on the mark-to-market value or exposure of such Exchange-Traded Derivatives.

The Exchange believes that, notwithstanding that the Fund would not meet a limited number of ''generic'' listing requirements of Nasdaq Rule 5735(b)(1) in order to be able to satisfy its investment objective, the Exchange will be able to appropriately monitor and surveil trading in the underlying investments, including those that do not meet the ''generic'' listing requirements. The Exchange also notes that the parameters around the Fund's portfolio holdings are generally consistent with the parameters approved by the Commission prior to adoption of ''generic'' listing requirements for actively-managed ETFs.[60] In addition,

Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) each shall have a minimum market value of at least $75 million; (b) Component stocks (excluding Exchange Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) that in the aggregate account for at least 70% of the equity weight of the portfolio (excluding such Exchange Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) each shall have a minimum monthly trading volume of 250,000 shares, or minimum notional volume traded per month of $25,000,000, averaged over the last six months; (c) The most heavily weighted component stock (excluding Exchange Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) shall not exceed 30% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted component stocks (excluding Exchange Traded Derivative Securities and Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively) shall not exceed 65% of the equity weight of the portfolio; (d) Where the equity portion of the portfolio does not include Non-U.S. Component Stocks, the equity portion of the portfolio shall include a minimum of 13 component stocks; provided, however, that there shall be no minimum number of component stocks if (i) one or more series of Exchange Traded Derivative Securities or Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively, constitute, at least in part, components underlying a series of Managed Fund Shares (as defined in NASDAQ Rule 5735), or (ii) one or more series of Exchange Traded Derivative Securities or Linked Securities, as such terms are defined in Nasdaq Rule 5735(c)(6) and 5710, respectively, account for 100% of the equity weight of the portfolio of a series of Managed Fund Shares; (e) except as otherwise provided, equity securities in the portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Act; and (f) American Depositary Receipts (''ADRs'') in a portfolio may be exchange-traded or non-exchange-traded; however, no more than 10% of the equity weight of a portfolio shall consist of non-exchange-traded ADRs.

[57] Nasdaq Rule 5735(b)(1)(A)(ii) provides that the component stocks of the equity portion of a portfolio that are Non-U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705) shall meet the following criteria initially and on a continuing basis: (a) Non-U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705) each shall have a minimum market value of at least $100 million; (b) Non-U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705) each shall have a minimum global monthly trading volume of 250,000 shares, or minimum global notional volume traded per month of $25,000,000, averaged over the last six months; (c) The most heavily weighted Non-U.S. Component Stock (as such term is defined in Nasdaq Rule 5705) shall not exceed 25% of the equity weight of the portfolio, and, to the extent applicable, the five most heavily weighted Non-U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705) shall not exceed 60% of the equity weight of the portfolio; (d) Where the equity portion of the portfolio includes Non-U.S. Component Stocks (as such term is defined in Nasdaq Rule 5705), the equity portion of the portfolio shall include a minimum of 20 component stocks; provided, however, that there shall be no minimum number of component stocks if (i) one or more series of Exchange Traded Derivative Securities or Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively, constitute, at least in part, components underlying a series of Managed Fund Shares, or (ii) one or more series of Exchange Traded Derivative Securities or Linked Securities, as such terms are defined in Nasdaq Rules 5735(c)(6) and 5710, respectively, account for 100% of the equity weight of the portfolio of a series of Managed Fund Shares; and (e) Each Non-U.S. Component Stock (as such term is defined in Nasdaq Rule 5705) shall be listed and traded on an exchange that has last-sale reporting.

[58] These other equities will consist of ETFs (including money market ETFs) that provide exposure to fixed income securities, Debt and other Principal Investments. The weight of such ETFs in the Fund's portfolio shall not be limited.

[59] The ''Group of Seven'' or G–7 countries consist of the United States, Canada, France, Germany, Italy, Japan and the United Kingdom.

[60] *See, e.g.,* Securities Exchange Act Release Nos. 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (SR–NYSEArca–2015–73) (granting approval for the listing of shares of the Guggenheim

the Fund will be well diversified. For these reasons, the Exchange believes that it is appropriate and in the public interest to approve listing and trading of Shares of the Fund on the Exchange.

As further described in the ''Statutory Basis'' section below, deviations from the generic requirements are necessary for the Fund to achieve its investment objective and efficiently manage the risks associated with its investments, and any possible risks have been fully mitigated and addressed through the alternative limits proposed by the Exchange. In addition, many of the changes requested are generally consistent with previous filings approved by the Commission.[61]

Net Asset Value

The Fund's administrator will calculate the Fund's net asset value (''NAV'') per Share as of the close of regular trading (normally 4:00 p.m., Eastern time (''E.T.'')) on each day the New York Stock Exchange is open for business. NAV per Share will be calculated for the Fund by taking the value of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share (although creations and redemptions will be processed using a price denominated to the fifth decimal point, meaning that rounding to the nearest cent may result in different prices in certain circumstances).

Impact on Arbitrage Mechanism

The Manager and the Sub-Advisers believe there will be minimal, if any, impact on the arbitrage mechanism for the Fund as a result of its use of derivatives. The Manager and the Sub-Advisers understand that market makers and participants should be able to value derivatives as long as the positions are disclosed with relevant information. The Manager and the Sub-Advisers believe that the price at which Shares trade will continue to be disciplined by arbitrage opportunities created by the ability to purchase or redeem creation Shares at their NAV, which should ensure that Shares will not trade at a material discount or premium in relation to their NAV.

The Manager and the Sub-Advisers do not believe that there will be any significant impact on the settlement or operational aspects of the Fund's arbitrage mechanism due to the use of derivatives. Because derivatives generally are not eligible for in-kind transfer, they will typically be substituted with a ''cash in lieu'' amount when the Fund processes purchases or redemptions of creation units in-kind.

Creation and Redemption of Shares

The Fund will issue Shares of the Fund at NAV only with authorized participants (''APs'') and only in aggregations of at least 50,000 shares (each aggregation is called a ''Creation Unit'') or multiples thereof, on a continuous basis through the Distributor, without a sales load, at the NAV next determined after receipt, on any Business Day, of an order in proper form. A ''Business Day'' is defined as any day that the Trust is open for business, including as required by Section 22(e) of the Act.

The consideration for purchase of Creation Units of the Fund consists of an ''in-kind'' deposit of a designated portfolio of securities and/or instruments that will conform pro rata to the holdings of the Fund (except in the circumstances described in the Fund's Statement of Additional Information (the ''SAI'')) (the ''Deposit Securities'') and/or an amount of cash. If there is a difference between the NAV attributable to a Creation Unit and the aggregate market value of the Deposit Securities or Redemption Securities (defined below) exchanged for the Creation Unit, the party conveying the instruments with the lower value will pay to the other an amount in cash equal to that difference (the ''Cash Component''). Together, the Deposit Securities and the Cash Component will constitute the ''Fund Deposit,'' which will represent the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The Deposit Securities and the securities and/or instruments that will be delivered in an in-kind transfer in a redemption (''Redemption Securities'') will be identical. Purchases and redemptions of Creation Units may be made in whole or in part on a cash basis, rather than in-kind, only under the circumstances described in the Fund's SAI.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must have executed an agreement with the Distributor, subject to acceptance by the transfer agent, with respect to creations and redemptions of Creation Units. Each such entity (an AP) must be (i) a broker-dealer or other participant in the clearing process through the continuous net settlement system of the National Securities Clearing Corporation

Total Return Bond ETF); 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (granting approval for the listing of shares of the PIMCO Total Return Exchange Traded Fund (now known as the PIMCO Active Bond Exchange-Traded Fund)); and 72666 (July 24, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEArca–2013–122) (granting approval to the use of derivatives by the PIMCO Total Return Exchange Traded Fund). The investments of the Guggenheim Total Return Bond ETF include a wide variety of U.S. and foreign fixed income instruments (including Private ABS/MBS), preferred securities, cash equivalents, other ETFs and listed and over-the-counter derivatives and are managed in a manner that appears to be generally consistent with that proposed for the Fund. Consistent with the requests made in this proposed rule change, the Commission's approval of the listing of shares of the Guggenheim Total Return Bond ETF did not include many of the conditions imposed by the generic listing standards under Nasdaq Rule 5735; the Commission's approval did not impose limits regarding the total notional size of the ETF's investment in over-the-counter derivatives, did not impose concentration limits on the ETF's investment in listed derivatives and did not require compliance with the same criteria as the fixed income criteria in Nasdaq Rule 5735(b)(1)(B). The order approving investments in derivatives by the PIMCO Total Return Exchange Traded Fund described investments in both over-the-counter and listed derivatives, but did not impose limits regarding the total notional size of the ETF's investments in over-the-counter derivatives, did not impose concentration limits on the ETF's investments in listed derivatives, and did not impose limitations on investments in listed derivatives whose principal market is not a member of ISG or is a market with which its listing exchange does not have a comprehensive surveillance sharing agreement.

[61] *See, e.g.,* Securities Exchange Act Release Nos. 80657 (May 11, 2017), 82 FR 22702 (May 17, 2017) (SR–NYSEArca–2017–09) (approving up to 50% of the fund's assets (calculated on the basis of aggregate gross notional value) to be invested in over-the-counter derivatives that are used to reduce currency, interest rate, or credit risk arising from the fund's investments, including forwards, over-the-counter options, and over-the-counter swaps); 78592 (August 16, 2016), 81 FR 56729 (August 22, 2016) (SR–NASDAQ–2016–061) (approving investment of up to 20% of the fund's net assets in, among other things, non-exchange-traded equity securities acquired in conjunction with the fund's event-driven strategy, including securities acquired by the fund as a result of certain corporate events including reorganizations); 76719 (December 21, 2015), 80 FR 80859 (December 28, 2015) (SR–NYSEArca–2015–73) (permitting (i) investments in over-the-counter and listed derivatives without imposing limits on the total notional size of the ETF's investments in over-the-counter derivatives and without imposing concentration limits on the ETF's investments in listed derivatives and (ii) permitting investments in a wide variety of fixed income instruments without compliance with the same criteria as the fixed income criteria in Nasdaq Rule 5735(b)(1)(B)); 72666 (July 24, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEArca–2013–122) (permitting investments in both over-the-counter and listed derivatives, but without imposing limits regarding the total notional size of the ETF's investments in over-the-counter derivatives, without imposing concentration limits on the ETF's investments in listed derivatives, and without imposing limitations on investments in listed derivatives whose principal market is not a member of ISG or is a market with which its listing exchange does not have a comprehensive surveillance sharing agreement); and 69061 (March 7, 2013), 78 FR 15990 (March 13, 2013) (SR–NYSEArca–2013–01) (approving investments in non-agency commercial MBS and non-agency residential MBS without a fixed limit but consistent with the fund's objective of investing up to 80% of its assets in investment grade fixed-income securities).

(''NSCC'') or (ii) a Depository Trust Company participant.

When the Fund permits Creation Units to be issued principally or partially in-kind, the Fund will cause to be published, through the NSCC, on each Business Day, prior to the opening of trading on the Exchange (currently, 9:30 a.m. E.T.), the identity and the required number of each Deposit Security and the amount of the Cash Component (if any) to be included in the current Fund Deposit (based on information at the end of the previous Business Day).

All orders to create Creation Units must be received by the Distributor within a one-hour window after the closing time of the regular trading session on the Exchange (''Closing Time'') (ordinarily between 4:00 p.m. E.T. and 5:00 p.m. E.T.) on the date such order is placed in order to receive the NAV on the next Business Day immediately following the date the order was placed.

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form on a Business Day and only through an AP. The Fund will not redeem Shares in amounts less than a Creation Unit (except the Fund may redeem shares in amounts less than a Creation Unit in the event the Fund is being liquidated).

When the Fund permits Creation Units to be redeemed principally or partially in-kind, the Fund will cause to be published, through the NSCC, immediately prior to the opening of business on the Exchange (currently, 9:30 a.m., E.T.) on each Business Day, the identity of the Redemption Securities and/or an amount of cash that will be applicable to redemption requests received in proper form on that day. The Redemption Securities will be identical to the Deposit Securities.

In order to redeem Creation Units of the Fund, an AP must submit an order to redeem for one or more Creation Units. All such orders must be received by the Distributor within a one-hour window after the Closing Time (ordinarily between 4:00 p.m. E.T. and 5:00 p.m. E.T.) in order to receive the NAV on the next Business Day immediately following the date the order was placed.

Availability of Information

The Fund's website (*www.leggmason.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The website will include the Shares' ticker, CUSIP and exchange information, along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior Business Day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[62] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

On each Business Day, before commencement of trading in Shares in the Regular Market Session[63] on the Exchange, the Fund will disclose on its website the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day.[64] The Fund's disclosure of derivative positions in the Disclosed Portfolio will include sufficient information for market participants to use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's website the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding), the identity of the security or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and percentage weighting of the holding in the Fund's portfolio.[65] The website information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's Disclosed Portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the Nasdaq Information LLC proprietary index data service,[66] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices provided by a dealer who makes a market in those instruments. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association (''CTA'') plans for the Shares and for the following U.S. securities, to the extent that they are exchange-listed securities: Work Out Securities, Non-Convertible Preferred Securities, Equity-Related Warrants, convertible fixed income securities and ETFs. Price information for U.S. exchange-listed options will be available via the Options Price Reporting Authority and for other U.S. exchange-listed derivative instruments

[62] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[63] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m., E.T.; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m., E.T.; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m., E.T.).

[64] Under accounting procedures to be followed by the Fund, trades made on the prior Business Day (''T'') will be booked and reflected in NAV on the current Business Day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the Business Day the portfolio that will form the basis for the NAV calculation at the end of the Business Day.

[65] *See* Nasdaq Rule 5735(c)(2).

[66] Currently, the Nasdaq Global Index Data Service (''GIDS'') is the Nasdaq global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade Nasdaq indexes, listed ETFs, or third-party partner indexes and ETFs.

will be available from the applicable listing exchange and from major market data vendors. Price information for restricted securities, including Regulation S and Rule 144A instruments, will be available from major market data vendors. Money Market Funds are typically priced once each Business Day and their prices will be available through the applicable fund's website or from major market data vendors.

For exchange-listed securities (including foreign exchange-listed securities), equities traded in the over-the-counter market (including Work Out Securities, Non-Convertible Preferred Securities and ETFs), Exchange-Traded Derivatives, OTC Derivatives, Debt and fixed income securities (including convertible fixed income securities), warrants on fixed income securities and Equity-Related Warrants, intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable). Price information will also be available from feeds from market data vendors, published or other public sources, or online information services for exchange-listed securities (including foreign exchange-listed securities), equities traded in the over-the-counter market (including Work Out Securities, Non-Convertible Preferred Securities and ETFs), Exchange-Traded Derivatives, Debt and fixed income securities, warrants on fixed income securities and Equity-Related Warrants. Additionally, the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'') will be a source of price information for corporate bonds, privately-issued securities, MBS and ABS, to the extent transactions in such securities are reported to TRACE.[67] Intraday and other price information related to U.S. government securities, Money Market Funds, and other cash equivalents that are traded over-the-counter also will be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by APs and other investors. Electronic Municipal Market Access (''EMMA'') will be a source of price information for municipal bonds. Pricing for repurchase transactions and reverse repurchase agreements entered into by the Fund are not publicly reported. Prices are determined by negotiation at the time of entry with counterparty brokers, dealers and banks.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings' disclosure policies, distributions and taxes will be included in the Registration Statement. Investors will also be able to obtain the SAI, the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year, except the SAI, which is filed at least annually. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's website at *www.sec.gov.*

Initial and Continued Listing

The Shares will be subject to Nasdaq Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and continued listing, the Fund must be in compliance with Rule 10A–3 [68] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., E.T. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[69] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-listed securities and instruments held by the Fund (including ETFs, exchange-listed equities, exchange-listed options, futures contracts and exchange-listed swaps) with other markets and other entities that are members of ISG and with which the Exchange has comprehensive surveillance sharing agreements,[70] and FINRA and the

[67] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from feeds from market data vendors, published or other public sources, or online information services, as described above.

[68] *See* 17 CFR 240.10A–3.

[69] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[70] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the

Continued

Exchange both may obtain information regarding trading in the Shares, the exchange-listed securities, derivatives and other instruments held by the Fund from markets and other entities that are members of ISG, which include securities and futures exchanges and swap execution facilities, or with which the Exchange has in place a comprehensive surveillance sharing agreement.[71] Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's TRACE and, with respect to municipal securities, EMMA.

All of the Fund's net assets that are invested in equity securities other than Work Out Securities that are exchange-listed (which consist of Non-Convertible-Preferred Securities and Equity-Related Warrants that are exchange-listed, and ETFs) will be invested in securities that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value and the Disclosed Portfolio is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's website.

Continued Listing Representations

All statements and representations made in this filing regarding (a) the description of the portfolio or reference assets, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules shall constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both the Exchange and FINRA, on behalf of the Exchange, which are designed to deter and detect violations of Exchange rules and applicable federal securities laws and are adequate to properly monitor trading in the Shares in all trading sessions. The Manager and the Sub-Advisers are affiliated with a broker-dealer and have implemented, and will maintain, a fire wall with respect to its broker-dealer affiliate regarding access to information concerning proposed changes to the composition and/or changes to the Fund's portfolio prior to implementation. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on an investment company's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the investment company's portfolio.

The Fund's investments, including derivatives, will be consistent with the Fund's investment objectives, applicable legal requirements[72] and will not be used for the purpose of seeking leveraged returns or performance that is the multiple or inverse multiple of a benchmark (although derivatives may have embedded leverage). Although the Fund will be permitted to borrow as permitted under the 1940 Act, it will not be operated as a ''leveraged ETF,'' *i.e.,* it will not be operated in a manner designed to seek leveraged returns or a multiple or inverse multiple of the performance of an underlying reference index.[73] The Fund may engage in frequent and active trading of portfolio investments to achieve its investment objective.

The Exchange believes that, notwithstanding that the Fund would not meet all of the ''generic'' listing

Exchange has in place a comprehensive surveillance sharing agreement.

[71] As noted above, no more than 10% of the net assets of the Fund may be invested in Exchange-Traded Derivatives whose principal market is not a member of ISG or a market with which the Exchange has a comprehensive surveillance sharing agreement.

[72] As noted above, the Fund will limit its investments in illiquid securities or other illiquid assets to an aggregate amount of 15% of its net assets (calculated at the time of investment), as required by the Commission.

[73] As noted above, the Fund will not invest in leveraged, inverse or inverse leveraged ETFs.

requirements of Nasdaq Rule 5735(b)(1), the Fund will not be subject to manipulation, the investments of the Fund will be able to be monitored and surveilled by the Exchange and risks will be mitigated by alternative limits imposed by the Exchange. As a result, it is in the public interest to approve listing and trading of Shares of the Fund on the Exchange pursuant to the requirements set forth herein. Deviations from the generic requirements are necessary for the Fund to achieve its investment objective in a cost-effective manner that maximizes investors' returns and to manage the risks associated with its investments, and the Exchange proposes that the Fund will be required to comply with alternative requirements that are customized to address the objectives of Section 6(b)(5) of the Act, as described herein. Further, the strategy and investments of the Fund are substantially similar to those of other ETFs previously approved by the Commission, which have operated safely and without disrupting the market for several years.[74]

The Fund will not comply with the requirements in Nasdaq Rule 5735(b)(1) regarding the use of aggregate gross notional value or exposure of derivatives when calculating the weight of such derivatives or the exposure that such derivatives provide to underlying reference assets, including the requirements in Rules 5735(b)(1)(D)(i), 5735(b)(1)(D)(ii), 5735(b)(1)(E) and 5735(b)(1)(F). Instead, the Exchange proposes that for the purposes of any applicable requirements under Nasdaq Rule 5735(b)(1), and any alternative requirements proposed by the Exchange, the Fund will use the mark-to-market value or exposure of its derivatives in calculating the weight of such derivatives or the exposure that such derivatives provide to their reference assets. The Exchange believes that this alternative requirement is appropriate because the mark-to-market value or exposure is a more accurate measurement of the actual exposure incurred by the Fund in connection with a derivatives position.[75]

The Fund will not meet the requirement in Nasdaq Rule 5735(b)(1)(B)(v) that Private ABS/MBS in the Fund's portfolio account, in the aggregate, for no more than 20% of the weight of the fixed income portion of the Fund's portfolio. However, the Fund will limit the holdings in Private ABS/MBS to 30% of the weight of the fixed income portion of the Fund's portfolio.[76] The Exchange believes that this limitation on the Fund's investment in Private ABS/MBS, which is consistent with a similar limitation in a previous filing for the listing of an ETF approved by the Commission,[77] is appropriate to provide the Fund with sufficient flexibility to invest in Private ABS/MBS, while still imposing a reasonable limit on such investments, consistent with the mandate in Section 6(b) of the Act to facilitate transactions in securities while protecting investors and the public interest. Private ABS/MBS held by the Fund are expected to provide investors with: (i) Diversification as compared to a portfolio more heavily weighted towards agency and GSE ABS and MBS (''Government ABS/MBS''), municipal securities and investment grade corporate debt; (ii) the potential for higher returns; and (iii) reasonable liquidity. Although the higher threshold will include a broader spectrum of credit quality among the issuers, this moderately increased risk can be appropriately addressed through disclosure and substantially mitigated through the careful credit monitoring performed by the Sub-Adviser. In addition, current economic conditions, which include robust growth and economic strength, are significant mitigants to the risk of credit deterioration. The Sub-Adviser seeks to maximize the Fund's investments in Private ABS/MBS during economic periods, such as that currently experienced in the U.S., of robust growth. To the extent that the economy were to weaken, the Sub-Adviser would re-evaluate the level at which the Fund seeks to invest in Private ABS/MBS. Given the benefits provided, including, most importantly, the opportunity for a fixed income investor to diversify the portfolio across fixed income classes and earn marginally greater returns, together with the protections of credit monitoring and liquidity management provided by the Sub-Adviser, the Exchange believes that a 30% limit, rather than the 20% limit used by the generic listing standard, is appropriate.

Private ABS/MBS include a number of different types of securitized debt products, including credit card debt, student loans, auto debt and residential and commercial mortgage debt. Investment in a variety of sectors, rather than simply residential mortgages comprising Government ABS/MBS, reduces concentration and diversifies sources of risk. Private ABS/MBS held by the Fund will be generally liquid instruments.[78] The Sub-Adviser will be able to trade out of the instruments that do not satisfy Fund credit and other criteria. U.S. Private ABS/MBS are trade-reported through TRACE,[79] and

[74] *See, e.g.,* Securities Exchange Act Release Nos. 66321 (February 3, 2012) 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (granting approval for the listing of shares of the PIMCO Total Return Exchange Traded Fund); 72666 (July 24, 2014) (granting approval to the use of derivatives by the PIMCO Total Return Exchange Traded Fund); and 76719 (December 21, 2015) (granting approval for the listing of shares of the Guggenheim Total Return Bond ETF).

[75] As previously noted, the mark-to-market approach is consistent with the valuation methodology for derivatives for asset coverage purposes advocated by the Commission in proposed Rule 18f–4 under the 1940 Act. *See* Derivatives Rule Proposing Release. In a white paper published by staff of the Division of Economic and Risk Analysis of the SEC (''DERA'') in connection with the proposal of Rule 18f–4 under the 1940 Act, the staff of DERA noted that a derivative's notional amount does not accurately reflect the risk of the derivative. *See* Daniel Deli, Paul Hanouna, Christof Stahel, Yue Tang and William Yost, *Use of Derivatives by Registered Investment Companies* (December 2015) at 10 (''On the other hand, there are drawbacks to using notional amounts. First, because of differences in expected volatilities of the underlying assets, notional amounts of derivatives across different underlying asset generally do not represent the same unit of risk. For example, the level of risk associated with a $100 million notional of a S&P500 index futures is not equivalent to the level of risk of a $100 million notional of interest rate swaps, currency forwards or commodity futures.'').

[76] For purposes of this requirement, the weight of the Fund's exposure to Private ABS/MBS referenced in derivatives shall be calculated based on the mark-to-market value or exposure of such derivatives.

[77] *See* Securities Exchange Act Release No. 69061 (March 7, 2013), 78 FR 15990 (March 13, 2013) (SR–NYSEArca-2013–01) (approving investments in non-agency commercial MBS and non-agency residential MBS without a fixed limit but consistent with the fund's objective of investing up to 80% of its assets in investment grade fixed-income securities).

[78] The Sub-Adviser, using data from TRACE, compiled weekly trading data for Private ABS/MBS over a period of three years. A chart summarizing this data, which is available at *https://www.leggmason.com/content/dam/legg-mason/documents/en/regulatory-documents/letters-and-notices/abs-mbs-trading-activity.pdf,* shows that Private ABS/MBS experienced regular and reasonable liquidity over the prior three-year period. During that time period the weekly trading activity for non-agency, non-GSE residential MBS ranged from approximately $16 billion to $48 billion (including both investment grade and non-investment grade), the weekly trading activity for non-agency, non-GSE commercial MBS has ranged from approximately $21 billion to $57 billion (including both investment grade and non-investment grade), and the weekly trading activity for non-agency, non-GSE ABS (other than MBS) ranged from approximately $17 billion to $35 billion (including both investment grade and non-investment grade).

[79] Although foreign Private ABS/MBS are not trade-reported through TRACE, foreign Private ABS/MBS, as of the date of this application, are expected to constitute a very small percentage of the Fund's net assets. Based on the Fund's strategy and current market conditions, foreign Private ABS/MBS, as of the date of this application, are expected to constitute approximately 1% of the Fund's net assets, but that percentage could change in the future.

the Sub-Adviser and the Fund will maintain liquidity policies and procedures pursuant to which the Sub-Adviser will monitor the liquidity of the Fund's Private ABS/MBS investments and continuously manage any associated risks.[80] The instruments are cleared through The Depository Trust Company.

The Fund carries out its own credit analysis of Private ABS/MBS issuers [81] and conducts an extensive analysis of the features of the proposed investments. The features that the Fund looks for in selecting Private ABS/MBS include good credit quality, liquidity, bankruptcy remoteness, lower prepayment risk, overcollateralization, excess spread, amortization, professional servicing for and reporting to investors, and diversity of payers within each underlying pool. The Sub-Adviser regularly monitors the credit quality of the issuers of Private ABS/MBS for compliance with the credit quality, liquidity and other investment requirements.

The Fund will not meet the requirement that at least 90% of the fixed income weight of the Fund's portfolio meet one of the criteria in Nasdaq Rule 5735(b)(1)(B)(iv) [82] because some Private ABS/MBS cannot satisfy the criteria in Nasdaq Rule 5735(b)(1)(B)(iv).[83] The Exchange proposes, in the alternative, to require the Fund to ensure that the investments in the fixed income portion of the Fund's portfolio other than Private ABS/MBS comply with the 90% requirement in Nasdaq Rule 5735(b)(1)(B)(iv).[84] The Exchange believes that this alternative limitation is appropriate because Nasdaq Rule 5735(b)(1)(B)(iv) does not appear to be designed for structured finance vehicles such as Private ABS/MBS, and the overall weight of Private ABS/MBS held by the Fund will be limited to 30% of the fixed income portion of the Fund's portfolio, as described above. As discussed above, although Private ABS/MBS will be excluded for the purposes of compliance with Nasdaq Rule 5735(b)(1)(B)(iv), the Fund's portfolio is consistent with the statutory standard as a result of the diversification provided by the investments, the benefits related to the opportunity for higher returns, and the Sub-Adviser's selection process, which closely monitors investments to ensure maintenance of credit and liquidity standards and relies on the higher investment levels in these instruments during periods of U.S. economic strength.

The Fund will not meet the equity requirements in Nasdaq Rule 5735(b)(1)(A) with respect to Non-Convertible Preferred Securities, Work Out Securities and Equity-Related Warrants, but will satisfy these requirements with respect to the ETFs in which the Fund will invest.[85] In order to reflect this deviation, the Exchange proposes that (i) the Fund's investments in equity securities other than Non-Convertible Preferred Securities, Work Out Securities and Equity-Related Warrants shall comply with the equity requirements in Nasdaq Rule 5735(b)(1)(A) [86] and (ii) the weight of Non-Convertible Preferred Securities, Equity-Related Warrants and Work Out Securities in the Fund's portfolio shall together not exceed 30% of the Fund's net assets. The Exchange believes that these alternative limitations are appropriate in light of the fact that the Non-Convertible Preferred Securities, Equity-Related Warrants and Work Out Securities are providing debt-oriented exposures or are received in connection with the Fund's previous investment in Debt or fixed income securities, and all of the other equity securities held by the Fund will comply with the requirements of Nasdaq Rule 5735(b)(1)(A).

The Fund will not meet the requirement in Nasdaq Rule 5735(b)(1)(E) that no more than 20% of the assets in the Fund's portfolio may be invested in over-the-counter derivatives. The Fund proposes that no limit be placed on Interest Rate and Currency Derivatives, which are necessary and appropriate to allow the Manager and Sub-Advisers to risk manage the Fund, but that the weight of all other OTC Derivatives (*e.g.,* credit default swaps) be limited to 10% of the net assets in the Fund's portfolio. For purposes of this 10% limit on OTC Derivatives, the weight of such OTC Derivatives will be calculated based on the mark-to-market value or exposure of such OTC Derivatives. The Exchange believes that this alternative requirement, which is generally consistent with the requirement in a previous filing for the listing of an ETF approved by the Commission,[87] is appropriate in light of the fact that Interest Rate and Currency Derivatives are among the most liquid investment instruments (including not only derivatives but also securities) in the market [88] (and are even more liquid than most non-government or government-guaranteed securities). Based on the data compiled by the Sub-Adviser in respect to its liquidity policy, these derivatives are among the most liquid investments traded. In addition,

[80] As part of these policies and procedures, the Sub-Adviser rates the liquidity of the Fund's investments (including Private ABS/MBS) using data on bid-ask spreads on the investments and haircut requirements for the investment when they are delivered in connection with repurchase agreements.

[81] The Sub-Adviser has a fixed-income investment team that maintains and updates credit opinions on all Private ABS/MBS investments made by the team on an ongoing basis. This research allows the investment team to form a comprehensive view of the collateral pool associated with an investment. The team works with legal professionals as well to understand and track the legal documents associated with each distinct deal structure.

[82] Nasdaq Rule 5735(b)(1)(B)(iv) provides that component securities that in the aggregate account for at least 90% of the fixed income weight of the Fund's portfolio must be either: (a) From issuers that are required to file reports pursuant to Sections 13 and 15(d) of the Act; (b) from issuers that have a worldwide market value of its outstanding common equity held by non-affiliates of $700 million or more; (c) from issuers that have outstanding securities that are notes, bonds debentures, or evidence of indebtedness having a total remaining principal amount of at least $1 billion; (d) exempted securities as defined in Section 3(a)(12) of the Act; or (e) from issuers that are a government of a foreign country or a political subdivision of a foreign country.

[83] Private ABS/MBS are generally issued by special purpose vehicles, so the criteria in Nasdaq Rule 5735(b)(1)(B)(iv) regarding an issuer's market capitalization and the remaining principal amount of an issuer's securities are typically unavailable with respect to Private ABS/MBS, even though such Private ABS/MBS may own significant assets.

[84] For purposes of this requirement, the weight of the Fund's exposure to any fixed income securities referenced in derivatives shall be calculated based on the mark-to-market value or exposure of such derivatives.

[85] Nasdaq Rule 5735(b)(1)(A)(i)(e) generally requires the U.S. equity securities to be listed on a national securities exchange. The Exchange notes that shares of Money Market Funds are not considered equity securities for the purposes of Nasdaq Rule 5735(b)(1)(A), and that there is no limitation on the percentage of the Fund's portfolio invested in shares of Money Market Funds, in accordance with Nasdaq Rule 5735(b)(1)(C)(i).

[86] These other equities will consist of ETFs (including money market ETFs) that provide exposure to fixed income securities and Debt. The weight of such ETFs in the Fund's portfolio shall not be limited.

[87] *See* Securities Exchange Act Release No. 80657 (May 11, 2017), 82 FR 22702 (May 17, 2017) (SR–NYSEArca–2017–09) (approving up to 50% of the fund's assets (calculated on the basis of aggregate gross notional value) to be invested in over-the-counter derivatives that are used to reduce currency, interest rate, or credit risk arising from the fund's investments, including forwards, over-the-counter options, and over-the-counter swaps).

[88] Trading in foreign exchange markets averaged $5.1 trillion per day in April 2016, and 67% of this trading activity was in derivatives contracts such as currency or foreign exchange forwards, options and swaps (with the other 33% consisting of spot transactions). *See* Bank for International Settlements, *Triennal Central Bank Survey, Foreign Exchange Turnover in April 2016, available at http://www.bis.org/publ/rpfx16fx.pdf (accessed November 2017).* Trading in OTC interest rate derivatives averaged $2.7 trillion per day in April 2016. *See* Bank for International Settlements, *Triennal Central Bank Survey, OTC Interest Rate Derivatives Turnover in April 2016, available at http://www.bis.org/publ/rpfx16ir.pdf (accessed November 2017).*

most Interest Rate Derivatives traded by the Fund are centrally cleared by regulated clearing firms, and Interest Rate and Currency Derivatives are subject to trade reporting,[89] and other robust regulation.[90] Given the size of the trading market and the regulatory oversight of the markets, the Exchange believes that Interest Rate and Currency Derivatives are not readily subject to manipulation. The Exchange also believes that allowing the Fund to risk manage its portfolio through the use of Interest Rate and Currency Derivatives without limit is necessary to allow the Fund to achieve its investment objective and protect investors.

The Fund will not comply with the requirement in Nasdaq Rule 5735(b)(1)(D)(i) that at least 90% of the weight of the Fund's holdings in futures, exchange-traded options, and listed swaps shall, on both an initial and continuing basis, consist of futures, options, and swaps for which the Exchange may obtain information via the ISG from other members or affiliates of the ISG, or for which the principal market is a market with which the Exchange has a comprehensive surveillance sharing agreement. Instead, the Exchange proposes that no more than 10% of the net assets of the Fund will be invested in Exchange-Traded Derivatives whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement.[91] The Exchange believes that this alternative limitation is appropriate because the overall limit on Exchange-Traded Derivatives whose principal market is not a member of ISG or is a market with which the Exchange does not have a comprehensive surveillance sharing agreement will still be low relative to the overall size of the Fund.

The Fund will not meet the requirement in Nasdaq Rule 5735(b)(1)(D)(ii) that the aggregate gross notional value of listed derivatives based on any five or fewer underlying reference assets shall not exceed 65% of the weight of the Fund's portfolio (including gross notional exposures), and the aggregate gross notional value of listed derivatives based on any single underlying reference asset shall not exceed 30% of the weight of the Fund's portfolio (including gross notional exposures) because the Fund may maintain significant positions in Eurodollar and G–7 Sovereign Futures and Options. The Manager has indicated that obtaining exposure to these investments through futures contracts is often the most cost efficient method to achieve such exposure. The Exchange notes that Eurodollar and G–7 Sovereign Futures and Options are highly liquid investments [92] and are not subject to the same concentration risks as Exchange-Traded Derivatives referencing other assets because of such liquidity. Further, the Exchange notes that the significantly diminished risk of Treasury Securities is reflected in their exclusion from the concentration requirements applicable to fixed income securities in Nasdaq Rule 5735(b)(1)(B)(ii). The Exchange proposes that the Fund will comply with the concentration requirements in Nasdaq Rule 5735(b)(1)(D)(ii) except with respect to the Fund's investment in Eurodollar and G–7 Sovereign Futures and Options.[93] The Exchange believes that this alternative limitation is appropriate to provide the Fund with sufficient flexibility and because of the highly liquid and transparent nature of

[89] Transactions in Interest Rate and Currency Derivatives are required to be reported to a swap data repository, and transactions in Interest Rate Derivatives and certain Currency Derivatives (*i.e.,* Currency Derivatives that are not excluded from the definition of a ''swap'', as described below) are also publicly reported pursuant to rules issued by the Commodity Futures Trading Commission (''CFTC''). *See* 17 CFR parts 43, 45 and 46. Pursuant to Section 1(a)(47)(E) of the CEA and a related determination by the Department of the Treasury, physically-settled Currency Derivatives that meet the definition of ''foreign exchange forwards'' or ''foreign exchange swaps'' under Sections 1a(24)–(25) of the CEA that are entered into between eligible contract participants (as defined in the CEA) (''Excluded Currency Derivatives'') are excluded from the definition of a ''swap'' under the CEA. *See* Determination of Foreign Exchange Swaps and Foreign Exchange Forwards Under the Commodity Exchange Act, 77 FR 69694 (Nov. 20, 2012). However, as noted above, transactions in such Excluded Currency Derivatives are required to be reported to a swap data repository, but they are not subject to the public reporting requirements.

[90] Interest Rate Derivatives and Currency Derivatives other than Excluded Currency Derivatives are comprehensively regulated as swaps under the CEA and regulations issued thereunder by the CFTC and other federal financial regulators. *See, e.g.,* 17 CFR part 23 (capital and margin requirements for swap dealers, business conduct standards for swap dealers, and swap documentation requirements); 17 CFR part 50 (clearing requirements for swaps). While Excluded Currency Derivatives are not subject to all swap regulations, they are subject to the ''business conduct standards'' adopted by the CFTC pursuant to the CEA. *See* Section 1(a)(47)(E) of the CEA; Determination of Foreign Exchange Swaps and Foreign Exchange Forwards Under the Commodity Exchange Act, 77 FR 69694 (Nov. 20, 2012).

[91] For purposes of this 10% limit, the weight of such Exchange-Traded Derivatives will be calculated based on the mark-to-market value or exposure of such Exchange-Traded Derivatives.

[92] *See* CME Group, Interest Rate Futures Liquidity Metrics Reach New Highs (October 6, 2017), available at *http://www.cmegroup.com/education/interest-rates-liquidity-metrics-reach-new-highs.html (accessed November 2017) (*providing statistics regarding liquidity and open interest in futures and options on Eurodollars and Treasury Securities, including that during the first three quarters of 2017, Eurodollar futures and options traded through CME Group had an average daily open interest of approximately 53 million contracts and futures and options on Treasury Securities had an average daily open interest of approximately 15 million contracts); The Montreal Exchange, Statistics for Interest Rate Derivatives, Index Derivatives and Equity Derivatives (September 2017), *available at https://www.m-x.ca/f_stat_en/1709_stats_en.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures and options on Canadian sovereign debt, including that, as of September 2017, the open interest in futures and options on Canadian sovereign debt traded on The Montreal Exchange was approximately 560,000 contracts); Eurex Exchange, Benchmark Fixed Income Derivatives, *available at https://www.eurexchange.com/blob/115654/4c51e4b8bc77355475b3b6f46afc0ef1/data/factsheet_eurex_benchmark_fixed_income_derivatives.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures and options on German sovereign debt, including that, as of July 2015, the open interest in futures on German sovereign debt traded on Eurex was approximately 3,000,000 contracts and the open interest in options on German sovereign debt futures traded on Eurex was approximately 3,000,000 contracts); Eurex Exchange, Eurex Exchange Euro-BTP Futures, Italian Government Bond Futures, *available at http://www.eurexchange.com/blob/115624/6a1281939d15ddbab960af40da6f11dc/data/factsheet_eurex_euro_btp_futures_on_italian_government_bonds.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures on Italian sovereign debt, including that the open interest peaks in 2017 for futures on long-term and short-term Italian sovereign debt traded on Eurex was approximately 450,000 and 270,000 contracts, respectively); Eurex Exchange, Euro-OAT Derivatives, French Government Bond Futures and Options, *available at http://www.eurexchange.com/blob/115652/48198ec577f7b3b0ac44d4c5a39ed0de/data/factsheet_eurex_euro_oat_futures_on_french_government_bonds.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures on French sovereign debt, including that, as of July 2017, the open interest in futures on long-term French sovereign debt traded on Eurex was approximately 600,000 contracts); Intercontinental Exchange, Gilt Futures Overview, *available at https://www.theice.com/publicdocs/futures/Gilt_Futures_Overview.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures on British sovereign debt, including that, as of the third quarter of 2014, the open interest in futures on long-term British sovereign debt traded on the Intercontinental Exchange was approximately 400,000 contracts); Osaka Exchange, Japanese Government Bond Futures & Options, *available at http://www.jpx.co.jp/english/derivatives/products/jgb/jgb-futures/tvdivq0000003n94-att/JGB_FUT_OP_E.pdf (accessed November 2017)* (providing statistics regarding liquidity and open interest in futures and options on Japanese sovereign debt, including that as of July 2016, the open interest in futures on 10-year Japanese sovereign debt traded on the Osaka Exchange was approximately 80,000 contracts). The Exchange also notes that the Commission has previously granted exemptions under the Act to facilitate the trading of futures on sovereign debt issued by each of the Group of Seven countries (among other countries) and that such exemptions were based in part on the Commission's assessment of the sufficiency of the credit ratings and liquidity of such sovereign debt. *See* 17 CFR 240.3a12–8; Securities Exchange Act Release No. 41453 (May 26, 1999), 64 FR 29550 (June 2, 1999).

[93] For purposes of this requirement, the weight of the applicable derivatives will be calculated based on the mark-to-market value or exposure of such derivatives.

Eurodollar and G–7 Sovereign Futures and Options. Further, as described above, the G–7 Sovereign Futures and Options in which the Fund invests will be listed on an exchange that is an ISG member or an exchange with which the Exchange has a comprehensive surveillance sharing agreement.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily every day that the Fund is traded, and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency.

Moreover, the Intraday Indicative Value, available on the Nasdaq Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Regular Market Session. On each Business Day, before commencement of trading in the Shares in the Regular Market Session on the Exchange, the Fund will disclose on its website the Disclosed Portfolio of the Fund that will form the basis for the Fund's calculation of NAV at the end of the Business Day. Information regarding market price and trading volume of the Shares will be conditionally available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the CTA plans for the Shares and for the following U.S. securities, to the extent they are exchange-listed: Work Out Securities, Non-Convertible Preferred Securities, Equity-Related Warrants, convertible fixed income securities and ETFs. Price information for U.S. exchange-listed options will be available via the Options Price Reporting Authority and for other U.S. exchange-listed derivative instruments will be available from the applicable listing exchange and from major market data vendors. Price information for restricted securities, including Regulation S and Rule 144A instruments, will be available from major market data vendors, broker-dealers and trading platforms. Money Market Funds are typically priced once each Business Day and their prices will be available through the applicable fund's website or from major market data vendors.

For exchange-listed securities (including foreign exchange-listed securities), equities traded in the over-the-counter market (including Work Out Securities, Non-Convertible Preferred Securities and ETFs), Exchange-Traded Derivatives, OTC Derivatives, Debt and fixed income securities (including convertible fixed income securities), warrants on fixed income securities and Equity-Related Warrants, intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable). Price information will also be available from feeds from market data vendors, published or other public sources, or online information services for exchange-listed securities (including foreign exchange-listed securities), equities traded in the over-the-counter market (including Work Out Securities, Non-Convertible Preferred Securities and ETFs), Exchange-Traded Derivatives, Debt and fixed income securities, warrants on fixed income securities and Equity-Related Warrants. Additionally, TRACE will be a source of price information for corporate bonds, privately-issued securities, MBS and ABS, to the extent transactions in such securities are reported to TRACE.[94] Intraday and other price information related to U.S. government securities, Money Market Funds, and other cash equivalents that are traded over-the-counter also will be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by APs and other investors. EMMA will be a source of price information for municipal bonds. Pricing for repurchase transactions and reverse repurchase agreements entered into by the Fund are not publicly reported. Prices are determined by negotiation at the time of entry with counterparty brokers, dealers and banks.

The Fund's website will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Trading in the Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed ETF that will enhance competition among market participants, to the benefit of investors and the marketplace.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

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 the proposed rule change will facilitate the listing and trading of an additional type of actively-managed ETF that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

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 Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change,

[94] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year. For fixed income securities that are not reported to TRACE, (i) intraday price quotations will generally be available from broker-dealers and trading platforms (as applicable) and (ii) price information will be available from market data vendors, as described above.

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 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–NASDAQ–2017–128 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–NASDAQ–2017–128. 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–NASDAQ–2017–128 and should be submitted on or before January 30, 2018.

[95] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[95]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00161 Filed 1–8–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32960; File No. 812–14821]

Guggenheim Credit Income Fund, et al.; Notice of Application

January 3, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the ''Act'') and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

SUMMARY OF APPLICATION: Applicants request an order to permit certain business development companies (''BDC'') and closed-end management investment companies to co-invest in portfolio companies with each other and with affiliated investment funds.

APPLICANTS: Guggenheim Credit Income Fund (the ''Fund'') (f/k/a Carey Credit Income Fund); Guggenheim Partners Investment Management, LLC (''Guggenheim''); Guggenheim Funds Distributors, LLC, Guggenheim Funds Investment Advisors, LLC, Security Investors, LLC (collectively, together with Guggenheim, the ''Existing Guggenheim Advisers''); Guggenheim European Credit Fund, Guggenheim Private Debt Fund Note Issuer, LLC, Guggenheim Private Debt Fund, LLC, Guggenheim Private Debt Fund, Ltd., Guggenheim Private Debt Master Fund, LLC, Guggenheim Private Debt Fund Note Issuer 2.0, LLC, Guggenheim Private Debt Fund 2.0, LLC, Guggenheim Private Debt Fund 2.0, Ltd., Guggenheim Private Debt Master Fund 2.0, LLC, Guggenheim Private Debt MFLTB 2.0, LLC, NZC Guggenheim Fund LLC, NZC Guggenheim Fund Limited, NZC Guggenheim Master Fund Limited, NZCG Funding Ltd., NZCG Funding 2 Limited, South Dock Funding Limited, NZCG Feeder I, L.P., NZCG Funding 2, LLC, NZCG Funding LLC, Guggenheim U.S. Loan Fund, Guggenheim U.S. Loan Fund II, Guggenheim U.S. Loan Fund III, Guggenheim Opportunistic U.S. Loan and Bond Fund IV, GFI Fund, and GHY Fund (collectively, the ''Existing Affiliated Investors'').

FILING DATES: The application was filed on September 22, 2017, and amended on November 22, 2017.

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 January 29, 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, U.S. Securities and Exchange Commission, 100 F St. NE, Washington, DC 20549–1090. Applicants: Guggenheim and the Fund: 330 Madison Avenue, New York, NY 10017; the Existing Guggenheim Advisers and the Existing Affiliated Investors: 100 Wilshire Boulevard, 5th Floor, Santa Monica, CA 90401.

FOR FURTHER INFORMATION CONTACT: Hae-Sung Lee, Attorney-Adviser, at (202) 551–7345 or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Chief Counsel's Office, Division of Investment Management).

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.

Applicants' Representations

1. The Fund is a Delaware statutory trust organized as a closed-end management investment company that has elected to be regulated as a BDC under the Act.[1] The Fund serves as the

[1] Section 2(a)(48) of the Act defines a ''BDC'' to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

master fund in a master-feeder structure with three feeder funds and makes investments with the proceeds it receives from the sale of shares of the feeder funds.[2] The Fund's Objectives and Strategies [3] are to provide shareholders with current income, capital preservation and, to a lesser extent, long-term capital appreciation. The Fund invests primarily in large, privately-negotiated loans to private middle market U.S. companies and in opportunities that are originated by various intermediaries where the Fund is able to play a differentiated role gaining outsized allocation, influencing structure, pricing, and fees compared to the broader market (this could include more broadly syndicated assets such as bank loans and corporate bonds). The Fund has a five member Board,[4] of which three members are Independent Trustees.[5]

2. Guggenheim is a Delaware limited liability company and is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). Guggenheim serves as the investment adviser to the Fund. Guggenheim also provides administrative services to the Fund under an administrative services agreement. Guggenheim is part of the investment management business of Guggenheim Partners LLC, a privately held, global financial services firm.

3. Each Existing Affiliated Investor is a privately-offered fund that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. An Existing Guggenheim Adviser serves as the investment adviser to each Existing Affiliated Investor. Each Existing Guggenheim Adviser is either controlled by Guggenheim or under common control with Guggenheim and is registered as an investment adviser under the Advisers Act.

4. Applicants seek to supersede the Prior Order [6] to permit one or more Regulated Entities [7] and/or one or more Affiliated Investors [8] to participate in the same investment opportunities through a proposed co-investment program (the ''Co-Investment Program'') where such participation would otherwise be prohibited under sections 17(d) and 57(a)(4) and the rules under the Act. For purposes of the application, ''Co-Investment Transaction'' means any transaction in which a Regulated Entity (or its Wholly-Owned Investment Subsidiary, as defined below) participated together with one or more other Regulated Entities and/or one or more Affiliated Investors in reliance on the requested Order or the Prior Order. ''Potential Co-Investment Transaction'' means any investment opportunity in which a Regulated Entity (or its Wholly-Owned Investment Subsidiary) could not participate together with one or more Affiliated Investors and/or one or more other Regulated Entities without obtaining and relying on the Order.

5. Applicants state that a Regulated Entity may, from time to time, form a Wholly-Owned Investment Subsidiary.[9] Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Investor because it would be a company controlled by its parent Regulated Entity for purposes of section 57(a)(4) and rule 17d–1. Applicants request that each Wholly-Owned Investment Subsidiary be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Entity and that the Wholly-Owned Investment Subsidiary's participation in any such transaction be treated, for purposes of the requested Order, as though the parent Regulated Entity were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Subsidiary would have no purpose other than serving as a holding vehicle for the Regulated Entity's investments and, therefore, no conflicts of interest could arise between the Regulated Entity and the Wholly-Owned Investment Subsidiary. The Regulated Entity's Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Subsidiary's participation in a Co-Investment Transaction, and the Regulated Entity's Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Subsidiary in the Regulated Entity's place. If the Regulated Entity proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subsidiaries, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Entity and the Wholly-Owned Investment Subsidiary.

6. It is anticipated that a Guggenheim Adviser will periodically determine that certain investments the Guggenheim Adviser recommends for a Regulated Entity would also be appropriate investments for one or more other Regulated Entities and/or one or more Affiliated Investors. Such a determination may result in the Regulated Entity, one or more other Regulated Entities and/or one or more Affiliated Investors co-investing in certain investment opportunities. For each such investment opportunity, the Guggenheim Adviser to each Regulated Entity will independently analyze and

[2] The existing feeder funds are Carey Credit Income Fund—I, Carey Credit Income Fund 2016 T, and Carey Credit Income Fund 2018 T. Any future feeder fund will be created by Guggenheim.

[3] ''Objectives and Strategies'' means a Regulated Entity's (as defined below) investment objectives and strategies, as described in the Regulated Entity's registration statement on Form N–2, other filings the Regulated Entity has made with the Commission under the Securities Act of 1933 (the ''Securities Act''), or under the Securities Exchange Act of 1934, and the Regulated Entity's reports to shareholders.

[4] The term ''Board'' refers to the board of directors or trustees of any Regulated Entity.

[5] The term ''Independent Trustees'' refers to the trustees or directors of any Regulated Entity that are not ''interested persons'' of the Regulated Entity within the meaning of section 2(a)(19) of the Act.

[6] The requested order (the ''Order'') would supersede an exemptive order issued by the Commission on June 28, 2016 (the ''Prior Order'') that was granted pursuant to Sections 57(a)(4) and 57(i) and Rule 17d–1, with the result that no person will continue to rely on the Prior Order if the Order is granted. *Carey Credit Income Fund, et al.,* Investment Company Act Release Nos. 32138 (June 2, 2016) (notice) and 32164 (June 28, 2016) (order). All existing entities that currently intend to rely on the Order have been named as applicants. Any other existing or future entity that relies on the Order in the future will comply with the terms and conditions of the application.

[7] ''Regulated Entity'' means the Fund and any Future Regulated Entity. ''Future Regulated Entity'' means a closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC under the Act, (b) whose investment adviser is a Guggenheim Adviser. ''Guggenheim Adviser'' means any Existing Guggenheim Adviser or any future investment adviser that (i) controls, is controlled by or is under common control with Guggenheim, (ii) is registered as an investment adviser under the Advisers Act, and (iii) is not a Regulated Entity or a subsidiary of a Regulated Entity.

[8] ''Affiliated Investors'' means the Existing Affiliated Investors and any Future Affiliated Investor. ''Future Affiliated Investor'' means an entity (a) whose investment adviser is a Guggenheim Adviser and (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

[9] The term ''Wholly-Owned Investment Subsidiary'' means an entity (i) that is wholly-owned by a Regulated Entity (with such Regulated Entity at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of the Regulated Entity (and, in the case of an entity that is licensed by the Small Business Administration to operate under the Small Business Investment Act of 1958, as amended (the ''SBA Act''), as a small business investment company (an ''SBIC''), to maintain a license under the SBA Act and issue debentures guaranteed by the Small Business Administration); (iii) with respect to which the Regulated Entity's Board has the sole authority to make all determinations with respect to the entity's participation under the conditions of the application; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act. All subsidiaries participating in the Co-Investment Program will be Wholly-Owned Investment Subsidiaries and will have Objectives and Strategies that are either substantially the same as, or a subset of, their parent Regulated Entity's Objectives and Strategies. A subsidiary that is an SBIC may be a Wholly-Owned Investment Subsidiary if it satisfies the conditions in this definition.

evaluate the investment opportunity as to its appropriateness for such Regulated Entity taking into consideration the Regulated Entity's Objectives and Strategies.

7. Applicants state that Guggenheim serves as the Fund's investment adviser and administrator and either it or another Guggenheim Adviser will serve in the same capacity to any Future Regulated Entity. Applicants represent that a Guggenheim Adviser will identify and recommend investments for each Regulated Entity and will have the authority to approve or reject all investments proposed for the Regulated Entity.

8. Applicants state that each Guggenheim Adviser has (or will have, in the case of future advisers) an investment committee through which it will carry out its obligation under condition 1 to make a determination as to the appropriateness of a Potential Co-Investment Transaction for each Regulated Entity. Applicants represent that each Guggenheim Adviser, as a registered investment adviser, has (or will have, in the case of future advisers) developed a robust allocation process that is designed to allocate investment opportunities fairly and equitably among its clients over time. Applicants state that, in the case of a Potential Co-Investment Transaction, the applicable Guggenheim Adviser would apply its allocation policies and procedures in determining the proposed allocation for the Regulated Entity consistent with the requirements of condition 2(a).

9. Applicants state that, once the applicable Guggenheim Adviser's investment committee approves a transaction, the Guggenheim Adviser would present the Potential Co-Investment Transaction and proposed allocation to the Regulated Entity's Board for its approval in accordance with the conditions to the application.

10. If the applicable Guggenheim Adviser to a Regulated Entity determines that a Potential Co-Investment Transaction is appropriate for the Regulated Entity, and one or more other Regulated Entities and/or one or more Affiliated Investors may also participate, the Guggenheim Adviser will present the investment opportunity to the Eligible Trustees [10] of the Regulated Entity prior to the actual investment by the Regulated Entity. As to any Regulated Entity, a Co-Investment Transaction will be consummated only upon approval by a required majority of the Eligible Trustees of such Regulated Entity within the meaning of section 57(o) of the Act (''Required Majority'').[11]

11. With respect to the pro rata dispositions and follow-on Investments provided in conditions 7 and 8, a Regulated Entity may participate in a pro rata disposition or follow-on investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Entity and Affiliated Investor in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or follow-on investment, as the case may be; and (ii) each Regulated Entity's Board has approved that Regulated Entity's participation in pro rata dispositions and follow-on investments as being in the best interests of the Regulated Entity. If the Board does not so approve, any such disposition or follow-on investment will be submitted to the Regulated Entity's Eligible Trustees. The Board of any Regulated Entity may at any time rescind, suspend or qualify its approval of pro rata dispositions and follow-on investments with the result that all dispositions and/or follow-on investments must be submitted to the Eligible Trustees.

12. No Independent Trustee of a Regulated Entity will have a financial interest in any Co-Investment Transaction.

13. Under condition 15, if a Guggenheim Adviser or its principals, or any person controlling, controlled by, or under common control with the Guggenheim Adviser or its principals, and any Affiliated Investors (collectively, the ''Holders'') own in the aggregate more than 25% of the outstanding voting securities of a Regulated Entity (''Shares''), then the Holders will vote such Shares as directed by an independent third party when voting on matters specified in the condition. Applicants believe that this condition will ensure that the Independent Trustees will act independently in evaluating the Co-Investment Program, because the ability of the Guggenheim Adviser or its principals to influence the Independent Trustees by a suggestion, explicit or implied, that the Independent Trustees can be removed will be limited significantly. Applicants represent that the Independent Trustees shall evaluate and approve any such independent third party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d–1 under the Act prohibit participation by a registered investment company and an affiliated person in any ''joint enterprise or other joint arrangement or profit-sharing plan,'' as defined in the rule, without prior approval by the Commission by order upon application. Section 17(d) of the Act and rule 17d–1 under the Act are applicable to Regulated Entities that are registered closed-end investment companies. Similarly, with regard to BDCs, section 57(a)(4) of the Act makes it unlawful for any person who is related to a BDC in a manner described in section 57(b), acting as principal, knowingly to effect any transaction in which the BDC (or a company controlled by such BDC) is a joint or a joint and several participant with that person in contravention of rules as prescribed by the Commission. Because the Commission has not adopted any rules expressly under section 57(a)(4), section 57(i) provides that the rules under section 17(d) applicable to registered closed-end investment companies (*e.g.,* rule 17d–1) are, in the interim, deemed to apply to transactions subject to section 57(a). Rule 17d–1, as made applicable to BDCs by section 57(i), prohibits any person who is related to a BDC in a manner described in section 57(b), as modified by rule 57b–1, from acting as principal, from participating in, or effecting any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which the BDC (or a company controlled by such BDC) is a participant, unless an application regarding the joint enterprise, arrangement, or profit-sharing plan has been filed with the Commission and has been granted by an order entered prior to the submission of the plan or any modification thereof, to security holders for approval, or prior to its adoption or modification if not so submitted.

2. In passing upon applications under rule 17d–1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from

[10] ''Eligible Trustees'' means the trustees or directors of a Regulated Entity that are eligible to vote under section 57(o) of the Act.

[11] In the case of a Regulated Entity that is a registered closed-end fund, the trustees or directors that make up the Required Majority will be determined as if the Regulated Entity were a BDC subject to section 57(o). As defined in section 57(o), ''required majority'' means ''both a majority of a business development company's directors or general partners who have no financial interest in such transaction, plan, or arrangement and a majority of such directors or general partners who are not interested persons of such company.''

or less advantageous than that of other participants.

3. Applicants submit that each Regulated Entity may be deemed to be an ''affiliated person'' of each other Regulated Entity within the meaning of section 2(a)(3) of the Act. Applicants state that the Regulated Entities, by virtue of each having a Guggenheim Adviser, may be deemed to be under common control, and thus affiliated persons of each other under section 2(a)(3)(C) of the Act. Section 17(d) and section 57(b) apply to any investment adviser to a closed-end fund or a BDC, respectively. Thus, a Guggenheim Adviser and any Affiliated Investors that it advises could be deemed to be persons related to Regulated Entities in a manner described by sections 17(d) and 57(b) and therefore prohibited by sections 17(d) and 57(a)(4) and rule 17d–1 from participating in the Co-Investment Program. Applicants further submit that, because the Guggenheim Advisers are ''affiliated persons'' of other Guggenheim Advisers, Affiliated Investors advised by any of them could be deemed to be persons related to Regulated Entities (or a company controlled by a Regulated Entity) in a manner described by sections 17(d) and 57(b) and also prohibited from participating in the Co-Investment Program.

4. Applicants state that they expect that that co-investment in portfolio companies by a Regulated Entity, one or more other Regulated Entities and/or one or more Affiliated Investors will increase favorable investment opportunities for each Regulated Entity.

5. Applicants submit that the fact that the Required Majority will approve each Co-Investment Transaction before investment (except for certain dispositions or follow-on investments, as described in the conditions), and other protective conditions set forth in the application, will ensure that each Regulated Entity will be treated fairly. Applicants state that each Regulated Entity's participation in the Co-Investment Transactions will be consistent with the provisions, policies and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants. Applicants further state that the terms and conditions proposed herein will ensure that all such transactions are reasonable and fair to each Regulated Entity and the Affiliated Investors and do not involve overreaching by any person concerned, including Guggenheim.

Applicants' Conditions

Applicants agree that the Order will be subject to the following conditions:

1. Each time a Guggenheim Adviser considers a Potential Co-Investment Transaction for an Affiliated Investor or another Regulated Entity that falls within a Regulated Entity's then-current Objectives and Strategies, the Guggenheim Adviser to the Regulated Entity will make an independent determination of the appropriateness of the investment for the Regulated Entity in light of the Regulated Entity's then-current circumstances.

2. a. If the Guggenheim Adviser to a Regulated Entity deems participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Entity, the Guggenheim Adviser will then determine an appropriate level of investment for such Regulated Entity.

b. If the aggregate amount recommended by the Guggenheim Adviser to a Regulated Entity to be invested by the Regulated Entity in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Entities and Affiliated Investors, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount of the investment opportunity will be allocated among the Regulated Entities and such Affiliated Investors, pro rata based on each participant's Available Capital [12] for investment in the asset class being allocated, up to the amount proposed to be invested by each. The Advisers to each participating Regulated Entity will provide the Eligible Trustees of each participating Regulated Entity with information concerning each participating party's Available Capital to assist the Eligible Trustees with their review of the Regulated Entity's investments for compliance with these allocation procedures.

c. After making the determinations required in conditions 1 and 2(a) above, the Advisers to the Regulated Entity will distribute written information concerning the Potential Co-Investment Transaction, including the amount proposed to be invested by each Regulated Entity and any Affiliated Investor, to the Eligible Trustees of each participating Regulated Entity for their consideration. A Regulated Entity will co-invest with one or more other Regulated Entities and/or an Affiliated Investor only if, prior to the Regulated Entities' and the Affiliated Investors' participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Entity and its shareholders and do not involve overreaching in respect of the Regulated Entity or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(a) The interests of the Regulated Entity's shareholders; and

(b) the Regulated Entity's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Entity or an Affiliated Investor would not disadvantage the Regulated Entity, and participation by the Regulated Entity would not be on a basis different from or less advantageous than that of any other Regulated Entity or Affiliated Investor; provided, that if another Regulated Entity or Affiliated Investor, but not the Regulated Entity itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer, or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit a Required Majority from reaching the conclusions required by this condition 2(c)(iii), if:

(a) The Eligible Trustees will have the right to ratify the selection of such director or board observer, if any; and

(b) the Guggenheim Adviser to the Regulated Entity agree to, and do, provide periodic reports to the Regulated Entity's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(c) any fees or other compensation that any other Regulated Entity or any Affiliated Investor or any affiliated person of any other Regulated Entity or an Affiliated Investor receives in connection with the right of one or more Regulated Entities or Affiliated Investors

[12] ''Available Capital'' means (a) for each Regulated Entity, the amount of capital available for investment determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set from time to time by the Board of the applicable Regulated Entity or imposed by applicable laws, rules, regulations or interpretations and (b) for each Affiliated Investor, the amount of capital available for investment determined based on the amount of cash on hand, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix and other investment policies and restrictions set by the Affiliated Investor's directors, general partners or adviser or imposed by applicable laws, rules, regulations or interpretations.

to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Investors (who may, in turn, share their portion with their affiliated persons) and any participating Regulated Entity in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Entity will not benefit the Guggenheim Adviser, any other Regulated Entity or the Affiliated Investors or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted under sections 17(e) and 57(k) of the Act, as applicable, (C) in the case of fees or other compensation described in condition 2(c)(iii)(c), or (D) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction.

3. Each Regulated Entity will have the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Guggenheim Adviser will present to the Board of each Regulated Entity, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Entities or any of the Affiliated Investors during the preceding quarter that fell within the Regulated Entity's then-current Objectives and Strategies that were not made available to the Regulated Entity, and an explanation of why the investment opportunities were not offered to the Regulated Entity. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Entity and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for follow-on investments made in accordance with condition 8,[13] a Regulated Entity will not invest in reliance on the Order in any issuer in which another Regulated Entity or an Affiliated Investor or any affiliated person of another Regulated Entity or an Affiliated Investor is an existing investor.

6. A Regulated Entity will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Entity and Affiliated Investor. The grant to one or more Regulated Entities or Affiliated Investors, but not the Regulated Entity itself, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(a), (b) and (c) are met.

7. a. If any Regulated Entity or Affiliated Investor elects to sell, exchange or otherwise dispose of an interest in a security that was acquired by one or more Regulated Entities and/or Affiliated Investors in a Co-Investment Transaction, the Guggenheim Adviser will:

(i) Notify each Regulated Entity that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Entity in the disposition.

b. Each Regulated Entity will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the Affiliated Investors and any other Regulated Entity.

c. A Regulated Entity may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Entity and each Affiliated Investor in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Regulated Entity's Board has approved as being in the best interests of the Regulated Entity the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Regulated Entity's Board is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Guggenheim Adviser will provide its written recommendation as to the Regulated Entity's participation to the Eligible Trustees, and the Regulated Entity will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Entity's best interests.

d. Each Regulated Entity and each Affiliated Investor will bear its own expenses in connection with the disposition.

8. a. If any Regulated Entity or Affiliated Investor desires to make a ''follow-on investment'' (*i.e.,* an additional investment in the same entity, including through the exercise of warrants or other rights to purchase securities of the issuer) in a portfolio company whose securities were acquired by the Regulated Entity and the Affiliated Investor in a Co-Investment Transaction, the Advisers will:

(i) Notify each Regulated Entity of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed follow-on investment, by each Regulated Entity.

b. A Regulated Entity may participate in such follow-on investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Entity and each Affiliated Investor in such investment is proportionate to its outstanding investments in the issuer immediately preceding the follow-on investment; and (ii) the Regulated Entity's Board has approved as being in the best interests of such Regulated Entity the ability to participate in follow-on investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Guggenheim Adviser will provide its written recommendation as to such Regulated Entity's participation to the Eligible Trustees, and the Regulated Entity will participate in such follow-on investment solely to the extent that the Required Majority determines that it is in such Regulated Entity's best interests.

c. If, with respect to any follow-on investment:

(i) The amount of a follow-on investment is not based on the Regulated Entities' and the Affiliated Investors' outstanding investments immediately preceding the follow-on investment; and

(ii) the aggregate amount recommended by the Guggenheim Adviser to be invested by the Regulated Entity in the follow-on investment, together with the amount proposed to be invested by the other participating Regulated Entities and the Affiliated Investors in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's Available Capital for investment in the asset class being allocated, up to the amount proposed to be invested by each.

d. The acquisition of follow-on investments as permitted by this

[13] This exception applies only to follow-on investments by a Regulated Entity in issuers in which that Regulated Entity already holds investments.

condition will be considered a Co-Investment Transaction for all purposes and be subject to the other conditions set forth in the application.

9. The Independent Trustees of each Regulated Entity will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Entities or Affiliated Investors that a Regulated Entity considered but declined to participate in, so that the Independent Trustees may determine whether all investments made during the preceding quarter, including those investments which the Regulated Entity considered but declined to participate in, comply with the conditions of the Order. In addition, the Independent Trustees will consider at least annually the continued appropriateness for such Regulated Entity of participating in new and existing Co-Investment Transactions.

10. Each Regulated Entity will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Entities were a BDC and each of the investments permitted under these conditions were approved by a Required Majority under section 57(f).

11. No Independent Trustee of a Regulated Entity will also be a trustee, director, general partner, managing member or principal, or otherwise an ''affiliated person'' (as defined in the Act) of any Affiliated Investor.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) shall, to the extent not payable by the Guggenheim Advisers under their respective advisory agreements with the Regulated Entities and the Affiliated Investors, be shared by the Regulated Entities and the Affiliated Investors in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee (including break-up or commitment fees but excluding brokers' fees contemplated by section 17(e) or 57(k) of the Act, as applicable) [14] received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Entities and Affiliated Investors on a pro rata basis based on the amount they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by a Guggenheim Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Guggenheim Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Entities and Affiliated Investors based on the amount they invest in the Co-Investment Transaction. None of the other Regulated Entities, Affiliated Investors, the Guggenheim Advisers nor any affiliated person of the Regulated Entities or the Affiliated Investors will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Entities and the Affiliated Investors, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(c) and (b) in the case of the Guggenheim Advisers, investment advisory fees paid in accordance with the Regulated Entities' and the Affiliated Investors' investment advisory agreements).

14. If the Holders own in the aggregate more than 25 percent of the shares of a Regulated Entity, then the Holders will vote such shares as directed by an independent third party when voting on (1) the election of directors or trustees; (2) the removal of one or more directors or trustees; or (3) any matters requiring approval by the vote of a majority of the outstanding voting securities, as defined in section 2(a)(42) of the Act.

15. Each Regulated Entity's chief compliance officer, as defined in Rule 38a–1(a)(4), will prepare an annual report for its Board that evaluates (and documents the basis of that evaluation) the Regulated Entity's compliance with the terms and conditions of the application and the procedures established to achieve such compliance.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

[14] Applicants are not requesting and the Commission is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82440; File No. S7–24–89]

Joint Industry Plan; Notice of Filing and Immediate Effectiveness of the Forty-First Amendment to the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis

January 3, 2018.

Pursuant to Section 11A of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 608 thereunder,[2] notice is hereby given that on December 14, 2017, the Participants [3] in the Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (''NASDAQ/UTP Plan'' or ''Plan'') filed with the Securities and Exchange Commission (''Commission'') a proposal to amend the NASDAQ/UTP Plan.[4] The amendment is the 41st Amendment to the NASDAQ/UTP Plan (''Amendment'').[5]

The Amendment proposes to modify the text of the fee schedule of the Plan to adopt a ''Multiple Instance, Single User'' (''MISU'') Program that aligns with the MISU Program used by the CTA and CQ Plans. As explained in greater detail below, the Participants state that the Amendment moves towards harmonizing the fees under the Plan with the fees under the CTA and

[1] 15 U.S.C. 78k–1.

[2] 17 CFR 242.608.

[3] The Participants are: Cboe BYX Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe Exchange, Inc.; Chicago Stock Exchange, Inc.; Financial Industry Regulatory Authority, Inc.; Investors Exchange LLC; Nasdaq BX, Inc.; Nasdaq ISE, LLC; Nasdaq PHLX LLC; The Nasdaq Stock Market LLC; New York Stock Exchange LLC; NYSE Arca, Inc.; NYSE American LLC; and NYSE National, Inc. (collectively, the ''Participants'').

[4] The Plan governs the collection, processing, and dissemination on a consolidated basis of quotation information and transaction reports in Eligible Securities for each of its Participants. This consolidated information informs investors of the current quotation and recent trade prices of Nasdaq securities. It enables investors to ascertain from one data source the current prices in all the markets trading Nasdaq securities. The Plan serves as the required transaction reporting plan for its Participants, which is a prerequisite for their trading Eligible Securities. *See* Securities Exchange Act Release No. 55647 (April 19, 2007), 72 FR 20891 (April 26, 2007).

[5] *See* Letter from Emily Kasparov to Brent J. Fields, Secretary, Commission, dated December 13, 2017 (''Transmittal Letter'').

CQ Plan, thereby reducing the administrative burden on subscriber firms. Currently, the Plan has in place a net reporting option for the professional subscriber fee, known as the ''Net Reporting Program.'' [6] The Net Reporting Program allows a firm to report only a single device in cases where the firm provides market data to an employee on multiple internally-controlled, fee-liable devices. The Net Reporting Program, however, is only available for internal devices with respect to which the firm controls access to market data and not for external devices for which a vendor (and not the firm) controls access to market data. The proposed adoption of the MISU Program would eliminate this restriction and allow firms to provide a net reporting option that includes both internal devices with respect to which the firm controls access to market data as well as external devices for which another vendor controls access to market data.

According to the Participants, because the adoption of the MISU Program will result in more netting of devices than currently exists under the Net Reporting Program, the Plan expects that the number of devices being reported will decrease. Therefore, to make the adoption of the MISU Program revenue neutral, the Participants are proposing an increase in the professional subscriber device fee from $22 to $24, regardless of whether or not a professional subscriber opts for the MISU program. A description of the Plan's expectations with regards to the decrease in the number of reported devices, and calculations regarding the revenue neutral aspect of the proposed amendment is described in greater detail below.

Pursuant to Rule 608(b)(3)(i) under Regulation NMS,[7] the Participants designate the Amendment as establishing or changing a fee or other charge collected on behalf of the Participants in connection with access to, or use of, any facility contemplated by the Nasdaq/UTP Plan and are submitting the amendment for immediate effectiveness.

The Commission is publishing this notice to solicit comments from interested persons on the Amendment. Set forth in Sections I and II is the statement of the purpose and summary of the Amendments, along with the information required by Rules 608(a) and 601(a) under the Act, prepared and submitted by the Participants to the Commission.

[6] *See infra* note 8 and accompanying text.

[7] 17 CFR 242.608(b)(3)(i).

I. Rule 608(a)

A. Purpose of the Amendment

1. Background

In April 2013, the Plan adopted the Net Reporting Program for professional subscriber device fees.[8] If a firm complied with the requirements of the Net Reporting Program, this option permitted the firm to report only a single device in cases where the firm provided market data to an employee on multiple internally-controlled, fee-liable devices. That is, only a single device fee would apply with respect to that firm's provision of market data to that person, even though he or she receives data on multiple devices. At that time, the Net Reporting Program was made available solely for internally-controlled devices with respect to which the firm controlled access to market data and not for external devices for which a vendor (and not the firm) controlled access to market data (''vendor-controlled terminals'').

The rationale for not including vendor-controlled terminals in the Net Reporting Program was because of the Plan's indirect billing model and the associated administrative burden of including the vendor-controlled terminals in the Net Reporting Program under the indirect billing model. Under the CTA and CQ Plans, Network A and Network B administrators bill end users directly, and as a result, did not face similar administrative burdens for including vendor-controlled terminals. Therefore, the CTA and CQ Plans follow a MISU Program, which allows vendor-controlled terminals to be netted with internally-controlled devices.

The CTA's and CQ's MISU Programs allow subscriber firms to reduce the number of professional subscriber devices being reported for that particular subscriber. As the name suggests, it allows the subscriber firm to be charged a single fee when an employee is accessing market data on multiple devices. A subscriber firm not opting for the MISU Program is required to pay a device fee for each device accessed by an employee. To be included in the CTA's and CQ's MISU Programs, the subscriber firm is required to comply with a number of requirements designed to ensure that the Network A and Network B market data administrator is able to properly account for the multiple devices being used by a single user.

[8] *See* Securities Exchange Act Release No. 69361 (Apr. 10, 2013), 78 FR 22588 (Apr. 16, 2013).

2. Harmonization of CTA/CQ's and UTP's MISU Programs

The Plan is proposing to adopt a MISU Program that allows subscriber firms to report usage in a manner consistent with the CTA and CQ Plans.[9] Specifically, the Plan's proposed MISU Program would allow subscriber firms to net vendor-controlled terminals with internally-controlled devices.

As an example, consider a subscriber firm that has an employee who accesses market data on two separate internally-controlled devices, as well as two vendor-controlled terminals. Under the Net Reporting Program, that subscriber firm would report three devices for the employee: The two separate internally-controlled devices would be netted to be counted as one device, and the two vendor-controlled terminals would be separately counted. However, under the proposed MISU Program, the subscriber firm would report a single device for the employee because both vendor-controlled terminals could be netted with the internally-controlled devices.

To take advantage of the MISU Program, subscriber firms must comply with certain requirements that will be set forth in an updated Data Policy document.[10] First, such subscriber firms must submit application documentation, including a sample MISU report to demonstrate their ability to comply with the reporting requirements. Additionally, such subscriber firms must demonstrate internal controls for entitlements, monitoring, and usage reporting requirements. After the application documentation and internal controls are verified, the subscriber firm will receive an approval letter confirming acceptance into the MISU Program. Once accepted to the MISU Program, the subscriber firm will have continuing obligations related to reporting that will ensure the UTP Administrator is able to properly calculate credit under the MISU Program. Such reporting obligations will be detailed in the Data Policy document made available via the UTP website.

3. Revenue Neutral Implementation of MISU Program

The purpose of this amendment is to harmonize the CQ/CTA Plans and the Plan and reduce administrative burdens for subscriber firms—the purpose of the amendment is not intended to increase or decrease Plan revenue. As a result of

[9] The Plan would still allow subscriber firms to take advantage of the Net Reporting Program rather than the MISU program if they so choose.

[10] The Plan's Data Policies can be found online at *http://utpplan.com/DOC/Datapolicies.pdf.*

the MISU Program, however, subscriber firms will be able to net certain devices such that the total number of devices being reported will decrease. Therefore, to remain revenue neutral, the Plan is proposing an increase in the professional subscriber device fee from $22 to $24. As described in more detail below, the Plan has determined, based on past experience, that an increase of the professional subscriber device fee to $24 will offset revenue losses resulting from a decrease in the number of devices due to increased netting as well as natural price attrition.

B. Governing or Constituent Documents

Not applicable.

C. Implementation of the Amendments

Pursuant to Rule 608(b)(3)(i) under Regulation NMS, the Participants have designated the proposed amendment as establishing or changing fees and are submitting the amendment for immediate effectiveness. However, to effectuate the MISU Program, certain reporting systems will need to be developed to accommodate the reports that subscriber firms are required to file under the MISU Program. Therefore, the MISU Program and associated fee increase will be implemented after development of necessary systems. The Plan will announce the planned implementation date, and expects to be able to proceed with the MISU Program during the first quarter of 2018.

D. Development and Implementation Phases

See Item I.C. above.

E. Analysis of Impact on Competition

The proposed amendments do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934. The proposed adoption of the MISU Program will reduce the administrative burden placed on subscriber firms by harmonizing the approach to netting available under the CQ/CTA Plans and the Plan. The Plan has consulted with subscriber firms who have expressed overwhelming support for the harmonization detailed herein. As a result, the proposed adoption of the MISU Program would promote consistency in market data administration among the national market system plans and make market data fees easier to administer for subscriber firms.

Additionally, while the adoption of the MISU Program will include a fee increase, such fee increase is necessary to ensure that the adoption of the MISU Program remains revenue neutral. As described below, the Plan has based the fee increase on experience with netting under the CQ/CTA Plans as well as natural price attrition.

F. Written Understanding or Agreements Relating to Interpretation of, or Participation in, Plan

Not applicable.

G. Approval by Sponsors in Accordance With Plan

See Item I.C. above.

H. Description of Operation of Facility Contemplated by the Proposed Amendments

Not applicable.

I. Terms and Conditions of Access

Not applicable.

J. Method of Determination and Imposition, and Amount of, Fees and Charges

The Participants proposed to increase the professional subscriber device fee from $22 to $24 after performing an analysis to adopt a revenue-neutral MISU Program. The adoption of the MISU Program is designed to reduce administrative burdens on subscriber firms by harmonizing the various market data plans. The fee changes are designed to ensure that the MISU Program has a negligible effect on Plan revenue.

In determining the necessary fee increase to achieve revenue neutrality, the Participants reviewed two aspects of the adoption of the MISU Program that would result in decreased revenue: (1) An increase in the netting of devices and (2) natural price attrition.

First, as previously explained, the MISU Program will allow subscriber firms to net internally controlled devices with vendor-controlled terminals. For example, consider a subscriber firm who has an employee who accesses market data on two separate internal devices, as well as two vendor-controlled terminals. Under the current Net Reporting Program, that subscriber firm would report three devices for the employee: The two separate internal devices would be netted to be counted as one device, and the two vendor-controlled terminals would be separately counted. However, under the proposed MISU Program, the subscriber firm would report a single device for the employee because the internally-controlled devices can be netted with both vendor-controlled terminals. Because of this additional netting, the number of devices, and therefore the amount of revenue collected, would decrease. Therefore, to remain revenue neutral, the fee would need to be increased by an amount that is proportional to the projected decrease in the number of professional subscriber devices being reported.

Experience under the CTA Plan has demonstrated that the current MISU Program already in place currently results in a loss of 3.5% of the total number of professional subscriber devices due to netting of multiple terminals.[11] However, because the MISU Program will now be available under all three market data plans, the Participants believe that a larger percentage (5%) of netting will occur because it is more likely the benefits of being able to take advantage of the MISU Programs under all three market data plans outweighs the costs of complying with the MISU Program. As a result, more subscriber firms will find it economically beneficial to take advantage of the MISU Program.

Second, whenever there is a market data fee price increase, the Plan experiences natural price attrition whereby subscriber firms cancel their subscriptions simply because of the price increases. The Participants analyzed potential attrition based on the actual effect of past price increases for Tapes A and B. Specifically, the Participants looked at attrition rates of 3% and 5% as a result of the proposed professional subscriber device fee increase.

Using these two inputs based on experience (projected netting rates and attrition rates), the Participants determined that an increase of the professional subscriber device fee to $24 was likely to result in a revenue neutral adoption of the MISU Program. In particular, a natural price attrition rate of 3–5% and a netting increase of 5% would result in a decrease in revenue of 8–10%. Therefore, the Participants decided to propose the increase of the professional subscriber device fee from $22 to $24 (an increase of 9%) as a reasoned approach to ensuring that the adoption of the MISU Program by the Plan would remain revenue neutral.

K. Method and Frequency of Processor Evaluation

Not applicable.

L. Dispute Resolution

Not applicable.

[11] Due to the reporting requirements under the CTA's MISU Program, it is possible to calculate the amount of netting that currently occurs and the effects of that netting on the total number of professional subscriber devices.

II. Rule 601(a)

A. Equity Securities for Which Transaction Reports Shall Be Required by the Plan

Not applicable.

B. Reporting Requirements

Not applicable.

C. Manner of Collecting, Processing, Sequencing, Making Available and Disseminating Last Sale Information

Not applicable.

D. Manner of Consolidation

Not applicable.

E. Standards and Methods Ensuring Promptness, Accuracy and Completeness of Transaction Reports

Not applicable.

F. Rules and Procedures Addressed to Fraudulent or Manipulative Dissemination

Not applicable.

G. Terms of Access to Transaction Reports

Not applicable.

H. Identification of Marketplace of Execution

Not applicable.

III. Solicitation of Comments

The Commission seeks comment on the Amendment. In particular, the Commission seeks comment on, among other things: (1) Whether the effect on revenue would be neutral as represented by the Participants given that there will be an increase in the professional subscriber device fee; and (2) whether the process subscribers must follow and the requirements that subscribers must comply with to take advantage of the MISU Program, are transparent, objective, and subject to fair and non-discriminatory application. Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed Amendment 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 S7–24–89 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number File No. S7–24–89. 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 website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all written statements with respect to the proposed Amendment that are filed with the Commission, and all written communications relating to the proposed Amendment 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 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the Amendment also will be available for website viewing and printing at the principal office of the Plan. 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 S7–24–89 and should be submitted on or before January 30, 2018.

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–00168 Filed 1–8–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82435; File No. SR–IEX–2017–44]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Related to the Optional IEX Aggregate Risk Controls Mechanism

January 3, 2018.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on December 22, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to amend Rule 11.380 to clarify that the optional IEX Aggregate Risk Controls (''ARC'') mechanism will not cancel certain orders eligible for execution in the Opening or Closing Auction after the applicable Lock-in Time and before the Opening or Closing Auction match, respectively.[6] The Exchange has designated this rule change as non-controversial under Section 19(b)(3)(A) of the Act [7] and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) thereunder.[8] The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend Rule 11.380 (Risk

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* Rules 11.350(c) and (d), governing the IEX Opening and Closing Auction, respectively.

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6)(iii).

Management) to account for Opening and Closing Auctions in IEX-listed securities pursuant to Rule 11.350(c) and (d), respectively. Rule 11.380, entitled Risk Management, describes the optional ARC mechanism that is designed to assist IEX Members [9] and clearing firms [10] in their risk management efforts. IEX does not charge a fee for use of ARC. ARC can be configured to provide trading limits based on the gross notional exposure for matched and routed trades for a Member or clearing firm's broker correspondent across MPIDs, by MPID, by FIX session or in combination, per clearing firm relationship or Member, as applicable.[11] Currently, once the gross notional exposure, as elected and configured by the Member or clearing firm, has exceeded the pre-determined limit, IEX will reject new orders and cancel all open orders for the applicable MPID(s) and/or FIX session specified. As specified in paragraph (a)(2)(A) of Rule 11.380, gross notional exposure is calculated as the absolute sum of the notional value of all buy and sell trades: equal to the value of executed buys plus the absolute value of executed long sells plus the absolute value of executed short sells. There is no netting of buys and sales in the same symbol or across symbols. Gross notional exposure resets for each new trading day.

On August 4, 2017, the Commission approved a proposed rule change filed by the Exchange to adopt rules governing auctions in IEX-listed securities, including Opening and Closing Auction processes that establish IEX Official Opening and Closing Prices for each trading day.[12]

Pursuant to Rule 11.350(c)(1), the Exchange allows Users to submit orders eligible for execution in the Opening Auction at the beginning of the Pre-Market Session,[13] which begins at 8:00 a.m.[14] Any orders designated for the Opening Auction Book are queued until 9:30 a.m. at which time they will be eligible to be executed in the Opening Auction. Pursuant to Rule 11.350(a)(1)(A), orders on the Opening Auction Book would include MOO orders,[15] LOO orders,[16] market orders with a time-in-force of DAY,[17] and limit orders with a time-in-force of DAY or GTX.[18] In addition to orders on the Opening Auction Book, limit orders on the Continuous Book [19] with a time-in-force of SYS or GTT are eligible to execute in the Opening Auction (''Pre-market Continuous Book'').[20]

Pursuant to Rule 11.350(c)(1)(B), beginning at the Opening Auction Lock-in Time [21] (*i.e.,* 9:28 a.m.), the Opening Auction will be subject to certain ''lock-in'' and ''lock-out'' restrictions. Specifically, Users may enter, cancel, or modify Auction Eligible Orders until the Opening Auction Lock-in Time, at which time orders on the Opening Auction Book can no longer be canceled or modified before the Opening Auction match. After the Opening Auction Lock-in Time, the Exchange will begin to reject Hyper-aggressive Auction Orders upon entry. Pursuant to Rule 11.350(a)(8), Hyper-aggressive Auction Orders include market and MOO orders, as well as LOO and limit orders with a time in-force of DAY or GTX with a limit price more aggressive than the latest Opening/Closing Auction Collar [22] calculated by the System (*i.e.,* buy (sell) orders priced above (below) the latest upper (lower) threshold of the Opening/Closing Auction Collar calculated by the System). However, LOO orders and limit orders with a time-in-force of DAY or GTX will continue to be accepted until the Opening Auction Lock-out Time [23] (*i.e.,* 9:29:50 a.m., ten (10) seconds prior to the Opening Auction match) so long as they are not Hyper-aggressive Auction Orders. Restricting orders on the Opening Auction Book from cancelation or modification (*i.e.,* locking them in) and rejecting Hyper-Aggressive Auction Orders, while still allowing Users to enter reasonably priced LOO and limit orders with a time in-force of DAY or GTX is designed to allow Users to continue to express interest for the auction and offset imbalances via orders designated for the Auction Book in the minutes leading up to the auction match, while minimizing the increase of imbalances or large price swings resulting from the cancellation of auction eligible orders or the entry of aggressively priced orders to the Auction Book during the last two minutes of the auction process.

Similarly, pursuant to Rule 11.350(d)(1), the Exchange allows Users to submit orders eligible for execution in the Closing Auction at the beginning of the Pre-Market Session, which begins at 8:00 a.m. Any orders designated for the Closing Auction Book are queued until 4:00 p.m. (or such earlier time as the Regular Market Session [24] ends on days that IEX is subject to an early closing) at which time they will be eligible to be executed in the Closing Auction. Pursuant to Rule 11.350(a)(1)(B), orders on the Closing Auction Book would include MOC orders [25] and LOC orders.[26] In addition to orders on the Closing Auction Book, all limit and pegged orders resting on the Continuous Book [27] with a time-in-force of DAY, GTX, GTT, or SYS are eligible for execution in the Closing Auction, (''Regular-Market Continuous Book'').[28]

Pursuant to Rule 11.350(d)(1)(B), beginning at the Closing Auction Lock-in Time [29] (*i.e.,* 3:50 p.m., or 10 minutes prior to the end of the Regular Market Session on days that IEX is subject to an early closing), the Closing Auction will be subject to certain ''lock-in'' and ''lock-out'' restrictions. Specifically, Users may enter, cancel, or modify Auction Eligible Orders until the Closing Auction Lock-in Time, at which time orders on the Closing Auction Book can no longer be canceled or modified, except that between the Closing Auction Lock-in Time and five minutes before the Closing Auction match (*e.g.,* 3:55 p.m.), LOC and MOC orders can be canceled only if the participant requests that IEX correct a legitimate error in the order (*e.g.,* side, size, symbol, price, or duplication of an order). LOC and MOC orders cannot be canceled or modified at or after five minutes before the Closing Auction match (*e.g.,* 3:55 p.m.) for any reason. After the Closing Auction Lock-in Time, the Exchange will begin to reject Hyper-aggressive Auction Orders upon entry.

[9] *See* Rule 11.160(s).

[10] As described in Rule 11.250(a), a clearing firm is an IEX Member that is a member of a registered clearing agency. Pursuant to IEX Rule 2.160(c)(4) an IEX Member must be a member of a registered clearing agency or clear transactions executed on the Exchange through another Member that is a member of a registered clearing agency.

[11] In the case of a Member that is subject to ARC limits set by its clearing firm, the Member will be advised of such limits by IEX. In the event a Member that is subject to ARC limits set by its clearing firm also elects to set ARC limits for its own trading, the Exchange will apply both such limits with a lower limit(s) being applicable.

[12] *See* Securities Exchange Act Release No. 81316 (August 4, 2017), 82 FR 37474 (August 10, 2017) (SR–IEX–2017–10). *See also* Rules 11.350(a)(12) and (10), respectively.

[13] *See* Rule 1.160(z).

[14] All times are in Eastern Time.

[15] *See* Rule 11.350(a)(25).

[16] *See* Rule 11.350(a)(21).

[17] *See* Rule 11.190(a)(2)(E)(iii).

[18] *See* Rule 11.190(a)(1)(E)(iii) and (v).

[19] *See* Rule 11.350(a)(4).

[20] *See* Rule 11.190(a)(1)(E)(iv) and (vi).

[21] *See* Rule 11.350(a)(22).

[22] *See* Rule 11.350(a)(27).

[23] *See* Rule 11.350(a)(23).

[24] *See* Rule 1.160(gg).

[25] *See* Rule 11.350(a)(24).

[26] *See* Rule 11.350(a)(20).

[27] *See* Rule 11.350(a)(4).

[28] The following types of orders are not eligible for execution in the Closing Auction: Market orders (except MOC orders) and orders with a time-in-force of IOC or FOK, because Market orders entered during the Regular Market Session and orders marked IOC or FOK do not rest on the Continuous Book, and therefore are not eligible for the Closing Auction.

[29] *See* Rule 11.350(a)(22).

Pursuant to Rule 11.350(a)(8)(B), Hyper-aggressive Auction Orders include MOC orders, and LOC orders with a limit price more aggressive than the latest Opening/Closing Auction Collar calculated by the System (*i.e.,* buy orders priced above the latest upper auction collar threshold and sell orders priced below the latest lower auction collar threshold calculated by the System). However, LOC orders will continue to be accepted until the Closing Auction Lock-out Time [30] (*i.e.,* 3:59:50 p.m., ten (10) seconds prior to the Closing Auction match) so long as they are not Hyper-aggressive Auction Orders. As with the Opening Auction, restricting orders on the Closing Auction Book from cancelation or modification (*i.e.,* locking them in) and rejecting Hyper-Aggressive Auction Orders, while still allowing Users to enter reasonably priced LOC orders is designed to allow Users to continue to express interest for the auction and offset imbalances via orders designated for the Auction Book in the minutes leading up to the auction match, while minimizing the increase of imbalances or large price swings resulting from aggressively priced orders in the Auction Book during the last ten minutes of the auction process.

IEX proposes to amend Rule 11.380 to clarify that the ARC mechanism will not cancel orders eligible for execution in the Opening or Closing Auction after the applicable Lock-in Time and before the match. Specifically, the Exchange propose to add paragraph (3) to Rule 11.380(a), to provide that, notwithstanding subparagraphs (1) and (2) regarding ARC, after the Opening (Closing) Auction Lock-in Time and before the Opening (Closing) Auction match, if a Member exceeds its pre-determined ARC limit as configured by the Member or their clearing firm, IEX will not cancel such Member's orders if they are on the Opening (Closing) Auction Book (''Locked-in Orders'').[31] Any unexecuted portion of Locked-in Orders will be canceled immediately after the Opening or Closing Auction match.[32] The proposed rule change is designed to ensure fair and orderly execution of the Opening and Closing Auctions, consistent with fair and orderly markets, the protection of investors, and the public interest. Specifically, the Exchange believes that to the extent a Member has breached its pre-determined gross notional exposure limit after the Lock-in Time for the Opening or Closing Auction, and such Member has Locked-in Orders on the Opening or Closing Auction Book (which, as discussed above, are not eligible for modification or cancelation pursuant to Rules 11.350(c) and (d), respectively), ARC's cancelation of such interest could significantly disrupt the price discovery process by generating or exacerbating an order imbalance, or causing large price swings in the minutes leading into the auction match.

As described above, IEX rules explicitly provide that orders eligible for execution in the Opening or Closing Auction may not be modified or cancelled after the applicable Lock-in Time and before the auction match. In order to avoid any confusion as to how the ARC mechanism would operate in the event that a Member exceeds its pre-determined ARC limit (as configured by the Member or its clearing firm) after the Opening or Closing Lock-in Time and before the match, the Exchange believes that it is appropriate to amend Rule 11.380(a) to clarify that the ARC mechanism will not cancel such orders.

The Exchange believes that the Opening and Closing Auctions will provide a critical price discovery mechanism that establishes IEX Official Opening and Closing Prices for IEX-listed securities, and allows market participants to move in and out of sizable positions during a single centralized liquidity event. The Exchange also notes that the official closing price of all securities is generally the data point most closely scrutinized by investors, securities analysts, and the financial media, and is used to value and assess management fees on mutual funds, hedge funds, and individual investor portfolios. Accordingly, the Exchange believes that Opening and Closing Auctions should not be disrupted by momentary price dislocations or the creation or exacerbation of large imbalances that can be caused by the cancelation of Locked-in Orders, and should instead reflect all available trading interest in a stable and transparent manner.

The Exchange also believes that ARC, as described above, provides a useful risk management tool for Members and clearing firms. However, the Exchange notes that use of ARC by a Member does not automatically constitute compliance with IEX rules or SEC rules, nor does it replace Member-managed risk management solutions. The Exchange does not require Members to use ARC, and Members may use any other appropriate risk-management tool or service instead of, or in combination with, ARC. Furthermore, the Exchange believes that Members should be aware of their auction order flow, and clearing firms should be aware of the auction order flow of their broker correspondents, in order to appropriately manage their risk limits to account for the fact that Locked-In Orders cannot be canceled after the Lock-in Time. Thus, the proposed rule change is designed to balance the utility of the optional ARC functionality that is voluntarily offered by the Exchange free of charge, and the interests of fair and orderly markets, the protection of investors, and the public interest. Accordingly, the Exchange believes the proposed rule change strikes an appropriate balance between these two goals by continuing to allow Members and clearing firms to utilize ARC to assist with risk management, while protecting the Opening and Closing Auctions from undue price dislocation or the creation or exacerbation of large imbalances by preventing Locked-in Orders from being canceled after the Lock-in Time.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Sections 6(b) [33] of the Act in general, and furthers the objectives of Section 6(b)(5) [34] of the Act, 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 a national market system, and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change supports these objectives in that it is designed to ensure fair and orderly execution of the Opening and Closing Auctions, as described in the Purpose section, by minimizing the creation or exacerbation of large imbalances and the resultant auction price dislocations that can be caused by the cancelation of Locked-in Orders after the Lock-in Time and before the Opening or Closing Auction match. As discussed in the Purpose section, while ARC provides a useful risk management tool for Members and clearing firms, the proposed rule change

[30] *See* Rule 11.350(a)(23).

[31] The Exchange notes that if a Member's ARC limit is breached after the Opening Auction Lock-In Time, any MOC or LOC orders on the Closing Auction Book will be canceled, along with all Pre-market Continuous Book orders.

[32] The Exchange notes the proposed change is not applicable to IPO, Halt, or Volatility Auctions, because their respective auction processes do not have ''Lock-in'' or ''Lock-out'' provisions, and instead include automatic extensions to allow price discovery to continue when there is a market order imbalance, or a security experiences price volatility leading into the auction match. *See* Rules 11.350(e) and (f).

[33] 15 U.S.C. 78f.

[34] 15 U.S.C. 78f(b)(5).

is designed to balance the utility of the optional ARC functionality that is voluntarily offered by the Exchange free of charge, and the interests of fair and orderly markets, the protection of investors, and the public interest. The Exchange believes the proposed rule change strikes an appropriate balance between these two goals by continuing to allow Members and clearing firms to utilize ARC to assist with risk management, while protecting the Opening and Closing Auctions from undue price dislocation or the creation or exacerbation of large imbalances by preventing Locked-in Orders from being canceled after the Lock-in Time and before the Opening or Closing Auction match.

Furthermore, the Exchange believes the proposed rule change is consistent with the protection of investors and the public interest because it will provide enhanced clarity on the operation of the ARC mechanism with respect to orders eligible for execution in the Opening or Closing Auction after the Lock-in Time and before the auction match, thereby eliminating any potential confusion in this regard.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change will increase intermarket competition because it is designed to protect the Exchange's Opening and Closing Auctions thereby enhancing its ability to compete in the market for corporate listings.

The Exchange also does not believe that the proposal will impose an intramarket burden on competition because, notwithstanding the limited proposed exception for Locked-in Orders, ARC remains available to all Members on a fair and equal basis, and the Exchange continues to provide a mechanism to enable Members to manage their risk by preventing trading that is erroneous or exceeds a Member's financial resources, thereby contributing to the stability of the equities markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A) [35] of the Act and Rule 19b–4(f)(6) [36] thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[37] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2017–44 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2017–44. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of this filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2017–44 and should be submitted on or before January 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00157 Filed 1–8–18; 8:45 am]

BILLING CODE 8011–01–P

[35] 15 U.S.C. 78s(b)(3)(A).

[36] 17 CFR 240.19b–4(f)(6).

[37] 15 U.S.C. 78s(b)(2)(B).

[38] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32961; 812–14806]

Northern Lights Fund Trust and AlphaCore Capital, LLC

January 3, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements''). The requested

exemption would permit an investment adviser to hire and replace certain subadvisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

APPLICANTS: Northern Lights Fund Trust (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company, and AlphaCore Capital, LLC (the ''Adviser''), a Delaware limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (collectively with the Trust, the ''Applicants'').

FILING DATES: The application was filed on August 3, 2017 and amended on November 29, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the application 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 January 29, 2018, and should be accompanied by proof of service on the 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, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: Northern Lights Fund Trust, 17605 Wright Street, Omaha, NE 68130 and AlphaCore Capital, LLC, 875 Prospect Street #315, La Jolla, CA 92037.

FOR FURTHER INFORMATION CONTACT: Barbara T. Heussler, Senior Counsel, at (202) 551–6990, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (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 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. The Adviser will serve as the investment adviser to the Funds pursuant to an investment advisory agreement with the Trust (the ''Advisory Agreement'').[1] The Adviser will provide each Fund with overall investment management services and will continuously review, supervise and administer each Fund's investment program, subject to the supervision of, and policies established by, each Fund's board of trustees (''Board''). The Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more subadvisers (each, a ''Subadviser'' and collectively, the ''Subadvisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Adviser. The primary responsibility for managing the Funds will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Subadvisers, including determining whether a Subadviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Subadvisers pursuant to subadvisory agreements and materially amend existing subadvisory agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[2] Applicants also seek an exemption from the Disclosure Requirements to permit a Fund to disclose (as both a dollar amount and a percentage of the Fund's net assets): (a) The aggregate fees paid to the Adviser and any Affiliated Subadviser; and (b) the aggregate fees paid to Subadvisers other than Affiliated Subadvisers. For any Fund that employs an Affiliated Subadviser, the Fund will provide separate disclosure of any fees paid to the Affiliated Subadviser.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Fund shareholders and notification about subadvisory changes and enhanced Board oversight to protect the interests of the Funds' shareholders.

4. Section 6(c) 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 provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Advisory Agreements will remain subject to shareholder approval while the role of the Subadvisers is substantially similar to that of individual portfolio managers, so that requiring shareholder approval of subadvisory agreements would impose unnecessary delays and expenses on the Funds. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's ability to negotiate fees paid to the Subadvisers that are more advantageous for the Funds.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00156 Filed 1–8–18; 8:45 am]

BILLING CODE 8011–01–P

[1] Applicants request relief with respect to any existing or future series of the Trust or any other registered open-end management company that: (a) Is advised by the Adviser, or any person controlling, controlled by or under common control with the Adviser or its successor (each, an ''Adviser''); (b) uses the manager of managers structure described in the application; and (c) complies with the terms and conditions of the application (any such series, a ''Fund'' and collectively, the ''Funds''). For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund, or the Adviser, other than solely by reason of serving as a Subadviser to one or more of the Funds, or as an adviser or subadviser to any series of the Trust other than the Funds (''Affiliated Subadviser'').

DEPARTMENT OF STATE

[Public Notice: 10252]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Alberto Savinio'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the ongoing exhibition ''Alberto Savinio,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also

determine that the exhibition or display of the exhibit object at the Center for Italian Modern Art, New York, New York, from on or about January 11, 2018, until on or about May 30, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–00171 Filed 1–8–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10255]

Designation of Abukar Ali Adan, aka Abukar Ali Aden, aka Sheikh Abukar, aka Ibrahim Afghan, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Abukar Ali Adan aka Abukar Ali Aden aka Sheikh Abukar aka Ibrahim Afghan committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 11, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2018–00196 Filed 1–8–18; 8:45 am]

BILLING CODE 4710–0AD–P

DEPARTMENT OF STATE

[Public Notice: 10256]

Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition Determinations: ''Beyond the Nile: Egypt and the Classical World'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition ''Beyond the Nile: Egypt and the Classical World'' (initially entitled ''Egypt—Greece—Rome: Cultures in Contact''), imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the additional exhibit objects at The J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about March 27, 2018, until on or about September 9, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–00172 Filed 1–8–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10254]

Designation of Wanas al-Faqih as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Wanas al-Faqih committed, or poses a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 11, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2018–00195 Filed 1–8–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 10253]

E.O. 13224 Designation of Muhammad al-Ghazali, aka Rashid, aka Muhammad Abd al-Karim al-Ghazali, aka Abu Hisham Mawari, aka Abu Hisham al-Mawari, aka Abu Sa'id, aka Abu Faris, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Muhammad al-Ghazali, aka Rashid, aka Muhammad Abd al-Karim al-Ghazali, aka Abu Hisham Mawari, aka Abu Hisham al-Mawari, aka Abu Sa'id, aka Abu Faris committed, or poses a significant risk of committing, acts of terrorism that threatens the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 11, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2018–00194 Filed 1–8–18; 8:45 am]

BILLING CODE 4710–AD–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 777X)]

CSX Transportation, Inc.—Abandonment Exemption—in Fulton County, GA

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR part 1152, subpart F—*Exempt Abandonments* to abandon an approximately 4.40-mile rail line, referred to as the A&WP Subdivision, in its Southern Region, Atlanta Division, Atlanta Terminal between milepost XXC 0.0, which begins at the switch to the Norfolk Southern Railway Company, Oakland Junction near the Ormewood Station, and ends at milepost XXC 4.4 near Glenwood Ave. SE, in the City of Atlanta, Fulton County, Ga. (the Line). The Line traverses United States Postal Zip Codes 30310, 30312, and 30315, and includes no stations.

CSXT has certified that: (1) No local rail traffic has moved over the Line during the past two years; (2) any overhead traffic on the Line can be rerouted over other lines; (3) no formal complaint filed by a user of a rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line is either pending with the Surface Transportation Board (Board) or with any U.S. District Court or had been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment of service shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on February 8, 2018, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] must be filed by January 19, 2018. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by January 29, 2018, with the Surface Transportation Board, 395 E Street SW, Washington, DC 20423–0001.[3]

A copy of any petition filed with the Board should be sent to Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by January 12, 2018. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423–0001) or by calling OEA at (202) 245–0305. Assistance for the hearing impaired is available through the Federal Information Relay Service at (800) 877–8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line.

If consummation has not been effected by CSXT's filing of a notice of consummation by January 9, 2019, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''*WWW.STB.GOV*.''

Decided: January 4, 2018.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2018–00210 Filed 1–8–18; 8:45 am]

BILLING CODE 4915–01–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Serv. Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each OFA must be accompanied by the filing fee, which currently is set at $1,800. *See Regulations Governing Fees for Servs. Performed in Connection with Licensing & Related Servs.—2017 Update,* EP 542 (Sub-No. 25), slip op. App. C. at 20 (STB served July 28, 2017).

[3] CSXT states that it is working on agreement with Atlanta Beltline, Inc. to transfer the corridor and convert the Line to a trail under a notice of interim trail use or abandonment (NITU) agreement contingent on Board approval for authority to abandon.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Waiver of Aeronautical Land-Use Assurance: The Eastern Iowa Airport, (CID) Cedar Rapids, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent of Waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal from the City of Cedar Rapids (sponsor), Cedar Rapids, IA, to release 3 tracts totaling 489.72 + (Tract 1: 259.88 + acres, Tract 2: 215.52 + acres and Tract 3; 14.32 + acres) of land from the federal obligation dedicating it to aeronautical use and to authorize these parcels to be used for revenue-producing, non-aeronautical purposes.

DATES: Comments must be received on or before February 8, 2018.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust, Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Marty Lenss, CM, 2515 Arthur Collins Parkway SW, Cedar Rapids, IA 52404–8952, (319) 362–3131.

FOR FURTHER INFORMATION CONTACT: Lynn D. Martin, Airports Compliance Specialist, Federal Aviation Administration, Airports Division, ACE–610C, 901 Locust, Room 364, Kansas City, MO 64106, Telephone number (816) 329–2644, Fax number (816) 329–2611, email address: *lynn.martin@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to change approximately 489.72 + acres of airport property at The Eastern Iowa Airport (CID) from aeronautical use to non-aeronautical for revenue producing use. The tracts of land are located along the Northern boundary of the airport, near 76th Avenue SW and on the corner of 76th Ave. SW and Edgewood Road SW and the corner of 76th Ave. and 18th St. SW. These tracts will be used for light industrial/business park.

No airport landside or airside facilities are presently located on these tracts, nor are airport developments contemplated in the future. There is no current use of the surface of these tracts. The tracts will serve as revenue producing lots with the proposed change from aeronautical to non-aeronautical. The request submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the change to non-aeronautical status of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

The Eastern Iowa Airport (CID) is proposing the release of three tracts of land totaling 489.72 more or less acres from aeronautical to non-aeronautical. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The rental of the subject property will result in the land at The Eastern Iowa Airport (CID) being changed from aeronautical to nonaeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c) (2)(B)(i) and (iii), the airport will receive fair market rental value for the property. The annual income from rent payments will generate a long-term, revenue-producing stream that will further the Sponsor's obligation under FAA Grant Assurance number 24, to make The Eastern Iowa Airport as financially self-sufficient as possible.

Following is a legal description of the subject airport property at The Eastern Iowa Airport (CID):

Legal Description Tract 1

A tract of land located in Section 24, Township 82 North, Range 8 West of the fifth principal meridian, Linn County, Iowa, more particularly described as follows:

Beginning at a point 20.00 feet South of the North line of said Section 24 and 33.00 feet East of the West line of said Section 24; thence North 88°28′54″ East, 2636.28 feet to the East line of the Northwest quarter of said section; thence North 88°24′05″ East, 2545.44 feet; thence South 32°33′15″ East, 85.48 feet to the West right-of-way line of Edgewood Road SW; thence South 02°00′36″ East, 2151.98 feet along said west right-of-way line; thence South 89°42′36″ West, 5229.22 feet; thence North 01°57′33″ West, 2109.54 feet to the point of beginning, containing 11,320,472 square feet or 259.88 acres more or less.

Legal Description Tract 2

A tract of land located in Section 19, Township 82 North, Range 7 West of the fifth principal meridian, Linn County, Iowa, more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 19, thence 42.52 feet along the West line of said Northeast quarter of the Northeast quarter to the point of beginning; thence continuing along said West line south 01°59′21″ East, 1279.63 feet to the Southwest corner of said Northeast quarter of the Northeast quarter; thence South 01°59′49″ East, 275.12 feet along the west line of the Southeast quarter of the Northeast quarter; thence North 89°41′40″ East, 1286.86 feet to the west right-of-way of 18th Street SW; thence South 01°57′44″ East, 514.69 feet along said West right-of-way line; thence South 81°10′45″ West, 874.43 feet; thence South 89°42′36″ West, 4335.69 feet to the East right-of-way line of Edgewood Road SW; thence North 02°00′36″ West, 2156.18 feet along said East right-of-way line; thence North 29°37′07″ East, 55.43 feet to the South right-of-way line of 76th Avenue SW; thence North 89°51′08″ East, 2569.06 feet along said South right-of-way line to the East line of the Northwest quarter of said section 19; thence North 89°39′57″ East, 1320.46 feet continuing along said South right-of-way line to the point of beginning, containing 9,388,150 square feet or 215.52 acres more or less.

Legal Description Tract 3

A parcel of land located in the North half of the Northwest quarter of the Northwest quarter of Section 20, Township 82 North, range 7 West of the fifth principal meridian lying west of the C.R. & I.C. Inter Railway, Linn County, Iowa, more particularly described as follows:

Beginning at the intersection of the South right-of-way line of 76th Avenue SW and the West right-of-way line of the C.R. & I.C. Inter Railway Company, thence South 07°13′24″ West, 624.42 feet along said West right-of-way to the South line of said North half of the Northwest quarter of the Northwest quarter; thence South 89°37′21″ West, 959.81 feet along said South line to the East right-of-way line of 18th Street SW; thence North 01°57′44″ West, 569.18 feet along said East right-of-way line; thence North 43°49′35″ East, 69.73 feet to the South right-of-way line of 76th Avenue SW; thence North 89°37′23″ East, 1009.53 feet along said South right-of-way line to the point of

beginning, containing 623,678 square feet or 14.32 acres more or less.

Any person may inspect, by appointment, the request in person at the FAA office listed above **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at The Eastern Iowa Airport.

Issued in Kansas City, MO on January 3, 2018.

Jim A. Johnson,

Director, Airports Division Central Region.

[FR Doc. 2018–00200 Filed 1–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

[Docket No. NHTSA–2017–0106]

Notice and Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

DATES: Written comments should be submitted by March 12, 2018.

ADDRESSES: You may submit comments using any of the following methods:

- *Electronic submissions:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.
- Comments may also be faxed to (202) 293–2251.
- *Instructions:* Each submission must include the Agency name and Docket number for the proposed collection of information.

FOR FURTHER INFORMATION CONTACT: Walter Culbreath, NIO–0300, (202) 366–1566, Office of the Chief Information Officer, W51–316, U.S Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2127–0682.

Type of Review: Renewal of a currently approved information collection.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery.

This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 113,582.

Frequency: Once per request.

Number of Responses: 113,582.

Estimated Total Annual Burden: 20,204.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Kevin Mahoney,

Director, Office of Information Technology Services.

[FR Doc. 2018–00164 Filed 1–8–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee January 16, 2018, public meeting

ACTION: Notification of Citizens Coinage Advisory Committee January 16, 2018, public meeting

SUMMARY: The United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for January 16, 2018.

Date: January 16, 2018.

Time: 3:00 p.m. to 4:30 p.m. EST.

Location: This meeting will occur *via teleconference.* Interested members of the public may dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Subject: Review and discussion of candidate designs for the 2019 America the Beautiful Quarters® Coin honoring American Memorial Park (Commonwealth of the Northern Mariana Islands), consideration of themes for future medals program, and discussion of the 2017 Annual Report.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW, Washington, DC 20220; or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

David Motl,

Acting Deputy Director, United States Mint.

[FR Doc. 2018–00180 Filed 1–8–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 83 Tuesday,
No. 6 January 9, 2018

Part II

Environmental Protection Agency

40 CFR Part 81
Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard—Round 3; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2017–0003; FRL–9972–73–OAR]

Air Quality Designations for the 2010 Sulfur Dioxide (SO_2) Primary National Ambient Air Quality Standard—Round 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule establishes the initial air quality designations for certain areas in the United States (U.S.) for the 2010 sulfur dioxide (SO_2) primary National Ambient Air Quality Standard (NAAQS). The Environmental Protection Agency (EPA) is designating the areas as either Nonattainment, Attainment/Unclassifiable, or Unclassifiable. The designations are based on application of the EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling, to determine the appropriate designation based on the weight of evidence for each area. The Clean Air Act (CAA or Act) directs areas designated Nonattainment by this rule to undertake certain planning and pollution control activities to attain the SO_2 NAAQS as expeditiously as practicable. This is the third of four expected sets of actions to designate areas of the U.S. for the 2010 SO_2 NAAQS.

DATES: The final rule is effective on April 9, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2017–0003. All documents in the docket are listed in the index at *http://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in the docket or in hard copy at the Docket, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The hours of operation at the EPA Docket Center are 8:30 a.m.–4:30 p.m., Monday–Friday. The telephone number for the Public Reading Room is (202) 566–1744. Air dispersion modeling input and output files are too large to post in the docket or on the website and must be requested from the EPA Docket Office or the Regional office contacts listed in the **FURTHER INFORMATION** section.

In addition, the EPA has established a website for the initial SO_2 designations rulemakings at: *https://www.epa.gov/sulfur-dioxide-designations.* The website includes the EPA's final SO_2 designations, as well as state and tribal recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Liz Etchells, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Policy Division, C539–01, Research Triangle Park, NC 27709, telephone (919) 541–0253, email at *etchells.elizabeth@epa.gov.* The EPA contacts listed at the beginning of the Supplementary Information can answer questions regarding areas in a particular EPA Regional office.

SUPPLEMENTARY INFORMATION:

U.S. EPA Regional Office Contacts:

Region I—Leiran Biton, telephone (617) 918–1267, email at *biton.leiran@epa.gov.*

Region II—Ken Fradkin, telephone (212) 637–3702, email at *fradkin.kenneth@epa.gov.*

Region III—Ruth Knapp, telephone (215) 814–2191, email at *knapp.ruth@epa.gov.*

Region IV—Twunjala Bradley, telephone (404) 562–9352, email at *bradley.twunjala@epa.gov.*

Region V—John Summerhays, telephone (312) 886–6067, email at *summerhays.john@epa.gov.*

Region VI—Bob Imhoff, telephone (214) 665–7262, email at *imhoff.robert@epa.gov.*

Region VII—David Peter, telephone (913) 551–7397, email at *peter.david@epa.gov.*

Region VIII—Adam Clark, telephone (303) 312–7104, email at *clark.adam@epa.gov.*

Region IX—Anita Lee, telephone (415) 972–3958, email at *lee.anita@epa.gov.*

Region X—John Chi, telephone (206) 553–1185, email at *chi.john@epa.gov.*

The public may inspect the recommendations from the states, territories and tribes, our recent letters notifying the affected states, territories, and tribes of our intended designations, and area-specific technical support information at the following locations:

Regional offices	States
Dave Conroy, Chief, Air Programs Branch, EPA New England, 5 Post Office Square, Suite 100, Boston, MA 02109–3912, (617) 918–1661.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.
Richard Ruvo, Chief, Air Programs Branch, EPA Region II, 290 Broadway, 25th Floor, New York, NY 10007–1866, (212) 637–4014.	New Jersey, New York, Puerto Rico and Virgin Islands.
Maria A. Pino, Acting Associate Director, Office of Air Program Planning, EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2187, (215) 814–2181.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.
R. Scott Davis, Chief, Air Planning and Implementation Branch, EPA Region IV, Sam Nunn Atlanta Federal Center, 61 Forsyth, Street, SW, 12th Floor, Atlanta, GA 30303, (404) 562–9127.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.
John Mooney, Chief, Air Programs Branch, EPA Region V, 77 West Jackson Street, Chicago, IL 60604, (312) 886–6043.	Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.
Alan Shar, Acting Chief, Air Planning Section, EPA Region VI, 1445 Ross Avenue, Dallas, TX 75202, (214) 665–6691.	Arkansas, Louisiana, New Mexico, Oklahoma and Texas.
Mike Jay, Chief, Air Programs Branch, EPA Region VII, 11201 Renner Blvd., Lenexa, KS 66129, (913) 551–7460.	Iowa, Kansas, Missouri and Nebraska.
Monica Morales, Air Program Director, EPA Region VIII, 1595 Wynkoop Street, Denver, CO 80202–1129, (303) 312–6936.	Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.
Anita Lee, Air Planning Office, EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3958.	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Northern Mariana Islands, Navajo Nation and the Hopi Tribe.

Regional offices	States
Debra Suzuki, Manager, State and Tribal Air Programs, EPA Region X, Office of Air, Waste, and Toxics, Mail Code OAQ–107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–0985.	Alaska, Idaho, Oregon and Washington.

The information can also be reviewed online at *https://www.epa.gov/sulfur-dioxide-designations* and in the public docket for these SO_2 designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0003.

Table of Contents

The following is an outline of the Preamble.

I. Preamble Glossary of Terms and Acronyms

The following are abbreviations of terms used in the preamble.

APA Administrative Procedure Act
CAA Clean Air Act
CFR Code of Federal Regulations
DC District of Columbia
EO Executive Order
EPA Environmental Protection Agency
FR Federal Register
NAAQS National Ambient Air Quality Standards
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
SO_2 Sulfur Dioxide
SO_X Sulfur Oxides
RFA Regulatory Flexibility Act
UMRA Unfunded Mandate Reform Act of 1995
TAR Tribal Authority Rule
TAD Technical Assistance Document
TSD Technical Support Document
U.S. United States

II. What is the purpose of this action?

The purpose of this final action is to announce and promulgate initial air quality designations for certain areas in the U.S. for the 2010 SO_2 NAAQS, in accordance with the requirements of the CAA. The EPA is designating areas as either Nonattainment, Attainment/Unclassifiable, or Unclassifiable, based on the definitions described in Section IV in this preamble, and based on evaluating any available information, including (but not limited to) appropriate modeling analyses and/or monitoring data.

This is the third round of designations for the 2010 SO_2 NAAQS. As discussed in Section IV of this document, the EPA is designating SO_2 areas in multiple rounds. The EPA completed the first round of SO_2 designations in an action signed on July 25, 2013 (78 FR 47191; August 5, 2013). In that action, the EPA designated 29 areas in 16 states as Nonattainment, based on air quality monitoring data. In the second round of SO_2 designations, in actions published on July 12, 2016 (81 FR 45039), and December 13, 2016 (81 FR 89870), the EPA designated 65 additional areas in 24 states: 7 Nonattainment areas, 41 Unclassifiable/Attainment areas and 17 Unclassifiable areas. In this third round, 6 areas are being designated Nonattainment; 23 areas are being designated Unclassifiable; and the rest of the areas covered by this round in all states, territories, and tribal lands are being designated Attainment/Unclassifiable. In a future fourth round, the EPA expects to designate all remaining undesignated areas (approximately 50 areas) where states have installed and begun timely operation of a new SO_2 monitoring network.

The list of areas being designated in the affected states and the boundaries of each area appear in the tables for each state within the regulatory text at the end of this document. For areas in this action that meet our definition of ''Attainment/Unclassifiable,'' the EPA notes this inversion, from previous rounds, of the order of the words ''Attainment'' and ''Unclassifiable'' in the amended term ''Attainment/Unclassifiable area'' has no consequence itself, and that there are no regulatory consequences of this change in, or clarified interpretation of, terminology to the areas in which the terms ''Attainment/Unclassifiable'' or ''Unclassifiable'' are applied. For consistency, we are also inverting the order of ''Attainment'' and ''Unclassifiable'' for areas previously designated in Round 2 (81 FR 45039 and 81 FR 89870). This re-ordering of the terms has no regulatory consequence and does not revisit the determinations made in Round 2 for these areas. The EPA believes this change is consistent with Congress's definition of ''Attainment area'' in CAA section 107(d)(1)(A)(ii), and will improve public understanding and make clearer what regulations apply to areas designated in this way, which states have commented they believe is important for the economic development of such areas.

These designations are based on the EPA's nationwide analytical approach and technical assessment of and conclusions regarding the weight of evidence for each area, including but not limited to available air quality monitoring data or air quality modeling. With respect to air quality monitoring data, the EPA considered data from at least the most recent three calendar years 2014–2016 as available. In the modeling runs conducted by states or third parties, the impacts of the actual emissions for recent 3-year periods (*e.g.,* 2012–2014, 2013–2015, 2014–2016) were considered. In some cases, the modeling evaluated current allowable

emissions limits in lieu of or as a supplement to modeling of actual emissions. As described in Section VI and in limited circumstances, the EPA may consider early certified 2015–2017 monitoring data or other documentation that demonstrates Attainment. This information would need to be submitted to the EPA by February 28, 2018. For the areas being designated Nonattainment, the CAA directs states to develop and submit to the EPA State Implementation Plans (SIPs) within 18 months of the effective date of this final rule, that meet the requirements of sections 172(c) and 191–192 of the CAA and provide for Attainment of the NAAQS as expeditiously as practicable, but not later than 5 years from the effective date of this final rule.

In 2010, the EPA issued a notice of final rulemaking that revised the primary SO_2 NAAQS (75 FR 35520; June 22, 2010) after review of the existing primary SO_2 standards promulgated on April 30, 1971 (36 FR 8187). The EPA established the revised primary SO_2 NAAQS at 75 parts per billion (ppb) which is attained when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations does not exceed 75 ppb.

The process for designating areas following promulgation of a new or revised NAAQS is contained in the CAA section 107(d) (42 U.S.C. 7407(d)). After promulgation of a new or revised NAAQS, each governor or tribal leader has an opportunity to recommend air quality designations, including the appropriate boundaries for Nonattainment areas, to the EPA. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. By no later than 120 days prior to promulgating designations, the EPA is required to notify states, territories, and tribes, as appropriate, of any intended modifications to an area designation or boundary recommendation that the EPA deems necessary.

After invoking a 1-year extension of the deadlines to designate areas, as provided for in section 107 of the Act, the EPA completed an initial round of SO_2 designations for certain areas of the country on July 25, 2013 (referred to as ''Round 1'').[1] Following the initial designations, three lawsuits were filed against the EPA in different U.S. District Courts, alleging the agency had failed to perform a nondiscretionary duty under the CAA by not designating all portions of the country by the June 2, 2013, deadline. In one of those cases, the U.S. District Court for the Northern District of California on March 2, 2015, entered an enforceable order for the EPA to complete the area designations by three specific deadlines according to the court-ordered schedule.

To meet the first court-ordered deadline, additional areas were designated on June 30, 2016, and November 29, 2016 (collectively referred to as ''Round 2'').[2] Pursuant to the court-ordered schedule,[3] the EPA must complete SO_2 designations for the remaining areas of the country by two specific deadlines: December 31, 2017, and December 31, 2020. This current third round of designations addresses all remaining undesignated areas except those where a state has installed and begun timely operating a new SO_2 monitoring network meeting EPA specifications referenced in EPA's SO_2 Data Requirements Rule.[4]

On or about August 22, 2017, consistent with section 107(d)(1)(b)(ii) of the CAA, the EPA notified affected states, territories, and tribes of its intended designation of certain specific areas as either Nonattainment, Attainment/Unclassifiable, or Unclassifiable for the SO_2 NAAQS. These states then had the opportunity to demonstrate why they believed an intended modification of their updated recommendations by the EPA may be inappropriate. Although not required under the CAA, as the EPA had done for the first and second rounds of SO_2 designations, the EPA also chose to provide an opportunity for members of the public to comment on the EPA's August 2017 letters. The EPA published a notice of availability and public comment period for the intended designations on September 5, 2017 (82 FR 41903). The public comment period closed on October 5, 2017. The recommendations, the EPA's August 2017 letters, and the subsequent state and public comment letters, are in the docket for this third round of SO_2 designations at Docket ID No. EPA–HQ–OAR–2017–0003 and are available on the SO_2 designations website.

III. What is the 2010 SO_2 NAAQS and what are the health concerns that it addresses?

The EPA revised the primary SO_2 NAAQS in a final rule published in the **Federal Register** on June 22, 2010 (75 FR 35520), which became effective on August 23, 2010. Based on review of the air quality criteria for oxides of sulfur and the primary NAAQS for oxides of sulfur as measured by SO_2, the EPA revised the primary SO_2 NAAQS to provide requisite protection of public health with an adequate margin of safety. Specifically, the EPA established a new 1-hour SO_2 standard at a level of 75 ppb, which is met at an ambient air quality monitoring site when the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations is less than or equal to 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. 40 CFR 50.17(a) and (b). The EPA also established provisions to revoke both the existing 24-hour and annual primary SO_2 standards, subject to certain conditions. 40 CFR 50.4(e).

Current scientific evidence links short-term exposures to SO_2, ranging from 5 minutes to 24 hours, with an array of adverse respiratory effects including bronchoconstriction and increased asthma symptoms. These effects are particularly important for asthmatics at elevated ventilation rates (*e.g.,* while exercising or playing). Studies also show a connection between short-term exposure and increased visits to emergency departments and hospital admissions for respiratory illnesses, particularly in at-risk populations including children, the elderly and asthmatics.

IV. What are the CAA requirements for air quality designations and what action has the EPA taken to meet these requirements?

After the EPA promulgates a new or revised NAAQS, the EPA is required to designate all areas of the country as either ''Nonattainment,'' ''Attainment,'' or ''Unclassifiable,'' for that NAAQS pursuant to section 107(d)(1) of the CAA. As part of these Round 3 designations, the EPA is implementing its interpretation of statutory terms under CAA section 107(d) nationwide and is basing these designations on the EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling, applied to the available evidence for each area.

[1] A total of 29 areas throughout the U.S. were designated in this action published on August 5, 2013 (78 FR 47191). The EPA designated all 29 areas Nonattainment based on violating monitored SO_2 concentrations from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 CFR parts 50 and 58, and did not at that time designate any other areas.

[2] A total of 65 areas throughout the U.S. were designated in these actions published on July 12, 2016 (81 FR 45039), and December 13, 2016 (81 FR 89870). Of these 65 areas, seven were designated Nonattainment.

[3] *Sierra Club* v. *McCarthy,* No. 3–13–cv–3953 (SI) (N.D. Cal. Mar. 2, 2015).

[4] 40 CFR part 51, subpart BB (80 FR 51052; August 21, 2015).

Regarding statutory definitions and the EPA's interpretations of such, section 107(d)(1)(A)(i) of the CAA defines a Nonattainment area as an area that does not meet the NAAQS or that contributes to a nearby area that does not meet the NAAQS. An Attainment area is defined by the CAA as any area that meets the NAAQS and does not contribute to a nearby area that does not meet the NAAQS. Unclassifiable areas are defined by the CAA as those that cannot be classified on the basis of available information as meeting or not meeting the NAAQS.

For the purpose of this action for the 2010 SO_2 NAAQS, the EPA has interpreted and applied the statutory definitions as follows. The EPA defines a *Nonattainment* area as an area that the EPA has determined violates the 2010 SO_2 NAAQS or contributes to a violation in a nearby area, based on the most recent 3 years of air quality monitoring data, appropriate dispersion modeling analysis, and any other relevant information.

In this action, an *Attainment/Unclassifiable* area is defined by the EPA as an area that either: (1) Was not required to be characterized under 40 CFR 51.1203(c) or (d) for which available information does not indicate that the area violates the NAAQS or contributes to ambient air quality in a nearby area that does not meet the NAAQS; or (2) was required to be characterized under 40 CFR 51.1203(c) or (d) for which the EPA has determined the available information indicates the area meets the NAAQS and does not indicate the area contributes to ambient air quality in a nearby area that does not meet the NAAQS.

In this action, an *Unclassifiable area* is defined by the EPA as an area for which the available information does not allow the EPA to determine whether the area meets the definition of a Nonattainment area or the definition of an Attainment/Unclassifiable area.

This nationwide analytical approach also includes but is not limited to: (1) EPA's interpretations of other terms in the context of Round 3 of the 2010 SO_2 NAAQS; (2) the appropriate basis for characterizing the air quality of an area; (3) the five-factor analysis to determine the boundaries for each air quality area under the NAAQS; and (4) the methodology for appropriately characterizing SO_2 air quality through monitoring or modeling.

The EPA notes that CAA section 107(d) provides the agency with discretion to determine how best to interpret the terms in the definition of a Nonattainment area (*e.g.,* ''contributes to'' and ''nearby'') for a new or revised NAAQS, given considerations such as the nature of a specific pollutant, the types of sources that may contribute to violations, the form of the standards for the pollutant, and other relevant information. In particular, the EPA's position is that the statute does not require the agency to establish bright line tests or thresholds for what constitutes ''contribution'' or ''nearby'' for purposes of designations.[5]

Similarly, the EPA's position is that the statute permits the EPA to evaluate the appropriate application of the term ''area'' to include geographic areas based upon full or partial county boundaries, as may be appropriate for a particular NAAQS. For example, CAA section 107(d)(1)(B)(ii) explicitly provides that the EPA can make modifications to designation recommendations for an area ''or portions thereof,'' and under CAA section 107(d)(1)(B)(iv) a designation remains in effect for an area ''or portion thereof'' until the EPA redesignates it.

By no later than 1 year after the promulgation of a new or revised NAAQS, CAA section 107(d)(1)(A) provides that each state governor is required to recommend air quality designations, including the appropriate boundaries for areas, to the EPA.[6] The EPA reviews those recommendations and is authorized to make any modifications the Administrator deems necessary. The statute does not define the term ''necessary,'' but the EPA interprets this to authorize the Administrator to modify designations that did not meet the statutory requirements or were otherwise inconsistent with the facts or analysis deemed appropriate by the Administrator. If the EPA is considering modifications to a recommendation, we are required by CAA section 107(d)(1)(B)(ii) to notify the state of any such intended modifications not less than 120 days prior to our promulgation of the final designation. These notifications are commonly known as the ''120-day letters.'' During this period, if the state or territory does not agree with the EPA's proposed modification, it has an opportunity to respond to the EPA and to demonstrate why it believes the modification proposed by the EPA is inappropriate. If a state or territory fails to provide any recommendation for an area, in whole or in part, the EPA still must promulgate a designation that the Administrator deems appropriate, pursuant to CAA section 107(d)(1)(B)(ii). While CAA section 107(d) specifically addresses the designations process between the EPA and states and territories, the EPA followed the same process to the extent practicable for tribes that submitted designation recommendations.

V. What guidance did the EPA issue and how did the EPA apply the statutory requirements and applicable guidance to determine area designations and boundaries?

In the notice of proposed rulemaking for the revised SO_2 NAAQS (74 FR 64810; December 8, 2009), the EPA issued proposed guidance on our approach to implementing the standard, including our approach to initial area designations. The EPA solicited comment on that guidance and, in the notice of final rulemaking (75 FR 35520; June 22, 2010), provided further guidance concerning implementation of the standard and how to identify Nonattainment areas and boundaries for the SO_2 NAAQS. Subsequently, on March 24, 2011, the EPA provided additional designations guidance to assist states with making their recommendations for area designations and boundaries.[7] That guidance recommended, among other things, that monitoring data from the most recent 3 consecutive years be used to identify a violation of the SO_2 NAAQS. This is appropriate because the form of the SO_2 NAAQS is calculated as a 3-year average of the 99th percentile of the yearly distribution of 1-hour daily maximum SO_2 concentrations (specifically the most recent 3 consecutive years). The EPA based the first round of final SO_2 designations in 2013 solely on violating monitored SO_2 concentrations for the years 2010–2012 from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 CFR parts 50 and 58, and did not at that time designate any other areas.

In the March 24, 2011, guidance, the EPA stated that the perimeter of a county containing a violation would be the initial presumptive boundary for Nonattainment areas, but also stated that the state, tribe and/or the EPA could conduct additional area-specific analyses that could justify establishing either a larger or smaller area. The EPA indicated that the following factors should be considered in an analysis of whether to exclude portions of a county

[5] This view was confirmed in *Catawba County* v. *EPA,* 571 F.3d 20 (D.C. Cir. 2009).

[6] Tribes are invited to submit recommendations following promulgation of a new or revised NAAQS, but are not required to do so.

[7] *See,* ''Area Designations for the 2010 Revised Primary Sulfur Dioxide National Ambient Air Quality Standards,'' memorandum to Regional Air Division Directors, Regions I–X, from Stephen D. Page, dated March 24, 2011.

and whether to include additional nearby areas outside the county as part of the designated Nonattainment area: (1) Air quality data; (2) emissions-related data; (3) meteorology; (4) geography/topography; and (5) jurisdictional boundaries, as well as other available data. States and tribes may identify and evaluate other relevant factors or circumstances specific to a particular area.

Following entry of the March 2, 2015, court order setting forth the schedule for the EPA to complete SO_2 designations, the EPA issued updated designations guidance.[8] This guidance superseded the March 24, 2011, designation guidance for the 2010 SO_2 NAAQS, and identified factors that the EPA intended to evaluate in determining whether areas are in violation of the 2010 SO_2 NAAQS or contribute to air quality in nearby areas that are in violation of the 2010 SO_2 NAAQS. The guidance also contained the factors the EPA intended to evaluate in determining the boundaries for all remaining areas in the country, consistent with the court's order and schedule. These factors include: (1) Air quality characterization via ambient monitoring or dispersion modeling results; (2) emissions-related data; (3) meteorology; (4) geography and topography; and (5) jurisdictional boundaries.[9]

On March 8, 2017, the EPA issued a memo to clarify what version of the AERMOD modeling system is the most appropriate for consideration by the agency in the SO_2 designations process.[10]

VI. What air quality information has the EPA used for these designations?

For designations for the SO_2 NAAQS, air agencies have the flexibility to characterize air quality using either appropriately sited ambient air quality monitors or modeling of actual or current allowable source emissions. These designations are based on the EPA's application of the nationwide analytical approach to, and technical assessment of, the weight of evidence for each area, including but not limited to available air quality monitoring data and air quality modeling results. The 1-hour primary SO_2 standard is violated at an ambient air quality monitoring site (or in the case of dispersion modeling, at an ambient air quality receptor location) when the 3-year average of the annual 99th percentile of the daily maximum 1-hour average concentrations exceeds 75 ppb, as determined in accordance with Appendix T of 40 CFR part 50. With respect to air quality monitoring data, the EPA has considered data from at least the most recent 3 calendar years, *i.e.,* 2014–2016, as available. In most of the modeling runs available for EPA's review, the impacts of the actual emissions for one or more of the recent 3-year periods (*e.g.,* 2012–2014, 2013–2015, 2014–2016) were considered, and in some cases the modeling was of currently effective limits on allowable emissions in lieu of or as a supplement to modeling of actual emissions.

The deadline for Round 3 designations and the practical difficulties of obtaining source emissions data for modeling, and complete, quality-assured, certified SO_2 monitoring data for the entirety of calendar year 2017 in December 2017, make the EPA's use of final 2017 emissions and monitoring data for this action generally impracticable. Under normal circumstances, the full year of such data would not be available to support regulatory determinations until after the end of the calendar year, and under the applicable regulations, the deadline for states to certify monitoring data is May 1, 2018. However, because these designations are being promulgated at the end of calendar year 2017, and because states can obtain source emissions information and make complete, quality-assured, certified 2017 data available for some areas quickly in 2018, in order to address the impracticability problem, the EPA is providing a process by which state-certified 2017 monitoring or emissions data that become available early in 2018 could be used in the designation process. We have provided that the final SO_2 designation decisions announced in this action will be effective on the date 90 days following the date of publication of this action in the **Federal Register**. If any state submits complete, quality-assured, certified 2017 data or related information about 2017 air quality to the EPA by February 28, 2018, supporting a change of the designation status for any area within that state, and the EPA agrees that a change of designation status is appropriate, then we will withdraw the designation announced in this action for such area and issue another designation that reflects the inclusion and analysis of such information. We emphasize that we will conduct this process only for those states that submit the information by the deadline of February 28, 2018, and in those instances where we can complete our analysis of the information and effect the change of designation status before the original effective date established by this final action.

If these submissions cause an area to change from Nonattainment to Attainment or Unclassifiable, the EPA will change the designation for the area following the process described in the preceding paragraph. If inclusion of 2017 data or related information about 2017 air quality indicates Nonattainment in an area that was designated Attainment or Unclassifiable, we will evaluate the reasons for the violation in the area and determine the appropriate course of action, which could include additional future action to change the designation for the area to Nonattainment.

VII. How do the Round 3 designations affect Indian country?

For areas of Indian country, there are no violating monitors. The Navajo Nation submitted modeling analyses for the areas around two SO_2 emission sources located in the Navajo Nation, the Navajo Generating Station and the Four Corners Power Plant, neither of which indicated a violation of the NAAQS. The Navajo Nation, the lands of the Hopi Tribe, and the Southern Ute Indian Reservation are being designated as separate areas. All other parts of Indian country are being designated as Attainment/Unclassifiable or Unclassifiable along with the surrounding state area. No areas of Indian country are being designated as Nonattainment in this round.

VIII. Where can I find information forming the basis for this rule and exchanges between the EPA, states and tribes related to this rule?

Information providing the basis for this final action are provided in a final technical support document (TSD) [11]

[8] *See,* ''Updated Guidance for Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard,'' memorandum to Regional Air Division Directors, Regions I–X, from Stephen D. Page, dated March 20, 2015.

[9] The EPA supplemented this guidance with documents first made available to states and other interested parties in 2013 and updated in 2016. *See* SO_2 NAAQS Designations Source-Oriented Monitoring Technical Assistance Document (February 2016), available at *https://www.epa.gov/sites/production/files/2016-06/documents/so2monitoringtad.pdf,* and SO_2 NAAQS Designations Modeling Technical Assistance Document (August 2016), available at *https://www.epa.gov/sites/production/files/2016-06/documents/so2modelingtad.pdf.*

[10] *See* ''Clarification on the AERMOD Modeling System Version for Use in SO_2 Implementation Efforts and Other Regulatory Actions,'' memorandum to EPA Regional Air Division Directors from Richard A. Wayland, dated March 8, 2017. This memo is available at *https://www3.epa.gov/ttn/scram/guidance/clarification/SO2_DRR_Designation_Modeling_Clarification_Memo-03082017.pdf.*

[11] The single final TSD for this action consists of a few sections with information that applies to all affected areas or to certain groups of areas with

included in the docket. The final TSD, intended designations TSD, modeling files, technical assistance documents, applicable EPA guidance memoranda, public comments, and copies of correspondence regarding this process between the EPA and the states, territories, tribes, and other parties, are available for review at the public docket for these SO_2 designations at *https://www.regulations.gov* under Docket ID No. EPA–HQ–OAR–2017–0003, at the EPA Docket Center listed above in the **ADDRESSES** section of this document and on the agency's SO_2 Designations website at *https://www.epa.gov/sulfur-dioxide-designations.* Area-specific questions can be addressed to the EPA Regional offices (*see* contact information provided at the beginning of this document).

IX. Environmental Justice Concerns

When the EPA establishes a new or revised NAAQS, the CAA requires the EPA to designate all areas of the U.S. as either Nonattainment, Attainment, or Unclassifiable. This action addresses designation determinations for certain areas for the 2010 SO_2 NAAQS. Area designations address environmental justice concerns by ensuring that the public is properly informed about the air quality in an area. In locations where air quality does not meet the NAAQS, the CAA requires relevant state authorities to initiate appropriate air quality management actions to ensure that all those residing, working, attending school, or otherwise present in those areas are protected, regardless of minority and economic status.

X. Statutory and Executive Order Reviews

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

This action is exempt from review by the Office of Management and Budget because it responds to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS.

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

This action is not an Executive Order 13771 regulatory action because actions such as air quality designations after promulgating a new revised NAAQS are exempt under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action fulfills the non-discretionary duty for the EPA to promulgate air quality designations after promulgation of a new or revised NAAQS and does not contain any information collection activities.

D. Regulatory Flexibility Act (RFA)

This designation action under CAA section 107(d) is not subject to the RFA. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. Section 107(d)(2)(B) of the CAA explicitly provides that designations are exempt from the notice-and-comment provisions of the APA. In addition, designations under CAA section 107(d) are not among the list of actions that are subject to the notice-and-comment rulemaking requirements of CAA section 307(d).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The division of responsibility between the federal government and the states for purposes of implementing the NAAQS is established under the CAA.

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

This action does not have tribal implications, as specified in Executive Order 13175. This action concerns the designation of certain areas in the U.S. for the 2010 SO_2 NAAQS. The CAA provides for states, territories, and eligible tribes to develop plans to regulate emissions of air pollutants within their areas, as necessary, based on the designations. The Tribal Authority Rule (TAR) provides tribes the opportunity to apply for eligibility to develop and implement CAA programs, such as programs to attain and maintain the SO_2 NAAQS, but it leaves to the discretion of the tribe the decision of whether to apply to develop these programs and which programs, or appropriate elements of a program, the tribe will seek to adopt. This rule does not have a substantial direct effect on one or more Indian tribes. It would not create any additional requirements beyond those of the SO_2 NAAQS. This rule establishes the designations for certain areas of the country for the SO_2 NAAQS, but no areas of Indian country are being designated as Nonattainment by this action. Furthermore, this rule does not affect the relationship or distribution of power and responsibilities between the federal government and Indian tribes. The CAA and the TAR establish the relationship of the federal government and tribes in developing plans to attain the NAAQS, and this rule does nothing to modify that relationship. Thus, Executive Order 13175 does not apply.

Although Executive Order 13175 does not apply to this rule, after the EPA promulgated the 2010 primary SO_2 NAAQS, the EPA communicated with tribal leaders and environmental staff regarding the designations process. In 2011, the EPA also sent individualized letters to all federally recognized tribes to explain the designation process for the 2010 primary SO_2 NAAQS, to provide the EPA designations guidance, and to offer consultation with the EPA. The EPA provided further information to tribes through presentations at the National Tribal Forum and through participation in National Tribal Air Association conference calls. The EPA also sent individualized letters to all federally recognized tribes that submitted recommendations to the EPA about the EPA's intended Round 1 designations for the SO_2 standard and offered tribal leaders the opportunity for consultation.[12] These communications provided opportunities for tribes to voice concerns to the EPA about the general designations process for the 2010 SO_2 NAAQS, as well as concerns specific to a tribe, and informed the EPA about key tribal concerns regarding designations as the designations process was under development and through its implementation up to that point. For the second round of SO_2 designations, the EPA sent additional letters to tribes that could potentially be affected and offered

some common features, and many sections that are specific to individual states, territories, or tribal areas. For convenience, the term ''TSD'' is also used generically to refer to these state/territory/tribe-specific sections. For informational purposes, these individual state/territory/tribe-specific sections/TSDs are available for separate downloading from the indicated EPA website.

[12] These communication letters to the tribes are provided in the dockets for Round 1 (Docket ID No. EPA–HQ–OAR–2012–0233 and Round 2 (Docket ID No. EPA–HQ–OAR–2014–0464).

additional opportunities for participation in the designations process. For this third round of SO_2 designations, the EPA has sent similar letters to affected tribes.

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

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

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). The documentation for this determination is contained in Section IX of this preamble, ''Environmental Justice Concerns.''

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the U.S. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

M. Judicial Review

Section 307(b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final action to designate certain areas for the 2010 SO_2 NAAQS is ''nationally applicable'' within the meaning of section 307(b)(1). The final action establishes designations for areas across the U.S. for the 2010 SO_2 NAAQS. At the core of this action is the EPA's nationwide analytical approach and technical analysis, including evaluation of monitoring data and air quality modeling, applied to the available evidence for each area, including the EPA's interpretation of statutory terms in the CAA such as the definitions of Nonattainment, Attainment, and Unclassifiable under section 107(d)(1) of the CAA, and its application of that interpretation to areas across the country. Accordingly, the Administrator has determined that the final action is nationally applicable and is hereby publishing that finding in the **Federal Register**.

For the same reasons discussed above that make the final rule nationally applicable, the Administrator also has determined that the final designations are of nationwide scope and effect for the purposes of section 307(b)(1). This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95–294 at 323, 324, *reprinted* in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of the action will extend to numerous judicial circuits since the designations will apply to areas across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the action to be of ''nationwide scope or effect'' and for venue to be in the D.C. Circuit. Therefore, the Administrator has determined that the final action is based on a determination by the Administrator of nationwide scope or effect, and is hereby publishing that finding in the **Federal Register**.

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: December 21, 2017.

E. Scott Pruitt,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.301 is amended by adding a table titled ''Alabama—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''Alabama—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Escambia County	.....	Unclassifiable.
Mobile County	.....	Unclassifiable.
Morgan County	.....	Unclassifiable.
Pike County	.....	Unclassifiable.
Shelby County	.....	Unclassifiable.
Shelby County (part) [3]		
2016 US Census Block Groups 011170308001 and 011170308002		
Washington County	.....	Unclassifiable.

ALABAMA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Rest of State:		
Autauga County		Attainment/Unclassifiable.
Baldwin County		Attainment/Unclassifiable.
Barbour County		Attainment/Unclassifiable.
Bibb County		Attainment/Unclassifiable.
Blount County		Attainment/Unclassifiable.
Bullock County		Attainment/Unclassifiable.
Butler County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Chambers County		Attainment/Unclassifiable.
Cherokee County		Attainment/Unclassifiable.
Chilton County		Attainment/Unclassifiable.
Choctaw County		Attainment/Unclassifiable.
Clarke County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Cleburne County		Attainment/Unclassifiable.
Coffee County		Attainment/Unclassifiable.
Colbert County		Attainment/Unclassifiable.
Conecuh County		Attainment/Unclassifiable.
Coosa County		Attainment/Unclassifiable.
Covington County		Attainment/Unclassifiable.
Crenshaw County		Attainment/Unclassifiable.
Cullman County		Attainment/Unclassifiable.
Dale County		Attainment/Unclassifiable.
Dallas County		Attainment/Unclassifiable.
DeKalb County		Attainment/Unclassifiable.
Elmore County		Attainment/Unclassifiable.
Etowah County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Geneva County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Hale County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Houston County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Lamar County		Attainment/Unclassifiable.
Lauderdale County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Limestone County		Attainment/Unclassifiable.
Lowndes County		Attainment/Unclassifiable.
Macon County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marengo County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pickens County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Russell County		Attainment/Unclassifiable.
St. Clair County		Attainment/Unclassifiable.
Sumter County		Attainment/Unclassifiable.
Talladega County		Attainment/Unclassifiable.
Tallapoosa County		Attainment/Unclassifiable.
Tuscaloosa County		Attainment/Unclassifiable.
Walker County		Attainment/Unclassifiable.
Wilcox County		Attainment/Unclassifiable.
Winston County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

[3] The remainder of Shelby County will be designated by December 31, 2020.

* * * * *

■ 3. Section 81.302 is amended by adding a table titled ''Alaska—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''Alaska—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.302 Alaska.

* * * * *

ALASKA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Entire State	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 4. Section 81.303 is amended by revising the table entitled ''Arizona—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.303 Arizona.

* * * * *

ARIZONA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Hayden, AZ [3]	10–4–13	Nonattainment.
Gila County (part)		
The portions of Gila County that are bounded by: T4S, R14E; T4S, R15E; T4S, R16E; T5S, R15E; T5S, R16E		
Pinal County (part)		
The portions of Pinal County that are bounded by: T4S, R14E; T4S, R15E; T4S, R16E; T5S, R14E; T5S, R15E; T5S, R16E; T6S, R14E; T6S, R15E; T6S, R16E		
Miami, AZ [3]	10–4–13	Nonattainment.
Gila County (part)		
The portions of Gila County that are bounded by: T2N, R14E; T2N, R15E; T1N, R13E; T1N, R14E; T1N, R15E; T1S, R14E; T1S, R14 1/2E; T1S, R15E		
Coconino County (part)	.....	Unclassifiable.
The portions of Coconino County located within the Navajo Nation areas of Indian country within a 50-km radius of the Navajo Generating Station at the coordinates 39.904006 decimal degrees latitude and −111.389435 decimal degrees longitude, using the 1984 World Geodetic Survey datum.		
Rest of State:		
Apache County (part) [4]	.....	Attainment/Unclassifiable.
Cochise County	.....	Attainment/Unclassifiable.
Coconino County (part) [5]	.....	Attainment/Unclassifiable.
Gila County (part) [6]	.....	Attainment/Unclassifiable.
Graham County	.....	Attainment/Unclassifiable.
Greenlee County	.....	Attainment/Unclassifiable.
Lands of the Hopi Tribe	.....	Attainment/Unclassifiable.
La Paz County	.....	Attainment/Unclassifiable.
Maricopa County	.....	Attainment/Unclassifiable.
Mohave County	.....	Attainment/Unclassifiable.
Navajo County (part) [7]	.....	Attainment/Unclassifiable.
Lands of the Navajo Nation (part) [8]	.....	Attainment/Unclassifiable.
Pima County	.....	Attainment/Unclassifiable.
Pinal County (part) [9]	.....	Attainment/Unclassifiable.
Santa Cruz County	.....	Attainment/Unclassifiable.
Yavapai County	.....	Attainment/Unclassifiable.
Yuma County	.....	Attainment/Unclassifiable.

[1] Includes Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Excludes Indian country located in each area, if any, unless otherwise specified.
[4] Excludes lands of the White Mountain Apache Tribe.
[5] Excludes lands of the Hopi Tribe and lands of the Navajo Nation.
[6] Excludes the lands of the White Mountain Apache Tribe and the Hayden, AZ and Miami, AZ Nonattainment areas.
[7] Includes all lands of the White Mountain Apache Tribe, including those lands of the White Mountain Apache Tribe geographically located in Apache County and Gila County, and excludes lands of the Hopi Tribe and lands of the Navajo Nation.
[8] Includes all lands of the Navajo Nation except for the portions of the Navajo Nation lands designated Unclassifiable. Includes the lands of the Navajo Nation geographically located within the states of New Mexico and Utah.
[9] Excludes the Hayden, AZ Nonattainment area.

* * * * *

■ 5. Section 81.304 is amended by revising the table entitled ''Arkansas—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.304 Arkansas.

* * * * *

ARKANSAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Independence County	9/12/16	Unclassifiable.
Arkansas County		Attainment/Unclassifiable.
Ashley County		Attainment/Unclassifiable.
Baxter County		Attainment/Unclassifiable.
Benton County		Attainment/Unclassifiable.
Boone County		Attainment/Unclassifiable.
Bradley County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Chicot County		Attainment/Unclassifiable.
Clark County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Cleburne County		Attainment/Unclassifiable.
Cleveland County		Attainment/Unclassifiable.
Columbia County		Attainment/Unclassifiable.
Conway County		Attainment/Unclassifiable.
Craighead County		Attainment/Unclassifiable.
Crawford County		Attainment/Unclassifiable.
Crittenden County		Attainment/Unclassifiable.
Cross County		Attainment/Unclassifiable.
Dallas County		Attainment/Unclassifiable.
Desha County		Attainment/Unclassifiable.
Drew County		Attainment/Unclassifiable.
Faulkner County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Garland County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Hempstead County		Attainment/Unclassifiable.
Hot Spring County		Attainment/Unclassifiable.
Howard County		Attainment/Unclassifiable.
Izard County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County	9/12/16	Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Lafayette County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Little River County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
Lonoke County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Miller County		Attainment/Unclassifiable.
Mississippi County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Nevada County		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Ouachita County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Phillips County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Poinsett County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Pope County		Attainment/Unclassifiable.
Prairie County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
St. Francis County		Attainment/Unclassifiable.
Saline County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Searcy County		Attainment/Unclassifiable.
Sebastian County		Attainment/Unclassifiable.

ARKANSAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Sevier County		Attainment/Unclassifiable.
Sharp County		Attainment/Unclassifiable.
Stone County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Van Buren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
White County		Attainment/Unclassifiable.
Woodruff County		Attainment/Unclassifiable.
Yell County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

* * * * *

■ 6. Section 81.305 is amended by adding a table titled ''California—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''California—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Great Basin Valleys Air Basin		Attainment/ Unclassifiable.
Alpine County.		
Inyo County.		
Mono County.		
Lake County Air Basin		Attainment/ Unclassifiable.
Lake County.		
Lake Tahoe Air Basin		Attainment/ Unclassifiable.
El Dorado County (part).		
That portion of El Dorado County within the drainage area naturally tributary to Lake Tahoe including said Lake.		
Placer County (part).		
That portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: Commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, M.D.B. & M., and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, M.D.B. & M., thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the said drainage area crestline, thence following the said drainage area boundary in a southeasterly direction, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning.		
Mojave Desert Air Basin		Attainment/ Unclassifiable.
Kern County (part).		

CALIFORNIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
That portion of Kern County east and south of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grantto the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grantto the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31 T. 28 S., R. 32E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.		
Los Angeles County (part).		
That portion of Los Angeles County which lies north and east of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T. 3 N and T. 2 N, San Bernardino Base and Meridian; then north along the range line common to R. 8 W and R. 9 W; then west along the township line common to T. 4 N and T. 3 N; then north along the range line common to R. 12 W and R. 13 W to the southeast corner of Section 12, T. 5 N, R. 13 W; then west along the south boundaries of Sections 12, 11, 10, 9, 8, 7, T. 5 N, R. 13 W to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W and R. 14 W; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T. 7 N and T. 6 N (point is at the northwest corner of Section 4 in T. 6 N, R. 14 W); then west along the township line common to T. 7 N and T. 6 N; then north along the range line common to R. 15 W and R. 16 W to the southeast corner of Section 13, T. 7 N, R. 16 W; then along the south boundaries of Sections 13, 14, 15, 16, 17, 18, T. 7 N, R. 16 W; then north along the range line common to R. 16 W and R. 17 W to the north boundary of the Angeles National Forest (collinear with township line common to T. 8 N and T. 7 N) then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.		
Riverside County (part).		
That portion of Riverside County which lies east of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside-Imperial County boundary and running north along the range line common to R. 17 E. and R. 16 E., San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through T. 8 S., R. 16 E. and T. 7 S., R. 16 E., until the Black Butte Mountain, elev. 4504′; then west and northwest along the ridge line to the southwest corner of T. 5 S., R. 14 E.; then north along the range line common to R. 14 E. and R. 13 E.; then west and northwest along the ridge line to Monument Mountain, elev. 4834′; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814′; then northwest along the ridge line to the Riverside-San Bernardino County line.		
San Bernardino County (part).		
That portion of San Bernardino County east and north of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E and R. 2 E, San Bernardino Base and Meridian; then west along the township line common to T. 3 N and T. 2 N to the San Bernardino-Los Angeles County boundary.		
Mountain Counties Air Basin	.....	Attainment/ Unclassifiable.
Amador County.		
Calaveras County.		
El Dorado County (part).		
All of El Dorado County except that portion included in the Lake Tahoe Air Basin.		
Mariposa County.		
Nevada County.		
Placer County (part).		
All of Placer County except that portion included in the Lake Tahoe Air Basin and that portion included in the Sacramento Valley Air Basin.		
Plumas County.		
Sierra County.		
Tuolumne County.		
North Central Air Basin	.....	Attainment/ Unclassifiable.
Monterey County.		

CALIFORNIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
San Benito County.		
Santa Cruz County.		
North Coast Air Basin		Attainment/ Unclassifiable.
Del Norte County.		
Humboldt County.		
Mendocino County.		
Sonoma County (part).		
That portion of Sonoma County which lies north and west of a line described as follows: Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.		
Trinity County.		
Northeast Plateau Air Basin		Attainment/ Unclassifiable.
Lassen County.		
Modoc County.		
Siskiyou County.		
Sacramento Valley Air Basin		Attainment/ Unclassifiable.
Butte County.		
Colusa County.		
Glenn County.		
Placer County (part).		
That portion of Placer County which lies west of Range 9 east, M.D.B. & M.		
Sacramento County.		
Shasta County.		
Solano County (part).		
That portion of Solano County which lies north and east of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the 1/4 section line running east and west through the center of Section 34, T6N, R2W, M.D.B. & M., thence east along said 1/4 section line to the east boundary of Section 36, T6N, R2W, thence south 1/2 mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T5N, R1W, thence east along a line common to T5N and T6N to the northeast corner of Section 3, T5N, R1E, thence south along section lines to the southeast corner of Section 10, T3N, R1E, thence east along section lines to the south 1/4 corner of Section 8, T3N, R2E, thence east to the boundary between Solano and Sacramento Counties.		
Sutter County.		
Tehama County.		
Yolo County.		
Yuba County.		
Salton Sea Air Basin		Attainment/ Unclassifiable.
Imperial County.		
Riverside County (part).		

CALIFORNIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
That portion of Riverside County which lies east of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E and R. 3 E; then east along the township line common to T. 8 S and T. 7 S; then north along the range line common to R. 5 E and R. 4 E; then west along the township line common to T. 6 S and T. 7 S to the southwest corner of Section 34, T. 6 S, R. 4 E; then north along the west boundaries of Sections 34, 27, 22, 15, 10, 3, T. 6 S, R. 4 E; then west along the township line common to T. 5 S and T. 6 S; then north along the range line common to R. 4 E and R. 3 E; then west along the south boundaries of Sections 13, 14, 15, 16, 17 and 18, T. 5 S. R. 3 E; then north along the range line common to R. 2 E and R. 3 E to the Riverside-San Bernardino County line; and west of a line described as follows: That segment of the southwestern boundary line of Hydrologic Unit Number 18100100 within Riverside County, further described as follows: Beginning at the Riverside-Imperial County boundary and running north along the range line common to R. 17 E. and R. 16 E., San Bernardino Base and Meridian; then northwest along the ridge line of the Chuckwalla Mountains, through T. 8 S., R. 16 E. and T. 7 S., R. 16 E., until the Black Butte Mountain, elev. 4504′; then west and northwest along the ridge line to the southwest corner of T. 5 S., R. 14 E.; then north along the range line common to R. 14 E. and R. 13 E.; then west and northwest along the ridge line to Monument Mountain, elev. 4834′; then southwest and then northwest along the ridge line of the Little San Bernardino Mountains to Quail Mountain, elev. 5814′; then northwest along the ridge line to the Riverside-San Bernardino County line.		
San Diego Air Basin		Attainment/ Unclassifiable.
San Diego County.		
San Francisco Bay Area Air Basin		Attainment/ Unclassifiable.
Alameda County.		
Contra Costa County.		
Marin County.		
Napa County.		
San Francisco County.		
San Mateo County.		
Santa Clara County.		
Solano County (part).		
That portion of Solano County which lies south and west of a line described as follows: Beginning at the intersection of the westerly boundary of Solano County and the 1/4 section line running east and west through the center of Section 34, T6N, R2W, M.D.B. & M., thence east along said 1/4 section line to the east boundary of Section 36, T6N, R2W, thence south 1/2 mile and east 2.0 miles, more or less, along the west and south boundary of Los Putos Rancho to the northwest corner of Section 4, T5N, R1W, thence east along a line common to T5N and T6N to the northeast corner of Section 3, T5N, R1E, thence south along section lines to the southeast corner of Section 10, T3N, R1E, thence east along section lines to the south 1/4 corner of Section 8, T3N, R2E, thence east to the boundary between Solano and Sacramento Counties.		
Sonoma County (part).		
That portion of Sonoma County which lies south and east of a line described as follows: Beginning at the southeasterly corner of the Rancho Estero Americano, being on the boundary line between Marin and Sonoma Counties, California; thence running northerly along the easterly boundary line of said Rancho Estero Americano to the northeasterly corner thereof, being an angle corner in the westerly boundary line of Rancho Canada de Jonive; thence running along said boundary of Rancho Canada de Jonive westerly, northerly and easterly to its intersection with the easterly line of Graton Road; thence running along the easterly and southerly line of Graton Road, northerly and easterly to its intersection with the easterly line of Sullivan Road; thence running northerly along said easterly line of Sullivan Road to the southerly line of Green Valley Road; thence running easterly along the said southerly line of Green Valley Road and easterly along the southerly line of State Highway 116, to the westerly line of Vine Hill Road; thence running along the westerly and northerly line of Vine Hill Road, northerly and easterly to its intersection with the westerly line of Laguna Road; thence running northerly along the westerly line of Laguna Road and the northerly projection thereof to the northerly line of Trenton Road; thence running westerly along the northerly line of said Trenton Road to the easterly line of Trenton-Healdsburg Road; thence running northerly along said easterly line of Trenton-Healdsburg Road to the easterly line of Eastside Road; thence running northerly along said easterly line of Eastside Road to its intersection with the southerly line of Rancho Sotoyome; thence running easterly along said southerly line of Rancho Sotoyome to its intersection with the Township line common to Townships 8 and 9 North, M.D.M.; thence running easterly along said township line to its intersection with the boundary line between Sonoma and Napa Counties, State of California.		
San Joaquin Valley Air Basin		Attainment/ Unclassifiable.
Fresno County.		
Kern County (part).		

CALIFORNIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.		
Kings County.		
Madera County.		
Merced County.		
San Joaquin County.		
Stanislaus County.		
Tulare County.		
South Central Air Basin		Attainment/ Unclassifiable.
San Luis Obispo County.		
Santa Barbara County.		
Ventura County.		
South Coast Air Basin		Attainment/ Unclassifiable.
Los Angeles County (part).		
That portion of Los Angeles County which lies south and west of a line described as follows: Beginning at the Los Angeles-San Bernardino County boundary and running west along the township line common to T.3 N and T.2 N, San Bernardino Base and Meridian; then north along the range line common to R.8 W and R.9 W; then west along the township line common to T.4 N and T.3 N; then north along the range line common to R.12 W and R.13 W to the southeast corner of Section 12, T.5 N, R. 13 W; then west along the south boundaries of Sections 12, 11, 10, 9, 8, 7, T.5 N, R. 13 W to the boundary of the Angeles National Forest which is collinear with the range line common to R. 13 W and R. 14 W; then north and west along the Angeles National Forest boundary to the point of intersection with the township line common to T.7 N and T. 6 N (point is at the northwest corner of Section 4 in T.6 N, R. 14 W); then west along the township line common to T.7 N and T.6 N; then north along the range line common to R. 15 W and R. 16 W to the southeast corner of Section 13, T.7 N, R. 16 W; then along the south boundaries of Sections 13, 14, 15, 16, 17, 18, T.7 N, R. 16 W; then north along the range line common to R.16 W and R. 17 W to the north boundary of the Angeles National Forest (collinear with township line common to T.8 N and T.7 N); then west and north along the Angeles National Forest boundary to the point of intersection with the south boundary of the Rancho La Liebre Land Grant; then west and north along this land grant boundary to the Los Angeles-Kern County boundary.		
Orange County.		
Riverside County (part).		
That portion of Riverside County which lies west of a line described as follows: Beginning at the Riverside-San Diego County boundary and running north along the range line common to R. 4 E and R. 3 E; then east along the township line common to T. 8 S and T. 7 S; then north along the range line common to R. 5 E and R. 4 E; then west along the township line common to T. 6 S and T. 7 S to the southwest corner of Section 34, T. 6 S, R. 4 E; then north along the west boundaries of Sections 34, 27, 22, 15, 10, 3, T. 6 S, R. 4 E; then west along the township line common to T. 5 S and T. 6 S; then north along the range line common to R. 4 E and R. 3 E; then west along the south boundaries of Sections 13, 14, 15, 16, 17 and 18, T. 5 S. R. 3 E; then north along the range line common to R. 2 E and R. 3 E to the Riverside-San Bernardino County line.		
San Bernardino County (part).		
That portion of San Bernardino County west and south of a line described as follows: Beginning at the San Bernardino-Riverside County boundary and running north along the range line common to R. 3 E and R. 2 E; then west along the township line common to T. 3 N and T. 2 N to the San Bernardino-Los Angeles County boundary.		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

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■ 7. Section 81.306 is amended by revising the table entitled ''Colorado—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.306 Colorado.

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COLORADO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [3]	Type
Colorado Springs, CO	9/12/16	Unclassifiable.
El Paso County (part)		
Manitou Springs		
Colorado Springs (and certain unincorporated areas) as follows; Areas east of the western city limits of Colorado Springs, north of the southern city limits of Colorado Springs with the addition of the area termed ''Stratmoor'' bounded on the south by South Academy Boulevard, west of Powers Blvd, and south of East Woodman Blvd (east of Academy Blvd. N) and the northern city limits of Colorado Springs (west of Academy Blvd. N).		
Eastern Morgan County, CO	9/12/16	Unclassifiable.
Morgan County (part)		
Circle with a 12-kilometer radius centered on the Pawnee Power Plant		
State AQCR 01 (remainder)	.....	Attainment/Unclassifiable.
Logan County		
Morgan County (part) (remainder)		
Phillips County		
Sedgwick County		
Washington County		
Yuma County		
State AQCR 02	.....	Attainment/Unclassifiable.
Larimer County		
Weld County		
State AQCR 03	.....	Attainment/Unclassifiable.
Adams County		
Arapahoe County		
Boulder County		
Broomfield County		
Clear Creek County		
Denver County		
Douglas County		
Gilpin County		
Jefferson County		
State AQCR 04 (remainder)	.....	Attainment/Unclassifiable.
El Paso County (part) (remainder)		
Park County		
Teller County		
State AQCR 05	.....	Attainment/Unclassifiable.
Cheyenne County		
Elbert County		
Kit Carson County		
Lincoln County		
State AQCR 06	.....	Attainment/Unclassifiable.
Baca County		
Bent County		
Crowley County		
Kiowa County		
Otero County		
Prowers County		
State AQCR 07	.....	Attainment/Unclassifiable.
Huerfano		
Las Animas		
Pueblo		
State AQCR 08	.....	Attainment/Unclassifiable.
Alamosa County		
Conejos County		
Costilla County		
Mineral County		
Rio Grande County		
Saguache County		
State AQCR 09	.....	Attainment/Unclassifiable.
Archuleta County [2]		
Dolores		
La Plata [2]		
Montezuma [2]		
San Juan		
State AQCR 10	.....	Attainment/Unclassifiable.

COLORADO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [3]	Type
Delta County		
Gunnison County		
Hinsdale County		
Montrose County		
Ouray County		
San Miguel County		
State AQCR 11		Attainment/Unclassifiable.
Garfield County		
Mesa County		
Moffat County		
Rio Blanco County		
State AQCR 12		Attainment/Unclassifiable.
Eagle County		
Grand County		
Jackson County		
Pitkin County		
Routt County		
Summit County		
State AQCR 13		Attainment/Unclassifiable.
Chaffee County		
Custer County		
Fremont County		
Lake County		
Southern Ute Indian Reservation		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] Does not include the Southern Ute Indian Reservation, which is being designated separately.
[3] This date is April 9, 2018, unless otherwise noted.

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■ 8. Section 81.307 is amended by adding a table entitled ''Connecticut—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Connecticut—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.307 Connecticut.

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CONNECTICUT—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
State of Connecticut		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 9. Section 81.308 is amended by adding a new table entitled ''Delaware—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Delaware—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.308 Delaware.

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DELAWARE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Entire State		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 10. Section 81.309 is amended by adding a table titled ''District of Columbia—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''District of Columbia—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.309 District of Columbia.

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DISTRICT OF COLUMBIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
District of Columbia	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 11. Section 81.310 is amended by revising the table entitled ''Florida—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.310 Florida.

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FLORIDA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area	Designation	
	Date [1]	Type
Hillsborough County, FL [2]	10/4/13	Nonattainment.
Hillsborough County (part)		
That portion of Hillsborough County encompassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 17 with datum NAD83 as follows: (1) Vertices-UTM Easting (m) 358581, UTM Northing 3076066; (2) vertices-UTM Easting (m) 355673, UTM Northing 3079275; (3) UTM Easting (m) 360300, UTM Northing 3086380; (4) vertices-UTM Easting (m) 366850, UTM Northing 3086692; (5) vertices-UTM Easting (m) 368364, UTM Northing 3083760; and (6) vertices-UTM Easting (m) 365708, UTM Northing 3079121		
Hillsborough—Polk County, FL [3]	.....	Nonattainment.
Hillsborough County (part)		
Polk County (part)		
That portion of Hillsborough and Polk Counties encompassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 17 with datum NAD83 as follows: 390,500 E, 3,073,500 N; 390,500 E, 3,083,500 N; 400,500 E, 3,083,500 N; 400,500 E, 3,073,500 N		
Nassau County, FL [2]	10/4/13	Nonattainment.
Nassau County (part)		
That portion of Nassau County encompassing the circular boundary with the center being UTM Easting 455530 meters, UTM Northing 3391737 meters, UTM zone 17, using the NAD83 datum (the location of the violating ambient monitor) and the radius being 2.4 kilometers		
Citrus County, FL [3]	.....	Unclassifiable.
Citrus County (part)		
Census Block Groups 4504004 and 4505002		
Mulberry, FL Area [3]	.....	Unclassifiable.
Hillsborough County (part)		
Polk County (part)		
That portion of Hillsborough and Polk Counties encompassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 17 with datum NAD83 starting with the Northwest Corner and proceeding to the Northeast as follows: 390,500 E, 3,083,500 N; 410,700 E, 3,091,600 N; 412,900 E, 3,089,800 N; 412,900 E, 3,084,600 N; 400,500 E, 3,073,500 N; 400,500 E, 3,083,500 N		
Rest of State: [3]		
Alachua County	.....	Attainment/Unclassifiable.
Baker County	.....	Attainment/Unclassifiable.
Bay County	.....	Attainment/Unclassifiable.
Bradford County	.....	Attainment/Unclassifiable.
Brevard County	.....	Attainment/Unclassifiable.
Broward County	.....	Attainment/Unclassifiable.
Calhoun County	.....	Attainment/Unclassifiable.
Charlotte County	.....	Attainment/Unclassifiable.
Citrus County (part) (remainder)	.....	Attainment/Unclassifiable.
Clay County	.....	Attainment/Unclassifiable.
Collier County	.....	Attainment/Unclassifiable.
Columbia County	.....	Attainment/Unclassifiable.

FLORIDA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area	Designation	
	Date [1]	Type
DeSoto County		Attainment/Unclassifiable.
Dixie County		Attainment/Unclassifiable.
Duval County		Attainment/Unclassifiable.
Escambia County		Attainment/Unclassifiable.
Flagler County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Gadsden County		Attainment/Unclassifiable.
Gilchrist County		Attainment/Unclassifiable.
Glades County		Attainment/Unclassifiable.
Gulf County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Hardee County		Attainment/Unclassifiable.
Hendry County		Attainment/Unclassifiable.
Hernando County		Attainment/Unclassifiable.
Highlands County		Attainment/Unclassifiable.
Hillsborough County (part) (remainder)		Attainment/Unclassifiable.
Holmes County		Attainment/Unclassifiable.
Indian River County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Lafayette County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Leon County		Attainment/Unclassifiable.
Levy County		Attainment/Unclassifiable.
Liberty County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Manatee County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Martin County		Attainment/Unclassifiable.
Miami-Dade County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Nassau County (part) (remainder)		Attainment/Unclassifiable.
Okaloosa County		Attainment/Unclassifiable.
Okeechobee County		Attainment/Unclassifiable.
Orange County		Attainment/Unclassifiable.
Osceola County		Attainment/Unclassifiable.
Palm Beach County		Attainment/Unclassifiable.
Pasco County		Attainment/Unclassifiable.
Pinellas County		Attainment/Unclassifiable.
Polk County (part) (remainder)		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
St. Johns County		Attainment/Unclassifiable.
St. Lucie County		Attainment/Unclassifiable.
Santa Rosa County		Attainment/Unclassifiable.
Sarasota County		Attainment/Unclassifiable.
Seminole County		Attainment/Unclassifiable.
Sumter County		Attainment/Unclassifiable.
Suwannee County		Attainment/Unclassifiable.
Taylor County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Volusia County		Attainment/Unclassifiable.
Wakulla County		Attainment/Unclassifiable.
Walton County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.

[1] This date is April 9, 2018, unless otherwise noted.
[2] Excludes Indian country located in each area, if any, unless otherwise specified.
[3] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

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■ 12. Section 81.311 is amended by revising the table entitled ''Georgia—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.311 Georgia.

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GEORGIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Juliette, GA	9/12/16	Attainment/Unclassifiable.
Butts County		
Crawford County		
Jasper County		
Jones County		
Lamar County		
Monroe County		
Upson County		
Rest of State: [3]		
Appling County		Attainment/Unclassifiable.
Atkinson County		Attainment/Unclassifiable.
Bacon County		Attainment/Unclassifiable.
Baker County		Attainment/Unclassifiable.
Baldwin County		Attainment/Unclassifiable.
Banks County		Attainment/Unclassifiable.
Barrow County		Attainment/Unclassifiable.
Bartow County		Attainment/Unclassifiable.
Ben Hill County		Attainment/Unclassifiable.
Berrien County		Attainment/Unclassifiable.
Bibb County		Attainment/Unclassifiable.
Bleckley County		Attainment/Unclassifiable.
Brantley County		Attainment/Unclassifiable.
Brooks County		Attainment/Unclassifiable.
Bryan County		Attainment/Unclassifiable.
Bulloch County		Attainment/Unclassifiable.
Burke County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Camden County		Attainment/Unclassifiable.
Candler County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Catoosa County		Attainment/Unclassifiable.
Charlton County		Attainment/Unclassifiable.
Chatham County		Attainment/Unclassifiable.
Chattahoochee County		Attainment/Unclassifiable.
Chattooga County		Attainment/Unclassifiable.
Cherokee County		Attainment/Unclassifiable.
Clarke County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Clayton County		Attainment/Unclassifiable.
Clinch County		Attainment/Unclassifiable.
Cobb County		Attainment/Unclassifiable.
Coffee County		Attainment/Unclassifiable.
Colquitt County		Attainment/Unclassifiable.
Columbia County		Attainment/Unclassifiable.
Cook County		Attainment/Unclassifiable.
Coweta County		Attainment/Unclassifiable.
Crisp County		Attainment/Unclassifiable.
Dade County		Attainment/Unclassifiable.
Dawson County		Attainment/Unclassifiable.
Decatur County		Attainment/Unclassifiable.
DeKalb County		Attainment/Unclassifiable.
Dodge County		Attainment/Unclassifiable.
Dooly County		Attainment/Unclassifiable.
Dougherty County		Attainment/Unclassifiable.
Douglas County		Attainment/Unclassifiable.
Early County		Attainment/Unclassifiable.
Echols County		Attainment/Unclassifiable.
Effingham County		Attainment/Unclassifiable.
Elbert County		Attainment/Unclassifiable.
Emanuel County		Attainment/Unclassifiable.
Evans County		Attainment/Unclassifiable.
Fannin County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Forsyth County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Gilmer County		Attainment/Unclassifiable.
Glascock County		Attainment/Unclassifiable.
Glynn County		Attainment/Unclassifiable.
Gordon County		Attainment/Unclassifiable.

GEORGIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Grady County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Gwinnett County		Attainment/Unclassifiable.
Habersham County		Attainment/Unclassifiable.
Hall County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Harris County		Attainment/Unclassifiable.
Hart County		Attainment/Unclassifiable.
Heard County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Houston County		Attainment/Unclassifiable.
Irwin County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jeff Davis County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Jenkins County		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Lanier County		Attainment/Unclassifiable.
Laurens County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Liberty County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Long County		Attainment/Unclassifiable.
Lowndes County		Attainment/Unclassifiable.
Lumpkin County		Attainment/Unclassifiable.
Macon County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
McDuffie County		Attainment/Unclassifiable.
McIntosh County		Attainment/Unclassifiable.
Miller County		Attainment/Unclassifiable.
Mitchell County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Murray County		Attainment/Unclassifiable.
Muscogee County		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Oconee County		Attainment/Unclassifiable.
Oglethorpe County		Attainment/Unclassifiable.
Paulding County		Attainment/Unclassifiable.
Peach County		Attainment/Unclassifiable.
Pickens County		Attainment/Unclassifiable.
Pierce County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Quitman County		Attainment/Unclassifiable.
Rabun County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Richmond County		Attainment/Unclassifiable.
Rockdale County		Attainment/Unclassifiable.
Schley County		Attainment/Unclassifiable.
Screven County		Attainment/Unclassifiable.
Seminole County		Attainment/Unclassifiable.
Spalding County		Attainment/Unclassifiable.
Stephens County		Attainment/Unclassifiable.
Stewart County		Attainment/Unclassifiable.
Sumter County		Attainment/Unclassifiable.
Talbot County		Attainment/Unclassifiable.
Taliaferro County		Attainment/Unclassifiable.
Tattnall County		Attainment/Unclassifiable.
Taylor County		Attainment/Unclassifiable.
Telfair County		Attainment/Unclassifiable.
Terrell County		Attainment/Unclassifiable.
Thomas County		Attainment/Unclassifiable.
Tift County		Attainment/Unclassifiable.
Toombs County		Attainment/Unclassifiable.
Towns County		Attainment/Unclassifiable.
Treutlen County		Attainment/Unclassifiable.

GEORGIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Troup County	.....	Attainment/Unclassifiable.
Turner County	.....	Attainment/Unclassifiable.
Twiggs County	.....	Attainment/Unclassifiable.
Union County	.....	Attainment/Unclassifiable.
Walker County	.....	Attainment/Unclassifiable.
Walton County	.....	Attainment/Unclassifiable.
Ware County	.....	Attainment/Unclassifiable.
Warren County	.....	Attainment/Unclassifiable.
Washington County	.....	Attainment/Unclassifiable.
Wayne County	.....	Attainment/Unclassifiable.
Webster County	.....	Attainment/Unclassifiable.
Wheeler County	.....	Attainment/Unclassifiable.
White County	.....	Attainment/Unclassifiable.
Whitfield County	.....	Attainment/Unclassifiable.
Wilcox County	.....	Attainment/Unclassifiable.
Wilkes County	.....	Attainment/Unclassifiable.
Wilkinson County	.....	Attainment/Unclassifiable.
Worth County	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Floyd County will be designated by December 31, 2020.

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■ 13. Section 81.312 is amended by revising the table entitled ''Hawaii—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.312 Hawaii.

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HAWAII—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Hawaii County	9/12/16	Attainment/Unclassifiable.
Kalawao County	.....	Attainment/Unclassifiable.
Kauai County	.....	Attainment/Unclassifiable.
Maui County	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Honolulu County will be designated by December 31, 2020.

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■ 14. Section 81.313 is amended by adding a table entitled ''Idaho—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Idaho—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.313 Idaho.

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IDAHO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Entire State	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 15. Section 81.314 is amended by revising the table entitled ''Illinois—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.314 Illinois.

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ILLINOIS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Alton Township, IL	9/12/16	Nonattainment.
Madison County (part)		
Within Alton Township: Area east of Corporal Belchik Memorial Expressway, south of East Broadway, south of Route 3, and north of Route 143		
Lemont, IL	10/4/13	Nonattainment.
Cook County (part)		
Lemont Township		
Will County (part)		
DuPage Township and Lockport Township		
Pekin, IL	10/4/13	Nonattainment.
Tazewell County (part)		
Cincinnati Township and Pekin Township		
Peoria County (part)		
Hollis Township		
Williamson County, IL	9/12/16	Nonattainment.
Williamson County		
Jasper County, IL	9/12/16	Attainment/Unclassifiable.
Jasper County		
Massac County, IL	9/12/16	Attainment/Unclassifiable.
Massac County		
Putnam/Bureau Counties, IL	9/12/16	Attainment/Unclassifiable.
Bureau County		
Putnam County		
Wood River Township, IL	9/12/16	Attainment/Unclassifiable.
Madison County (part)		
All of Wood River Township, and the area in Chouteau Township north of Cahokia Diversion Channel		
Adams County	.....	Attainment/Unclassifiable.
Alexander County	.....	Attainment/Unclassifiable.
Bond County	.....	Attainment/Unclassifiable.
Boone County	.....	Attainment/Unclassifiable.
Brown County	.....	Attainment/Unclassifiable.
Calhoun County	.....	Attainment/Unclassifiable.
Carroll County	.....	Attainment/Unclassifiable.
Cass County	.....	Attainment/Unclassifiable.
Champaign County	.....	Attainment/Unclassifiable.
Christian County	.....	Attainment/Unclassifiable.
Clark County	.....	Attainment/Unclassifiable.
Clay County	.....	Attainment/Unclassifiable.
Clinton County	.....	Attainment/Unclassifiable.
Coles County	.....	Attainment/Unclassifiable.
Cook County (part) (remainder)	.....	Attainment/Unclassifiable.
Crawford County	.....	Attainment/Unclassifiable.
Cumberland County	.....	Attainment/Unclassifiable.
De Kalb County	.....	Attainment/Unclassifiable.
De Witt County	.....	Attainment/Unclassifiable.
Douglas County	.....	Attainment/Unclassifiable.
Du Page County	.....	Attainment/Unclassifiable.
Edgar County	.....	Attainment/Unclassifiable.
Edwards County	.....	Attainment/Unclassifiable.
Effingham County	.....	Attainment/Unclassifiable.
Fayette County	.....	Attainment/Unclassifiable.
Ford County	.....	Attainment/Unclassifiable.
Franklin County	.....	Attainment/Unclassifiable.
Fulton County	.....	Attainment/Unclassifiable.
Gallatin County	.....	Attainment/Unclassifiable.
Greene County	.....	Attainment/Unclassifiable.
Grundy County	.....	Attainment/Unclassifiable.
Hamilton County	.....	Attainment/Unclassifiable.
Hancock County	.....	Attainment/Unclassifiable.
Hardin County	.....	Attainment/Unclassifiable.
Henderson County	.....	Attainment/Unclassifiable.
Henry County	.....	Attainment/Unclassifiable.
Iroquois County	.....	Attainment/Unclassifiable.
Jackson County	.....	Attainment/Unclassifiable.
Jefferson County	.....	Attainment/Unclassifiable.
Jersey County	.....	Attainment/Unclassifiable.
Jo Daviess County	.....	Attainment/Unclassifiable.
Johnson County	.....	Attainment/Unclassifiable.
Kane County	.....	Attainment/Unclassifiable.

ILLINOIS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Kankakee County		Attainment/Unclassifiable.
Kendall County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
La Salle County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Livingston County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
McDonough County		Attainment/Unclassifiable.
McHenry County		Attainment/Unclassifiable.
McLean County		Attainment/Unclassifiable.
Macoupin County		Attainment/Unclassifiable.
Madison County (part) (remainder)		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Mason County		Attainment/Unclassifiable.
Menard County		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Moultrie County		Attainment/Unclassifiable.
Ogle County		Attainment/Unclassifiable.
Peoria County (part) (remainder)		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Piatt County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Pope County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Richland County		Attainment/Unclassifiable.
Rock Island County		Attainment/Unclassifiable.
St. Clair County		Attainment/Unclassifiable.
Saline County		Attainment/Unclassifiable.
Sangamon County		Attainment/Unclassifiable.
Schuyler County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Stark County		Attainment/Unclassifiable.
Stephenson County		Attainment/Unclassifiable.
Tazewell County (part) (remainder)		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Vermilion County		Attainment/Unclassifiable.
Wabash County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
White County		Attainment/Unclassifiable.
Whiteside County		Attainment/Unclassifiable.
Will County (part) (remainder)		Attainment/Unclassifiable.
Winnebago County		Attainment/Unclassifiable.
Woodford County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Macon County will be designated by December 31, 2020.

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■ 16. Section 81.315 is amended by revising the table entitled ''Indiana—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.315 Indiana.

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INDIANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Huntington, IN		Nonattainment.
Huntington County (part)		
Huntington Township		
Indianapolis, IN	10/4/13	Nonattainment.
Marion County (part)		
Wayne Township, Center Township, Perry Township		
Morgan County, IN	10/4/13	Nonattainment.
Morgan County (part)		
Clay Township, Washington Township		
Southwest Indiana, IN	10/4/13	Nonattainment.
Daviess County (part)		
Veale Township		
Pike County (part)		
Washington Township		
Terre Haute, IN	10/4/13	Nonattainment.
Vigo County (part)		
Fayette Township, Harrison Township		
Gibson County, IN	9/12/16	Attainment/Unclassifiable.
Gibson County		
Jefferson County, IN	9/12/16	Attainment/Unclassifiable.
Jefferson County (part)		
Graham, Lancaster, Madison, Monroe, Republican, Shelby, and Smyrna Townships		
LaPorte County, IN	9/12/16	Attainment/Unclassifiable
LaPorte County		
Posey County, IN	9/12/16	Attainment/Unclassifiable.
Posey County (part)		
Bethel, Center, Harmony, Lynn, Marrs, Robb, Robinson, and Smith Townships		
Spencer County, IN	9/12/16	Attainment/Unclassifiable.
Spencer County (part)		
Ohio Township north of UTM 4187.580 km northing, and Carter, Clay, Grass, Hammond, Harrison, and Jackson Townships		
Adams County		Attainment/Unclassifiable.
Allen County		Attainment/Unclassifiable.
Bartholomew County		Attainment/Unclassifiable.
Benton County		Attainment/Unclassifiable.
Blackford County		Attainment/Unclassifiable.
Boone County		Attainment/Unclassifiable.
Brown County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Cass County		Attainment/Unclassifiable.
Clark County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Crawford County		Attainment/Unclassifiable.
Daviess County (part) (remainder)		Attainment/Unclassifiable.
Dearborn County		Attainment/Unclassifiable.
Decatur County		Attainment/Unclassifiable.
DeKalb County		Attainment/Unclassifiable.
Delaware County		Attainment/Unclassifiable.
Dubois County		Attainment/Unclassifiable.
Elkhart County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Floyd County		Attainment/Unclassifiable.
Fountain County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Hendricks County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Howard County		Attainment/Unclassifiable.
Huntington County (part) (remainder)		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jasper County		Attainment/Unclassifiable.
Jay County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Jennings County		Attainment/Unclassifiable.

INDIANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Johnson County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Kosciusko County		Attainment/Unclassifiable.
LaGrange County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County (part) (remainder)		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Martin County		Attainment/Unclassifiable.
Miami County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County (part) (remainder)		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Noble County		Attainment/Unclassifiable.
Ohio County		Attainment/Unclassifiable.
Orange County		Attainment/Unclassifiable.
Owen County		Attainment/Unclassifiable.
Parke County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pike County (part) (remainder)		Attainment/Unclassifiable.
Posey County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Ripley County		Attainment/Unclassifiable.
Rush County		Attainment/Unclassifiable.
St. Joseph County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Spencer County		Attainment/Unclassifiable.
Starke County		Attainment/Unclassifiable.
Steuben County		Attainment/Unclassifiable.
Sullivan County		Attainment/Unclassifiable.
Switzerland County		Attainment/Unclassifiable.
Tippecanoe County		Attainment/Unclassifiable.
Tipton County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Vanderburgh County		Attainment/Unclassifiable.
Vermillion County		Attainment/Unclassifiable.
Vigo County (part) (remainder)		Attainment/Unclassifiable.
Wabash County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Warrick County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Wells County		Attainment/Unclassifiable.
White County		Attainment/Unclassifiable.
Whitley County		Attainment/Unclassifiable.

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[2] This date is April 9, 2018, unless otherwise noted.
[3] Porter County will be designated by December 31, 2020.

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■ 17. Section 81.316 is amended by revising the table entitled ''Iowa—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.316 Iowa.

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IOWA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Muscatine, IA	10/4/13	Nonattainment.

IOWA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Muscatine County (part)		
Sections 1–3, 10–15, 22–27, 34–36 of T77N, R3W (Lake Township)		
Sections 1–3, 10–15, 22–27, 34–36 of T76N, R3W (Seventy-six Township)		
T77N, R2W (Bloomington Township)		
T76N, R2W (Fruitland Township)		
All sections except 1, 12, 13, 24, 25, 36 of T77N, R1W (Sweetland Township)		
Linn County, IA	.....	Unclassifiable.
Linn County		
Woodbury County, IA	9/12/16	Unclassifiable.
Woodbury County		
Des Moines County, IA	9/12/16	Attainment/Unclassifiable.
Des Moines County		
Louisa County, IA	.....	Attainment/Unclassifiable.
Louisa County		
Pottawattamie County, IA	.....	Attainment/Unclassifiable.
Pottawattamie County		
Wapello County, IA	9/12/16	Attainment/Unclassifiable.
Wapello County		
Statewide:	.....	Attainment/Unclassifiable.
Adair County		
Adams County		
Allamakee County		
Appanoose County		
Audubon County		
Benton County		
Black Hawk County		
Boone County		
Bremer County		
Buchanan County		
Buena Vista County		
Butler County		
Calhoun County		
Carroll County		
Cass County		
Cedar County		
Cerro Gordo County		
Cherokee County		
Chickasaw County		
Clarke County		
Clay County		
Clayton County		
Clinton County		
Crawford County		
Dallas County		
Davis County		
Decatur County		
Delaware County		
Dickinson County		
Dubuque County		
Emmet County		
Fayette County		
Floyd County		
Franklin County		
Fremont County		
Greene County		
Grundy County		
Guthrie County		
Hamilton County		
Hancock County		
Hardin County		
Harrison County		
Henry County		
Howard County		
Humboldt County		
Ida County		
Iowa County		
Jackson County		
Jasper County		
Jefferson County		
Johnson County		

IOWA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Jones County		
Keokuk County		
Kossuth County		
Lee County		
Lucas County		
Lyon County		
Madison County		
Mahaska County		
Marion County		
Marshall County		
Mills County		
Mitchell County		
Monona County		
Monroe County		
Montgomery County		
Muscatine County (portion of Muscatine County not designated Nonattainment on 10/4/13)		
O'Brien County		
Osceola County		
Page County		
Palo Alto County		
Plymouth County		
Pocahontas County		
Polk County		
Poweshiek County		
Ringgold County		
Sac County		
Scott County		
Shelby County		
Sioux County		
Story County		
Tama County		
Taylor County		
Union County		
Van Buren County		
Warren County		
Washington County		
Wayne County		
Webster County		
Winnebago County		
Winneshiek County		
Worth County		
Wright County		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 18. Section 81.317 is amended by revising the table entitled ''Kansas—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.317 Kansas.

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KANSAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Shawnee County, KS	9/12/16	Unclassifiable.
Shawnee County		
Wyandotte County, KS	9/12/16	Unclassifiable.
Wyandotte County		
Linn County, KS	9/12/16	Attainment/Unclassifiable.
Linn County		
Statewide:	.....	Attainment/Unclassifiable.
Allen County		
Anderson County		
Atchison County		

KANSAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Barber County		
Barton County		
Bourbon County		
Brown County		
Butler County		
Chase County		
Chautauqua County		
Cherokee County		
Cheyenne County		
Clark County		
Clay County		
Cloud County		
Coffey County		
Comanche County		
Cowley County		
Crawford County		
Decatur County		
Dickinson County		
Doniphan County		
Douglas County		
Edwards County		
Elk County		
Ellis County		
Ellsworth County		
Finney County		
Ford County		
Franklin County		
Geary County		
Gove County		
Graham County		
Grant County		
Gray County		
Greeley County		
Greenwood County		
Hamilton County		
Harper County		
Harvey County		
Haskell County		
Hodgeman County		
Jackson County		
Jefferson County		
Jewell County		
Johnson County		
Kearny County		
Kingman County		
Kiowa County		
Labette County		
Lane County		
Leavenworth County		
Lincoln County		
Logan County		
Lyon County		
Marion County		
Marshall County		
McPherson County		
Meade County		
Miami County		
Mitchell County		
Montgomery County		
Morris County		
Morton County		
Nemaha County		
Neosho County		
Ness County		
Norton County		
Osage County		
Osborne County		
Ottawa County		
Pawnee County		
Phillips County		

KANSAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Pottawatomie County		
Pratt County		
Rawlins County		
Reno County		
Republic County		
Rice County		
Riley County		
Rooks County		
Rush County		
Russell County		
Saline County		
Scott County		
Sedgwick County		
Seward County		
Sheridan County		
Sherman County		
Smith County		
Stafford County		
Stanton County		
Stevens County		
Sumner County		
Thomas County		
Trego County		
Wabaunsee County		
Wallace County		
Washington County		
Wichita County		
Wilson County		
Woodson County		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 19. Section 81.318 is amended by revising the table entitled ''Kentucky—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.318 Kentucky.

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KENTUCKY—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [4]	Designation	
	Date [1]	Type
Campbell-Clermont Counties, KY-OH: [2]	3/10/2017	Attainment.
Campbell County (part)		
That portion of Campbell County which lies south and west of the Ohio River described as follows: Beginning at geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude (NAD 1983) on the edge of the Ohio River running southwesterly to KY Highway 1566; thence continuing running southwesterly along KY Highway 1566 to KY Highway 9 (AA Highway); thence running northwesterly along KY Highway 9 (AA Highway) from Hwy 1566 to Interstate 275; thence running northeasterly along Interstate 275 to Highway 2345 (John's Hill Road), Hwy 2345 to US–27, US–27 to I–275, I–275 to the Ohio River; thence running southeasterly along the Ohio River from Interstate 275 to geographic coordinates 38.9735 North Latitude, 84.3017 West Longitude (NAD 1983).		
Jefferson County, KY [2]	10/4/13	Nonattainment.

KENTUCKY—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [4]	Designation	
	Date [1]	Type
Jefferson County (part) That portion of Jefferson County compassed by the polygon with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 16 with datum NAD83 as follows: (1) Ethan Allen Way extended to the Ohio River at UTM Easting (m) 595738, UTM Northing 4214086 and Dixie Highway (US60 and US31W) at UTM Easting (m) 59751, UTM Northing 4212946; (2) Along Dixie Highway from UTM Easting (m) 597515, UTM Northing 4212946 to UTM Easting (m) 595859, UTM Northing 4210678; (3) Near the adjacent property lines of Louisville Gas and Electric-Mill Creek Electric Generating Station and Kosmos Cement where they join Dixie Highway at UTM Easting (m) 595859, UTM Northing 4210678 and the Ohio River at UTM Easting (m) 595326, UTM Northing 4211014; (4) Along the Ohio River from UTM Easting (m) 595326, UTM Northing 4211014 to UTM Easting (m) 595738, UTM Northing 4214086		
Ohio County, KY [2]	9/12/16	Unclassifiable.
Ohio County		
Pulaski County, KY [2]	9/12/16	Unclassifiable.
Pulaski County		
Rest of State: [3]		
Adair County		Attainment/Unclassifiable.
Allen County		Attainment/Unclassifiable.
Anderson County		Attainment/Unclassifiable.
Ballard County		Attainment/Unclassifiable.
Barren County		Attainment/Unclassifiable.
Bath County		Attainment/Unclassifiable.
Bell County		Attainment/Unclassifiable.
Boone County		Attainment/Unclassifiable.
Bourbon County		Attainment/Unclassifiable.
Boyd County		Attainment/Unclassifiable.
Boyle County		Attainment/Unclassifiable.
Bracken County		Attainment/Unclassifiable.
Breathitt County		Attainment/Unclassifiable.
Breckinridge County		Attainment/Unclassifiable.
Bullitt County		Attainment/Unclassifiable.
Butler County		Attainment/Unclassifiable.
Caldwell County		Attainment/Unclassifiable.
Calloway County		Attainment/Unclassifiable.
Campbell County (part) (remainder)		Attainment/Unclassifiable.
Carlisle County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Carter County		Attainment/Unclassifiable.
Casey County		Attainment/Unclassifiable.
Christian County		Attainment/Unclassifiable.
Clark County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Crittenden County		Attainment/Unclassifiable.
Cumberland County		Attainment/Unclassifiable.
Daviess County		Attainment/Unclassifiable.
Edmonson County		Attainment/Unclassifiable.
Elliott County		Attainment/Unclassifiable.
Estill County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Fleming County		Attainment/Unclassifiable.
Floyd County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Gallatin County		Attainment/Unclassifiable.
Garrard County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Graves County		Attainment/Unclassifiable.
Grayson County		Attainment/Unclassifiable.
Green County		Attainment/Unclassifiable.
Greenup County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Hardin County		Attainment/Unclassifiable.
Harlan County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Hart County		Attainment/Unclassifiable.

KENTUCKY—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [4]	Designation	
	Date [1]	Type
Henderson County (part) [4]		Attainment/Unclassifiable.
Census Block Groups 211010207013, 211010207014, 211010207024, and 211010208004		
Henry County		Attainment/Unclassifiable.
Hickman County		Attainment/Unclassifiable.
Hopkins County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County (part) (remainder)		Attainment/Unclassifiable.
Jessamine County		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Kenton County		Attainment/Unclassifiable.
Knott County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
LaRue County		Attainment/Unclassifiable.
Laurel County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Leslie County		Attainment/Unclassifiable.
Letcher County		Attainment/Unclassifiable.
Lewis County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Livingston County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
Lyon County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Magoffin County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Martin County		Attainment/Unclassifiable.
Mason County		Attainment/Unclassifiable.
McCracken County		Attainment/Unclassifiable.
McCreary County		Attainment/Unclassifiable.
McLean County		Attainment/Unclassifiable.
Meade County		Attainment/Unclassifiable.
Menifee County		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Metcalfe County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Muhlenberg County		Attainment/Unclassifiable.
Nelson County		Attainment/Unclassifiable.
Nicholas County		Attainment/Unclassifiable.
Oldham County		Attainment/Unclassifiable.
Owen County		Attainment/Unclassifiable.
Owsley County		Attainment/Unclassifiable.
Pendleton County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Powell County		Attainment/Unclassifiable.
Robertson County		Attainment/Unclassifiable.
Rockcastle County		Attainment/Unclassifiable.
Rowan County		Attainment/Unclassifiable.
Russell County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Simpson County		Attainment/Unclassifiable.
Spencer County		Attainment/Unclassifiable.
Taylor County		Attainment/Unclassifiable.
Todd County		Attainment/Unclassifiable.
Trigg County		Attainment/Unclassifiable.
Trimble County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Whitley County		Attainment/Unclassifiable.
Wolfe County		Attainment/Unclassifiable.
Woodford County		Attainment/Unclassifiable.

[1] This date is April 9, 2018, unless otherwise noted.

[2] Excludes Indian country located in each area, if any, unless otherwise specified.
[3] Includes any Indian country in each county or area, if any, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[4] Webster County and the remainder of Henderson County will be designated by December 31, 2020.

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■ 20. Section 81.319 is amended by revising the table entitled ''Louisiana—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.319 Louisiana.

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LOUISIANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Evangeline Parish (Partial)	.....	Nonattainment.
Portion of Evangeline Parish bounded by:		
570250m E, 3400300m N		
570250m E, 3403300m N		
572400m E, 3403300m N		
572400m E, 3400300m N		
NAD83 15R		
St. Bernard Parish, LA	10/4/13	Nonattainment.
Calcasieu Parish, LA	9/12/16	Unclassifiable.
St. Mary Parish	.....	Unclassifiable.
Acadia Parish	.....	Attainment/Unclassifiable.
Allen Parish	.....	Attainment/Unclassifiable.
Assumption Parish	.....	Attainment/Unclassifiable.
Avoyelles Parish	.....	Attainment/Unclassifiable.
Beauregard Parish	.....	Attainment/Unclassifiable.
Bienville Parish	.....	Attainment/Unclassifiable.
Bossier Parish	.....	Attainment/Unclassifiable.
Caddo Parish	.....	Attainment/Unclassifiable.
Caldwell Parish	.....	Attainment/Unclassifiable.
Cameron Parish	.....	Attainment/Unclassifiable.
Catahoula Parish	.....	Attainment/Unclassifiable.
Claiborne Parish	.....	Attainment/Unclassifiable.
Concordia Parish	.....	Attainment/Unclassifiable.
De Soto Parish	9/12/16	Attainment/Unclassifiable.
East Carroll Parish	.....	Attainment/Unclassifiable.
East Feliciana Parish	.....	Attainment/Unclassifiable.
Evangeline Parish (part) (remainder)	.....	Attainment/Unclassifiable.
Franklin Parish	.....	Attainment/Unclassifiable.
Grant Parish	.....	Attainment/Unclassifiable.
Iberia Parish	.....	Attainment/Unclassifiable.
Iberville Parish	.....	Attainment/Unclassifiable.
Jackson Parish	.....	Attainment/Unclassifiable.
Jefferson Parish	.....	Attainment/Unclassifiable.
Jefferson Davis Parish	.....	Attainment/Unclassifiable.
Lafayette Parish	.....	Attainment/Unclassifiable.
Lafourche Parish	.....	Attainment/Unclassifiable.
LaSalle Parish	.....	Attainment/Unclassifiable.
Lincoln Parish	.....	Attainment/Unclassifiable.
Livingston Parish	.....	Attainment/Unclassifiable.
Madison Parish	.....	Attainment/Unclassifiable.
Morehouse Parish	.....	Attainment/Unclassifiable.
Natchitoches Parish	.....	Attainment/Unclassifiable.
Orleans Parish	.....	Attainment/Unclassifiable.
Ouachita Parish	.....	Attainment/Unclassifiable.
Plaquemines Parish	.....	Attainment/Unclassifiable.
Point Coupee	.....	Attainment/Unclassifiable.
Rapides Parish	.....	Attainment/Unclassifiable.
Red River Parish	.....	Attainment/Unclassifiable.
Richland Parish	.....	Attainment/Unclassifiable.
Sabine Parish	.....	Attainment/Unclassifiable.
St. Helena Parish	.....	Attainment/Unclassifiable.
St. John the Baptist Parish	.....	Attainment/Unclassifiable.
St. Landry Parish	.....	Attainment/Unclassifiable.
St. Martin Parish	.....	Attainment/Unclassifiable.
St. Mary Parish	.....	Attainment/Unclassifiable.
St. Tammany Parish	.....	Attainment/Unclassifiable.
Tangipahoa Parish	.....	Attainment/Unclassifiable.
Tensas Parish	.....	Attainment/Unclassifiable.
Terrebonne Parish	.....	Attainment/Unclassifiable.
Union Parish	.....	Attainment/Unclassifiable.

LOUISIANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Vermilion Parish	.....	Attainment/Unclassifiable.
Vernon Parish	.....	Attainment/Unclassifiable.
Washington Parish	.....	Attainment/Unclassifiable.
Webster Parish	.....	Attainment/Unclassifiable.
West Carroll Parish	.....	Attainment/Unclassifiable.
Winn Parish	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] East Baton Rouge, St. Charles, St. James, and West Baton Rouge Parishes will be designated by December 31, 2020.

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■ 21. Section 81.320 is amended by adding a table entitled ''Maine—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Maine—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.320 Maine.

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MAINE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Statewide:	.....	Attainment/Unclassifiable.
Androscoggin County		
Aroostook County		
Cumberland County		
Franklin County		
Hancock County		
Kennebec County		
Knox County		
Lincoln County		
Oxford County		
Penobscot County		
Piscataquis County		
Sagadahoc County		
Somerset County		
Waldo County		
Washington County		
York County		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 22. Section 81.321 is amended by revising the table entitled ''Maryland—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.321 Maryland.

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MARYLAND—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Anne Arundel County and Baltimore County, MD[1]	9/12/16	Nonattainment.
Anne Arundel County (part)		
Portions of Anne Arundel County that are within 26.8 kilometers of Herbert A. Wagner's Unit 3 stack, which is located at 39.17765 N. latitude, 76.52752 W. longitude		
Baltimore County (part)		
Portions of Baltimore County that are within 26.8 kilometers of Herbert A. Wagner's Unit 3 stack, which is located at 39.17765 N. latitude, 76.52752 W. longitude		
Anne Arundel County (part)	.....	Attainment/Unclassifiable.
Remainder of County		
Baltimore City, MD	9/12/16	Attainment/Unclassifiable.
Baltimore County (part)	.....	Attainment/Unclassifiable.

MARYLAND—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Remainder of County		
Calvert County		Attainment/Unclassifiable.
Caroline County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Cecil County		Attainment/Unclassifiable.
Charles County		Attainment/Unclassifiable.
Dorchester County		Attainment/Unclassifiable.
Frederick County		Attainment/Unclassifiable.
Garrett County		Attainment/Unclassifiable.
Harford County		Attainment/Unclassifiable.
Howard County		Attainment/Unclassifiable.
Kent County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Prince George's County		Attainment/Unclassifiable.
Queen Anne's County		Attainment/Unclassifiable.
Somerset County		Attainment/Unclassifiable.
St. Mary's County		Attainment/Unclassifiable.
Talbot County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wicomico County		Attainment/Unclassifiable.
Worcester County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Allegany County will be designated by December 31, 2020.

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■ 23. Section 81.322 is amended by adding a table entitled ''Massachusetts—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Massachusetts—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.322 Massachusetts.

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MASSACHUSETTS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Statewide:		
Barnstable County		Attainment/Unclassifiable.
Berkshire County		Attainment/Unclassifiable.
Bristol County		Attainment/Unclassifiable.
Dukes County		Attainment/Unclassifiable.
Essex County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Hampden County		Attainment/Unclassifiable.
Hampshire County		Attainment/Unclassifiable.
Middlesex County		Attainment/Unclassifiable.
Nantucket County		Attainment/Unclassifiable.
Norfolk County		Attainment/Unclassifiable.
Plymouth County		Attainment/Unclassifiable.
Suffolk County		Attainment/Unclassifiable.
Worcester County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 24. Section 81.323 is amended by revising the table entitled ''Michigan—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.323 Michigan.

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MICHIGAN—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Detroit, MI	10/4/13	Nonattainment.
Wayne County (part)		
The area bounded on the east by the Michigan-Ontario border, on the south by the Wayne County-Monroe County border, on the west by Interstate 75 north to Southfield Road, Southfield Road to Interstate 94, and Interstate 94 north to Michigan Avenue, and on the north by Michigan Avenue to Woodward Avenue and a line on Woodward Avenue extended to the Michigan-Ontario border.		
St. Clair, MI	9/12/16	Nonattainment.
St. Clair County (part)		
Area defined by the St. Clair River for the eastern boundary, an extension from the St. Clair River straight west to the intersection of State Highway M–29 and St. Clair River Drive, continuing west on State Highway M–29 to Church Road to Arnold Road to County Line Road for the southern boundary, County Line Road and the Macomb/St. Clair County boundary to Stoddard Road to Wales Ridge Road for the western boundary, and Alpine Road to Fitz Road to Smith Creek Road to Range Road to Huron Avenue, extending straight east from the intersection of Huron Road and River Road to the St. Clair River for the northern boundary.		
Bay County, MI	9/12/16	Attainment/Unclassifiable.
Bay County		
Lansing, MI	9/12/16	Attainment/Unclassifiable.
Eaton County		
Ingham County		
Marquette County, MI	9/12/16	Attainment/Unclassifiable.
Marquette County		
Monroe County, MI	9/12/16	Attainment/Unclassifiable.
Monroe County		
Ottawa County, MI	9/12/16	Attainment/Unclassifiable.
Ottawa County		
Alcona County		Attainment/Unclassifiable.
Alger County		Attainment/Unclassifiable.
Allegan County		Attainment/Unclassifiable.
Alpena County		Attainment/Unclassifiable.
Antrim County		Attainment/Unclassifiable.
Arenac County		Attainment/Unclassifiable.
Baraga County		Attainment/Unclassifiable.
Barry County		Attainment/Unclassifiable.
Benzie County		Attainment/Unclassifiable.
Berrien County		Attainment/Unclassifiable.
Branch County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Cass County		Attainment/Unclassifiable.
Charlevoix County		Attainment/Unclassifiable.
Cheboygan County		Attainment/Unclassifiable.
Chippewa County		Attainment/Unclassifiable.
Clare County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Crawford County		Attainment/Unclassifiable.
Delta County		Attainment/Unclassifiable.
Dickinson County		Attainment/Unclassifiable.
Emmet County		Attainment/Unclassifiable.
Genesee County		Attainment/Unclassifiable.
Gladwin County		Attainment/Unclassifiable.
Gogebic County		Attainment/Unclassifiable.
Grand Traverse County		Attainment/Unclassifiable.
Gratiot County		Attainment/Unclassifiable.
Hillsdale County		Attainment/Unclassifiable.
Houghton County		Attainment/Unclassifiable.
Huron County		Attainment/Unclassifiable.
Ionia County		Attainment/Unclassifiable.
Iosco County		Attainment/Unclassifiable.
Iron County		Attainment/Unclassifiable.
Isabella County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Kalamazoo County		Attainment/Unclassifiable.
Kalkaska County		Attainment/Unclassifiable.
Kent County		Attainment/Unclassifiable.
Keweenaw County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
Lapeer County		Attainment/Unclassifiable.
Leelanau County		Attainment/Unclassifiable.

MICHIGAN—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Lenawee County		Attainment/Unclassifiable.
Livingston County		Attainment/Unclassifiable.
Luce County		Attainment/Unclassifiable.
Mackinac County		Attainment/Unclassifiable.
Macomb County		Attainment/Unclassifiable.
Manistee County		Attainment/Unclassifiable.
Mason County		Attainment/Unclassifiable.
Mecosta County		Attainment/Unclassifiable.
Menominee County		Attainment/Unclassifiable.
Midland County		Attainment/Unclassifiable.
Missaukee County		Attainment/Unclassifiable.
Montcalm County		Attainment/Unclassifiable.
Montmorency County		Attainment/Unclassifiable.
Muskegon County		Attainment/Unclassifiable.
Newaygo County		Attainment/Unclassifiable.
Oakland County		Attainment/Unclassifiable.
Oceana County		Attainment/Unclassifiable.
Ogemaw County		Attainment/Unclassifiable.
Ontonagon County		Attainment/Unclassifiable.
Osceola County		Attainment/Unclassifiable.
Oscoda County		Attainment/Unclassifiable.
Otsego County		Attainment/Unclassifiable.
Presque Isle County		Attainment/Unclassifiable.
Roscommon County		Attainment/Unclassifiable.
Saginaw County		Attainment/Unclassifiable.
St. Clair County (remainder)		Attainment/Unclassifiable.
St. Joseph County		Attainment/Unclassifiable.
Sanilac County		Attainment/Unclassifiable.
Schoolcraft County		Attainment/Unclassifiable.
Shiawassee County		Attainment/Unclassifiable.
Tuscola County		Attainment/Unclassifiable.
Van Buren County		Attainment/Unclassifiable.
Washtenaw County		Attainment/Unclassifiable.
Wayne County (remainder)		Attainment/Unclassifiable.
Wexford County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 25. Section 81.324 is amended by adding a table entitled ''Minnesota—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Minnesota—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.324 Minnesota.

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MINNESOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Goodhue County		Unclassifiable.
Aitkin County		Attainment/Unclassifiable.
Anoka County		Attainment/Unclassifiable.
Becker County		Attainment/Unclassifiable.
Beltrami County		Attainment/Unclassifiable.
Benton County		Attainment/Unclassifiable.
Big Stone County		Attainment/Unclassifiable.
Blue Earth County		Attainment/Unclassifiable.
Brown County		Attainment/Unclassifiable.
Carlton County		Attainment/Unclassifiable.
Carver County		Attainment/Unclassifiable.
Cass County		Attainment/Unclassifiable.
Chippewa County		Attainment/Unclassifiable.
Chisago County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Clearwater County		Attainment/Unclassifiable.
Cook County		Attainment/Unclassifiable.

MINNESOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Cottonwood County		Attainment/Unclassifiable.
Crow Wing County		Attainment/Unclassifiable.
Dakota County		Attainment/Unclassifiable.
Dodge County		Attainment/Unclassifiable.
Douglas County		Attainment/Unclassifiable.
Faribault County		Attainment/Unclassifiable.
Fillmore County		Attainment/Unclassifiable.
Freeborn County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Hennepin County		Attainment/Unclassifiable.
Houston County		Attainment/Unclassifiable.
Hubbard County		Attainment/Unclassifiable.
Isanti County		Attainment/Unclassifiable.
Itasca County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Kanabec County		Attainment/Unclassifiable.
Kandiyohi County		Attainment/Unclassifiable.
Kittson County		Attainment/Unclassifiable.
Koochiching County		Attainment/Unclassifiable.
Lac qui Parle County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
Lake of the Woods County		Attainment/Unclassifiable.
Le Sueur County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Lyon County		Attainment/Unclassifiable.
McLeod County		Attainment/Unclassifiable.
Mahnomen County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Martin County		Attainment/Unclassifiable.
Meeker County		Attainment/Unclassifiable.
Mille Lacs County		Attainment/Unclassifiable.
Morrison County		Attainment/Unclassifiable.
Mower County		Attainment/Unclassifiable.
Murray County		Attainment/Unclassifiable.
Nicollet County		Attainment/Unclassifiable.
Nobles County		Attainment/Unclassifiable.
Norman County		Attainment/Unclassifiable.
Olmsted County		Attainment/Unclassifiable.
Otter Tail County		Attainment/Unclassifiable.
Pennington County		Attainment/Unclassifiable.
Pine County		Attainment/Unclassifiable.
Pipestone County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Pope County		Attainment/Unclassifiable.
Ramsey County		Attainment/Unclassifiable.
Red Lake County		Attainment/Unclassifiable.
Redwood County		Attainment/Unclassifiable.
Renville County		Attainment/Unclassifiable.
Rice County		Attainment/Unclassifiable.
Rock County		Attainment/Unclassifiable.
Roseau County		Attainment/Unclassifiable.
St. Louis County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Sherburne County		Attainment/Unclassifiable.
Sibley County		Attainment/Unclassifiable.
Stearns County		Attainment/Unclassifiable.
Steele County		Attainment/Unclassifiable.
Stevens County		Attainment/Unclassifiable.
Swift County		Attainment/Unclassifiable.
Todd County		Attainment/Unclassifiable.
Traverse County		Attainment/Unclassifiable.
Wabasha County		Attainment/Unclassifiable.
Wadena County		Attainment/Unclassifiable.
Waseca County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Watonwan County		Attainment/Unclassifiable.
Wilkin County		Attainment/Unclassifiable.
Winona County		Attainment/Unclassifiable.
Wright County		Attainment/Unclassifiable.

MINNESOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Yellow Medicine County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 26. Section 81.325 is amended by revising the table entitled ''Mississippi—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.325 Mississippi.

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MISSISSIPPI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Adams County		Attainment/Unclassifiable.
Alcorn County		Attainment/Unclassifiable.
Amite County		Attainment/Unclassifiable.
Attala County		Attainment/Unclassifiable.
Benton County		Attainment/Unclassifiable.
Bolivar County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Chickasaw County		Attainment/Unclassifiable.
Choctaw County		Attainment/Unclassifiable.
Claiborne County		Attainment/Unclassifiable.
Clarke County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Coahoma County		Attainment/Unclassifiable.
Copiah County		Attainment/Unclassifiable.
Covington County		Attainment/Unclassifiable.
DeSoto County		Attainment/Unclassifiable.
Forrest County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
George County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Grenada County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Hinds County		Attainment/Unclassifiable.
Holmes County		Attainment/Unclassifiable.
Humphreys County		Attainment/Unclassifiable.
Issaquena County		Attainment/Unclassifiable.
Itawamba County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jasper County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Jefferson Davis County		Attainment/Unclassifiable.
Jones County		Attainment/Unclassifiable.
Kemper County		Attainment/Unclassifiable.
Lafayette County		Attainment/Unclassifiable.
Lamar County, MS	9/12/16	Attainment/Unclassifiable.
Lauderdale County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Leake County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Leflore County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Lowndes County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Neshoba County		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Noxubee County		Attainment/Unclassifiable.
Oktibbeha County		Attainment/Unclassifiable.

MISSISSIPPI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Panola County		Attainment/Unclassifiable.
Pearl River County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Pontotoc County		Attainment/Unclassifiable.
Prentiss County		Attainment/Unclassifiable.
Quitman County		Attainment/Unclassifiable.
Rankin County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Sharkey County		Attainment/Unclassifiable.
Simpson County		Attainment/Unclassifiable.
Smith County		Attainment/Unclassifiable.
Stone County		Attainment/Unclassifiable.
Sunflower County		Attainment/Unclassifiable.
Tallahatchie County		Attainment/Unclassifiable.
Tate County		Attainment/Unclassifiable.
Tippah County		Attainment/Unclassifiable.
Tishomingo County		Attainment/Unclassifiable.
Tunica County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Walthall County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Webster County		Attainment/Unclassifiable.
Wilkinson County		Attainment/Unclassifiable.
Winston County		Attainment/Unclassifiable.
Yalobusha County		Attainment/Unclassifiable.
Yazoo County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 27. Section 81.326 is amended by revising the table entitled ''Missouri—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.326 Missouri.

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MISSOURI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Jackson County, MO	10/4/13	Nonattainment.
Jackson County (part)		
The portion of Jackson County bounded by I–70/I–670 and the Missouri River to the north; and, to the west of I–435 to the state line separating Missouri and Kansas.		
Jefferson County, MO	10/4/13	Nonattainment.

MISSOURI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Jefferson County (part)		
That portion within Jefferson County described by connecting the following four sets of UTM coordinates moving in a clockwise manner:		
(Herculaneum USGS Quadrangle)		
718360.283 4250477.056		
729301.869 4250718.415		
729704.134 4236840.30		
718762.547 4236558.715		
(Festus USGS Quadrangle)		
718762.547 4236558.715		
729704.134 4236840.30		
730066.171 4223042.637		
719124.585 4222680.6		
(Selma USGS Quadrangle)		
729704.134 4236840.30		
730428.209 4236840.3		
741047.984 4223283.996		
730066.171 4223042.637		
(Valmeyer USGS Quadrangle)		
729301.869 4250718.415		
731474.096 4250798.868		
730428.209 4236840.3		
729704.134 4236840.30		
Franklin-St. Charles Counties, MO	9/12/16	Unclassifiable.
Franklin County (part)		
The eastern and western boundaries are Boles Township boundaries. The northern boundary is the Franklin County-St. Charles County Line. The southern boundary is Interstate 44.		
St. Charles County (part)		
The eastern and western boundaries are Boone Township boundaries. The northern boundary is Missouri Route D and Highway 94. The southern boundary is the Franklin County-St. Charles County Line.		
Jackson County, MO	9/12/16	Unclassifiable.
Jackson County (part)		
The northern boundary is the county line separating Jackson County from Clay and Ray Counties. The eastern boundary is the county line separating Jackson County from Lafayette County. The southern boundary is Interstates 70 and 470. The western boundary is Missouri Highway 291.		
Adair County	.....	Attainment/Unclassifiable.
Andrew County	.....	Attainment/Unclassifiable.
Atchison County	.....	Attainment/Unclassifiable.
Audrain County	.....	Attainment/Unclassifiable.
Barry County	.....	Attainment/Unclassifiable.
Barton County	.....	Attainment/Unclassifiable.
Bates County	.....	Attainment/Unclassifiable.
Benton County	.....	Attainment/Unclassifiable.
Bollinger County	.....	Attainment/Unclassifiable.
Boone County	.....	Attainment/Unclassifiable.
Buchanan County	.....	Attainment/Unclassifiable.
Butler County	.....	Attainment/Unclassifiable.
Caldwell County	.....	Attainment/Unclassifiable.
Callaway County	.....	Attainment/Unclassifiable.
Camden County	.....	Attainment/Unclassifiable.
Cape Girardeau County	.....	Attainment/Unclassifiable.
Carroll County	.....	Attainment/Unclassifiable.
Carter County	.....	Attainment/Unclassifiable.
Cass County	.....	Attainment/Unclassifiable.
Cedar County	.....	Attainment/Unclassifiable.
Chariton County	.....	Attainment/Unclassifiable.
Christian County	.....	Attainment/Unclassifiable.
Clark County	.....	Attainment/Unclassifiable.
Clay County	.....	Attainment/Unclassifiable.
Clinton County	.....	Attainment/Unclassifiable.
Cole County	.....	Attainment/Unclassifiable.
Cooper County	.....	Attainment/Unclassifiable.
Crawford County	.....	Attainment/Unclassifiable.
Dade County	.....	Attainment/Unclassifiable.
Dallas County	.....	Attainment/Unclassifiable.
Daviess County	.....	Attainment/Unclassifiable.
DeKalb County	.....	Attainment/Unclassifiable.

MISSOURI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Dent County		Attainment/Unclassifiable.
Douglas County		Attainment/Unclassifiable.
Dunklin County		Attainment/Unclassifiable.
Franklin County (part) (remainder)		Attainment/Unclassifiable.
Gasconade County		Attainment/Unclassifiable.
Gentry County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Grundy County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Hickory County		Attainment/Unclassifiable.
Holt County		Attainment/Unclassifiable.
Howard County		Attainment/Unclassifiable.
Howell County		Attainment/Unclassifiable.
Jackson County (part) (remainder)		Attainment/Unclassifiable.
Jasper County		Attainment/Unclassifiable.
Jefferson County (part) (remainder)		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Laclede County		Attainment/Unclassifiable.
Lafayette County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lewis County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Linn County		Attainment/Unclassifiable.
Livingston County		Attainment/Unclassifiable.
Macon County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Maries County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
McDonald County		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Miller County		Attainment/Unclassifiable.
Mississippi County		Attainment/Unclassifiable.
Moniteau County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Nodaway County		Attainment/Unclassifiable.
Oregon County		Attainment/Unclassifiable.
Osage County		Attainment/Unclassifiable.
Ozark County		Attainment/Unclassifiable.
Pemiscot County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pettis County		Attainment/Unclassifiable.
Phelps County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Platte County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Ralls County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Ray County		Attainment/Unclassifiable.
Reynolds County		Attainment/Unclassifiable.
Ripley County		Attainment/Unclassifiable.
St. Charles County (part) (remainder)		Attainment/Unclassifiable.
St. Clair County		Attainment/Unclassifiable.
St. Francois County		Attainment/Unclassifiable.
Ste. Genevieve County		Attainment/Unclassifiable.
St. Louis City		Attainment/Unclassifiable.
St. Louis County		Attainment/Unclassifiable.
Saline County		Attainment/Unclassifiable.
Schuyler County		Attainment/Unclassifiable.
Scotland County		Attainment/Unclassifiable.
Scott County	9/12/16	Attainment/Unclassifiable.
Shannon County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Stoddard County		Attainment/Unclassifiable.

MISSOURI—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Stone County		Attainment/Unclassifiable.
Sullivan County		Attainment/Unclassifiable.
Taney County		Attainment/Unclassifiable.
Texas County		Attainment/Unclassifiable.
Vernon County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Webster County		Attainment/Unclassifiable.
Worth County		Attainment/Unclassifiable.
Wright County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Iron and New Madrid Counties will be designated by December 31, 2020.

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■ 28. Section 81.327 is amended by revising the table titled ''Montana—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.327 Montana.

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MONTANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Yellowstone County (part)	5/10/16	Attainment.
The area originates at the point defined as the southwest corner of Section 11, Township 1S, Range 26E. From that point the boundary proceeds north along the western section line of Section 11 to the point of intersection with the midline of Interstate Highway 90. From that point the boundary follows the midline of Interstate Highway 90, across the Yellowstone River, to the point where the highway midline intersects the northern boundary of Section 35, Township 1N, Range 26E. From that point the boundary proceeds east along the northern section line of Sections 35 and 36 to the point where Old US 87/Hardin Road leaves the section line and turns southeast. The boundary follows the midline of Old US 87/Hardin Road southeast to the point where the road intersects the western boundary of the SE ¼ of the SE ¼ of Section 31, Township 1N, Range 27E. From that point the boundary proceeds south along the ¼ section line to the southern boundary of Township 1N, then east to the northeast corner of Section 5, Township 1S, Range 27E. The boundary then proceeds south along the eastern section line of sections 5 and 8 to the southeast corner of Section 8, Township 1S, Range 27E, where it turns west and follows the south section line of Sections 8 and 7, Township 1S, Range 27E; and Sections 12 and 11, Township 1S, Range 26E, back to the point of origin.		
Beaverhead County		Attainment/Unclassifiable.
Big Horn County		Attainment/Unclassifiable.
Blaine County		Attainment/Unclassifiable.
Broadwater County		Attainment/Unclassifiable.
Carbon County		Attainment/Unclassifiable.
Carter County		Attainment/Unclassifiable.
Cascade County		Attainment/Unclassifiable.
Chouteau County		Attainment/Unclassifiable.
Custer County		Attainment/Unclassifiable.
Daniels County		Attainment/Unclassifiable.
Dawson County		Attainment/Unclassifiable.
Deer Lodge County		Attainment/Unclassifiable.
Fallon County		Attainment/Unclassifiable.
Fergus County		Attainment/Unclassifiable.
Flathead County		Attainment/Unclassifiable.
Gallatin County		Attainment/Unclassifiable.
Garfield County		Attainment/Unclassifiable.
Glacier County		Attainment/Unclassifiable.
Golden Valley County		Attainment/Unclassifiable.
Granite County		Attainment/Unclassifiable.
Hill County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Judith Basin County		Attainment/Unclassifiable.

MONTANA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Lake County		Attainment/Unclassifiable.
Lewis and Clark County		Attainment/Unclassifiable.
Liberty County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
McCone County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Meagher County		Attainment/Unclassifiable.
Mineral County		Attainment/Unclassifiable.
Missoula County		Attainment/Unclassifiable.
Musselshell County		Attainment/Unclassifiable.
Park County		Attainment/Unclassifiable.
Petroleum County		Attainment/Unclassifiable.
Phillips County		Attainment/Unclassifiable.
Pondera County		Attainment/Unclassifiable.
Powder River County		Attainment/Unclassifiable.
Powell County		Attainment/Unclassifiable.
Prairie County		Attainment/Unclassifiable.
Ravalli County		Attainment/Unclassifiable.
Richland County		Attainment/Unclassifiable.
Roosevelt County		Attainment/Unclassifiable.
Rosebud County		Attainment/Unclassifiable.
Sanders County		Attainment/Unclassifiable.
Sheridan County		Attainment/Unclassifiable.
Silver Bow County		Attainment/Unclassifiable.
Stillwater County		Attainment/Unclassifiable.
Sweet Grass County		Attainment/Unclassifiable.
Teton County		Attainment/Unclassifiable.
Toole County		Attainment/Unclassifiable.
Treasure County		Attainment/Unclassifiable.
Valley County		Attainment/Unclassifiable.
Wheatland County		Attainment/Unclassifiable.
Wibaux County		Attainment/Unclassifiable.
Yellowstone County (part) (remainder)		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 29. Section 81.328 is amended by revising the table entitled ''Nebraska—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.328 Nebraska.

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NEBRASKA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Lancaster County	9/12/16	Unclassifiable.
Statewide:		Attainment/ Unclassifiable.
Adams County.		
Antelope County.		
Arthur County.		
Banner County.		
Blaine County.		
Boone County.		
Box Butte County.		
Boyd County.		
Brown County.		
Buffalo County.		
Burt County.		
Butler County.		
Cass County.		
Cedar County.		
Chase County.		
Cherry County.		
Cheyenne County.		

NEBRASKA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Clay County.		
Colfax County.		
Cuming County.		
Custer County.		
Dakota County.		
Dawes County.		
Dawson County.		
Deuel County.		
Dixon County.		
Dodge County.		
Dundy County.		
Fillmore County.		
Franklin County.		
Frontier County.		
Furnas County.		
Gage County.		
Garden County.		
Garfield County.		
Gosper County.		
Grant County.		
Greeley County.		
Hall County.		
Hamilton County.		
Harlan County.		
Hayes County.		
Hitchcock County.		
Holt County.		
Hooker County.		
Howard County.		
Jefferson County.		
Johnson County.		
Kearney County.		
Keith County.		
Keya Paha County.		
Kimball County.		
Knox County.		
Lincoln County	9/12/16	Attainment/ Unclassifiable.
Logan County.		
Loup County.		
Madison County.		
McPherson County.		
Merrick County.		
Morrill County.		
Nance County.		
Nemaha County.		
Nuckolls County.		
Otoe County	9/12/16	Attainment/ Unclassifiable.
Pawnee County.		
Perkins County.		
Phelps County.		
Pierce County.		
Platte County.		
Polk County.		
Red Willow County.		
Richardson County.		
Rock County.		
Saline County.		
Sarpy County.		
Saunders County.		
Scotts Bluff County.		
Seward County.		
Sheridan County.		
Sherman County.		
Sioux County.		
Stanton County.		
Thayer County.		
Thomas County.		
Thurston County.		

NEBRASKA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Valley County. Washington County. Wayne County. Webster County. Wheeler County. York County.		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Douglas County will be designated by December 31, 2020.

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■ 30. Section 81.329 is amended by adding a table entitled ''Nevada—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Nevada—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.329 Nevada.

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NEVADA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
State of Nevada [3]	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Rest of State refers to hydrographic areas as shown on the State of Nevada Division of Water Resources' map titled ''Water Resources and Inter-basin Flows'' (September 1971), as revised to include a division of Carson Desert (area 101) into two areas, a smaller area 101 and area 101A, and a division of Boulder Flat (area 61) into an Upper Unit 61 and a Lower Unit 61. See also 67 FR 12474 (March 19, 2002).

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■ 31. Section 81.330 is amended by revising the table entitled ''New Hampshire—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.330 New Hampshire.

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NEW HAMPSHIRE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Central New Hampshire, NH	10/4/13	Nonattainment.
Hillsborough County (part) Goffstown Town Merrimack County (part) Allenstown Town, Bow Town, Chichester Town, Dunbarton Town, Epsom Town, Hooksett Town, Loudon Town, Pembroke Town, Pittsfield Town, City of Concord Rockingham County (part) Candia Town, Deerfield Town, Northwood Town		
Rest of State:		
Belknap County	.....	Attainment/Unclassifiable.
Carroll County	.....	Attainment/Unclassifiable.
Cheshire County	.....	Attainment/Unclassifiable.
Coos County	.....	Attainment/Unclassifiable.
Grafton County	.....	Attainment/Unclassifiable.
Hillsborough County (part)	.....	Attainment/Unclassifiable.
Amherst Town, Antrim Town, Bedford Town, Bennington Town, Brookline Town, Deering Town, Francestown Town, Greenfield Town, Greenville Town, Hancock Town, Hillsborough Town, Hollis Town, Hudson Town, Litchfield Town, Lyndeborough Town, City of Manchester, Mason Town, Merrimack Town, Milford Town, Mont Vernon Town, City of Nashua, New Boston Town, New Ipswich Town, Pelham Town, Peterborough Town, Sharon Town, Temple Town, Weare Town, Wilton Town, Windsor Town		
Merrimack County (part)	.....	Attainment/Unclassifiable.

NEW HAMPSHIRE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Andover Town, Boscawen Town, Bradford Town, Canterbury Town, Danbury Town, City of Franklin, Henniker Town, Hill Town, Hopkinton Town, New London Town, Newbury Town, Northfield Town, Salisbury Town, Sutton Town, Warner Town, Webster Town, Wilmot Town		
Rockingham County (part)		Attainment/Unclassifiable.
Atkinson Town, Auburn Town, Brentwood Town, Chester Town, Danville Town, Derry Town, East Kingston Town, Epping Town, Exeter Town, Fremont Town, Greenland Town, Hampstead Town, Hampton Town, Hampton Falls Town, Kensington Town, Kingston Town, Londonderry Town, New Castle Town, Newfields Town, Newington Town, Newmarket Town, Newton Town, North Hampton Town, Nottingham Town, Plainstow Town, City of Portsmouth, Raymond Town, Rye Town, Salem Town, Sandown Town, Seabrook Town, South Hampton Town, Stratham Town, Windham Town		
Strafford County		Attainment/Unclassifiable.
Sullivan County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 32. Section 81.331 is amended by adding a table entitled ''New Jersey—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''New Jersey—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.331 New Jersey.

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NEW JERSEY—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Entire State		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 33. Section 81.332 is amended by adding a table titled ''New Mexico—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''New Mexico—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.332 New Mexico.

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NEW MEXICO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Bernalillo County		Attainment/Unclassifiable.
Catron County		Attainment/Unclassifiable.
Chaves County		Attainment/Unclassifiable.
Cibola County		Attainment/Unclassifiable.
Colfax County		Attainment/Unclassifiable.
Curry County		Attainment/Unclassifiable.
De Baca County		Attainment/Unclassifiable.
Dona Ana County		Attainment/Unclassifiable.
Eddy County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Guadalupe County		Attainment/Unclassifiable.
Harding County		Attainment/Unclassifiable.
Hidalgo County		Attainment/Unclassifiable.
Lea County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Los Alamos County		Attainment/Unclassifiable.
Luna County		Attainment/Unclassifiable.
McKinley County		Attainment/Unclassifiable.
Mora County		Attainment/Unclassifiable.

NEW MEXICO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Quay County		Attainment/Unclassifiable.
Rio Arriba County		Attainment/Unclassifiable.
Roosevelt County		Attainment/Unclassifiable.
San Juan County		Attainment/Unclassifiable.
San Miguel County		Attainment/Unclassifiable.
Sandoval County		Attainment/Unclassifiable.
Santa Fe County		Attainment/Unclassifiable.
Socorro County		Attainment/Unclassifiable.
Taos County		Attainment/Unclassifiable.
Torrance County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Valencia County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country. The lands of the Navajo Nation, including those lands located geographically within New Mexico, are excluded, as they are separately designated under Section 81.303.

[2] This date is April 9, 2018, unless otherwise noted.

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■ 34. Section 81.333 is amended by revising the table entitled ''New York—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.333 New York.

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NEW YORK—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Monroe County		Unclassifiable.
Erie-Niagara, NY	9/12/16	Attainment/Unclassifiable.
Erie County		
Niagara County		
Albany County		Attainment/Unclassifiable.
Allegany County		Attainment/Unclassifiable.
Broome County		Attainment/Unclassifiable.
Bronx County		Attainment/Unclassifiable.
Cattaraugus County		Attainment/Unclassifiable.
Chautauqua County		Attainment/Unclassifiable.
Chemung County		Attainment/Unclassifiable.
Chenango County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Columbia County		Attainment/Unclassifiable.
Cortland County		Attainment/Unclassifiable.
Delaware County		Attainment/Unclassifiable.
Dutchess County		Attainment/Unclassifiable.
Essex County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Genesee County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Herkimer County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Kings County		Attainment/Unclassifiable.
Lewis County		Attainment/Unclassifiable.
Livingston County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Nassau County		Attainment/Unclassifiable.
New York County		Attainment/Unclassifiable.
Oneida County		Attainment/Unclassifiable.
Onondaga County		Attainment/Unclassifiable.
Ontario County		Attainment/Unclassifiable.
Orange County		Attainment/Unclassifiable.
Orleans County		Attainment/Unclassifiable.
Oswego County		Attainment/Unclassifiable.
Otsego County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.

NEW YORK—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Queens County		Attainment/Unclassifiable.
Rensselaer County		Attainment/Unclassifiable.
Richmond County		Attainment/Unclassifiable.
Rockland County		Attainment/Unclassifiable.
Saratoga County		Attainment/Unclassifiable.
Schenectady County		Attainment/Unclassifiable.
Schoharie County		Attainment/Unclassifiable.
Schuyler County		Attainment/Unclassifiable.
Steuben County		Attainment/Unclassifiable.
Suffolk County		Attainment/Unclassifiable.
Sullivan County		Attainment/Unclassifiable.
Tioga County		Attainment/Unclassifiable.
Ulster County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Westchester County		Attainment/Unclassifiable.
Wyoming County		Attainment/Unclassifiable.
Yates County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Cayuga, St. Lawrence, Seneca, and Tompkins Counties will be designated by December 31, 2020.

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■ 35. Section 81.334 is amended by revising the table entitled ''North Carolina—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.334 North Carolina.

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NORTH CAROLINA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area	Designation	
	Date [1]	Type
Brunswick County, NC [2]	9/12/16	Unclassifiable.
Brunswick County		
Lockwood Folly Township, Northwest Township, Shallotte Township, Smithville Township, Town Creek Township, Waccamaw Township		
Rest of State: [3]		
Alamance County		Attainment/Unclassifiable.
Each Individual Township		
Alexander County		Attainment/Unclassifiable.
Each Individual Township		
Alleghany County		Attainment/Unclassifiable.
Each Individual Township		
Anson County		Attainment/Unclassifiable.
Each Individual Township		
Ashe County		Attainment/Unclassifiable.
Each Individual Township		
Avery County		Attainment/Unclassifiable.
Each Individual Township		
Beaufort County		Attainment/Unclassifiable.
Each Individual Township		
Bertie County		Attainment/Unclassifiable.
Each Individual Township		
Bladen County		Attainment/Unclassifiable.
Each Individual Township		
Buncombe County (part) [4]		Attainment/Unclassifiable.
All Townships except Limestone Township		
Burke County		Attainment/Unclassifiable.
Each Individual Township		
Cabarrus County		Attainment/Unclassifiable.
Each Individual Township		
Caldwell County		Attainment/Unclassifiable.
Each Individual Township		
Camden County		Attainment/Unclassifiable.
Each Individual Township		
Carteret County		Attainment/Unclassifiable.

NORTH CAROLINA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area	Designation	
	Date [1]	Type
Each Individual Township		
Caswell County		Attainment/Unclassifiable.
Each Individual Township		
Catawba County		Attainment/Unclassifiable.
Each Individual Township		
Chatham County		Attainment/Unclassifiable.
Each Individual Township		
Cherokee County		Attainment/Unclassifiable.
Each Individual Township		
Chowan County		Attainment/Unclassifiable.
Each Individual Township		
Clay County		Attainment/Unclassifiable.
Each Individual Township		
Cleveland County		Attainment/Unclassifiable.
Each Individual Township		
Columbus County		Attainment/Unclassifiable.
Each Individual Township		
Craven County		Attainment/Unclassifiable.
Each Individual Township		
Cumberland County		Attainment/Unclassifiable.
Each Individual Township		
Currituck County		Attainment/Unclassifiable.
Each Individual Township		
Dare County		Attainment/Unclassifiable.
Each Individual Township		
Davidson County		Attainment/Unclassifiable.
Each Individual Township		
Davie County		Attainment/Unclassifiable.
Each Individual Township		
Duplin County		Attainment/Unclassifiable.
Each Individual Township		
Durham County		Attainment/Unclassifiable.
Each Individual Township		
Edgecombe County		Attainment/Unclassifiable.
Each Individual Township		
Forsyth County		Attainment/Unclassifiable.
Each Individual Township		
Franklin County		Attainment/Unclassifiable.
Each Individual Township		
Gaston County		Attainment/Unclassifiable.
Each Individual Township		
Gates County		Attainment/Unclassifiable.
Each Individual Township		
Graham County		Attainment/Unclassifiable.
Each Individual Township		
Granville County		Attainment/Unclassifiable.
Each Individual Township		
Greene County		Attainment/Unclassifiable.
Each Individual Township		
Guilford County		Attainment/Unclassifiable.
Each Individual Township		
Halifax County		Attainment/Unclassifiable.
Each Individual Township		
Harnett County		Attainment/Unclassifiable.
Each Individual Township		
Haywood County (part) [4]		Attainment/Unclassifiable.
All Townships except Beaverdam Township		
Henderson County		Attainment/Unclassifiable.
Each Individual Township		
Hertford County		Attainment/Unclassifiable.
Each Individual Township		
Hoke County		Attainment/Unclassifiable.
Each Individual Township		
Hyde County		Attainment/Unclassifiable.
Each Individual Township		
Iredell County		Attainment/Unclassifiable.
Each Individual Township		
Jackson County		Attainment/Unclassifiable.
Each Individual Township		
Johnston County		Attainment/Unclassifiable.

NORTH CAROLINA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area	Designation	
	Date [1]	Type
Each Individual Township		
Jones County		Attainment/Unclassifiable.
Each Individual Township		
Lee County		Attainment/Unclassifiable.
Each Individual Township		
Lenoir County		Attainment/Unclassifiable.
Each Individual Township		
Lincoln County		Attainment/Unclassifiable.
Each Individual Township		
McDowell County		Attainment/Unclassifiable.
Each Individual Township		
Macon County		Attainment/Unclassifiable.
Each Individual Township		
Madison County		Attainment/Unclassifiable.
Each Individual Township		
Martin County		Attainment/Unclassifiable.
Each Individual Township		
Mecklenburg County		Attainment/Unclassifiable.
Each Individual Township		
Mitchell County		Attainment/Unclassifiable.
Each Individual Township		
Montgomery County		Attainment/Unclassifiable.
Each Individual Township		
Moore County		Attainment/Unclassifiable.
Each Individual Township		
Nash County		Attainment/Unclassifiable.
Each Individual Township		
New Hanover County		Attainment/Unclassifiable.
Each Individual Township		
Northampton County		Attainment/Unclassifiable.
Each Individual Township		
Onslow County		Attainment/Unclassifiable.
Each Individual Township		
Orange County		Attainment/Unclassifiable.
Each Individual Township		
Pamlico County		Attainment/Unclassifiable.
Each Individual Township		
Pasquotank County		Attainment/Unclassifiable.
Each Individual Township		
Pender County		Attainment/Unclassifiable.
Each Individual Township		
Perquimans County		Attainment/Unclassifiable.
Each Individual Township		
Person County (part) [4]		Attainment/Unclassifiable.
All Townships except Cunningham Township		
Pitt County		Attainment/Unclassifiable.
Each Individual Township		
Polk County		Attainment/Unclassifiable.
Each Individual Township		
Randolph County		Attainment/Unclassifiable.
Each Individual Township		
Richmond County		Attainment/Unclassifiable.
Each Individual Township		
Robeson County		Attainment/Unclassifiable.
Each Individual Township		
Rockingham County		Attainment/Unclassifiable.
Each Individual Township		
Rowan County		Attainment/Unclassifiable.
Each Individual Township		
Rutherford County		Attainment/Unclassifiable.
Each Individual Township		
Sampson County		Attainment/Unclassifiable.
Each Individual Township		
Scotland County		Attainment/Unclassifiable.
Each Individual Township		
Stanly County		Attainment/Unclassifiable.
Each Individual Township		
Stokes County		Attainment/Unclassifiable.
Each Individual Township		
Surry County		Attainment/Unclassifiable.

NORTH CAROLINA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area	Designation	
	Date [1]	Type
Each Individual Township		
Swain County	.....	Attainment/Unclassifiable.
Each Individual Township		
Transylvania County	.....	Attainment/Unclassifiable.
Each Individual Township		
Tyrrell County	.....	Attainment/Unclassifiable.
Each Individual Township		
Union County	.....	Attainment/Unclassifiable.
Each Individual Township		
Vance County	.....	Attainment/Unclassifiable.
Each Individual Township		
Wake County	.....	Attainment/Unclassifiable.
Each Individual Township		
Warren County	.....	Attainment/Unclassifiable.
Each Individual Township		
Washington County	.....	Attainment/Unclassifiable.
Each Individual Township		
Watauga County	.....	Attainment/Unclassifiable.
Each Individual Township		
Wayne County	.....	Attainment/Unclassifiable.
Each Individual Township		
Wilkes County	.....	Attainment/Unclassifiable.
Each Individual Township		
Wilson County	.....	Attainment/Unclassifiable.
Each Individual Township		
Yadkin County	.....	Attainment/Unclassifiable.
Each Individual Township		
Yancey County	.....	Attainment/Unclassifiable.
Each Individual Township		

[1] This date is April 9, 2018, unless otherwise noted.
[2] Excludes Indian country located in each area, if any, unless otherwise specified.
[3] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[4] The remaining portions of Buncombe, Haywood, and Person Counties will be designated by December 31, 2020.

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■ 36. Section 81.335 is amended by revising the table entitled ''North Dakota—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.335 North Dakota.

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NORTH DAKOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
McLean County/Eastern Mercer County, ND	9/12/16	Attainment/Unclassifiable.
McLean County		
Mercer County (part)		
Area east of CR–37/ND 31, east/north of ND 200 ALT, west of the eastern border of Mercer County/Missouri River, south of the Knife River National Historic Site.		
Central Mercer County, ND	9/12/16	Attainment/Unclassifiable.
Mercer County (part)		
Area west of ND 49/61st Ave SW, north of Co. Rd 15/17th St. SW, east of Co. Rd 13, south and east of the town Zap, south of 8th St. SW/ND 200		
Rest of State: [3]	.....	Attainment/Unclassifiable.
Adams County		
Barnes County		
Benson County		
Billings County		
Bottineau County		
Bowman County		
Burke County		
Burleigh County		
Cass County		
Cavalier County		
Dickey County		
Divide County		

NORTH DAKOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Dunn County		
Eddy County		
Emmons County		
Foster County		
Golden Valley County		
Grand Forks County		
Grant County		
Griggs County		
Hettinger County		
Kidder County		
LaMoure County		
Logan County		
McHenry County		
McIntosh County		
McKenzie County		
Mercer County (part) (remainder)		
Morton County		
Mountrail County		
Nelson County		
Oliver County		
Pembina County		
Pierce County		
Ramsey County		
Ransom County		
Renville County		
Richland County		
Rolette County		
Sargent County		
Sheridan County		
Sioux County		
Slope County		
Stark County		
Steele County		
Stutsman County		
Towner County		
Traill County		
Walsh County		
Ward County		
Wells County		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Williams County will be designated by December 31, 2020.

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■ 37. Section 81.336 is amended by revising the table entitled ''Ohio—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Campbell-Clermont Counties, KY–OH	11/21/16	Attainment.
Clermont County (part)		
Pierce Township		
Lake County, OH	10/4/13	Nonattainment.
Lake County		
Muskingum River, OH	10/4/13	Nonattainment.
Morgan County (part)		
Center Township		
Washington County (part)		
Waterford Township		
Steubenville, OH–WV	10/4/13	Nonattainment.

OHIO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Jefferson County (part)		
Cross Creek Township, Steubenville Township, Warren Township, Wells Township, Steubenville City		
Gallia County, OH	9/12/16	Unclassifiable.
Gallia County		
Meigs County (part)		
Bedford, Columbia, Rutland, Salem, Salisbury, and Scipio Townships		
Clermont County, Ohio [2]	9/12/16	Attainment/Unclassifiable.
Clermont County (part)		
Clermont County excluding Pierce Township		
Adams County		Attainment/Unclassifiable.
Allen County		Attainment/Unclassifiable.
Ashland County		Attainment/Unclassifiable.
Ashtabula County		Attainment/Unclassifiable.
Athens County		Attainment/Unclassifiable.
Auglaize County		Attainment/Unclassifiable.
Belmont County		Attainment/Unclassifiable.
Brown County		Attainment/Unclassifiable.
Butler County		Attainment/Unclassifiable
Carroll County		Attainment/Unclassifiable.
Champaign County		Attainment/Unclassifiable.
Clark County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Columbiana County		Attainment/Unclassifiable.
Coshocton County		Attainment/Unclassifiable.
Crawford County		Attainment/Unclassifiable.
Cuyahoga County		Attainment/Unclassifiable.
Darke County		Attainment/Unclassifiable.
Defiance County		Attainment/Unclassifiable.
Delaware County		Attainment/Unclassifiable.
Erie County		Attainment/Unclassifiable.
Fairfield County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Geauga County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Guernsey County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Hardin County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Highland County		Attainment/Unclassifiable.
Hocking County		Attainment/Unclassifiable.
Holmes County		Attainment/Unclassifiable.
Huron County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County (part) (remainder)		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Licking County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
Lorain County		Attainment/Unclassifiable.
Lucas County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Mahoning County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Medina County		Attainment/Unclassifiable.
Meigs County (part) (remainder)		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Miami County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Morgan County (part) (remainder)		Attainment/Unclassifiable.
Morrow County		Attainment/Unclassifiable.
Muskingum County		Attainment/Unclassifiable.
Noble County		Attainment/Unclassifiable.
Ottawa County		Attainment/Unclassifiable.
Paulding County		Attainment/Unclassifiable.

OHIO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Perry County		Attainment/Unclassifiable.
Pickaway County		Attainment/Unclassifiable.
Pike County		Attainment/Unclassifiable.
Portage County		Attainment/Unclassifiable.
Preble County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Richland County		Attainment/Unclassifiable.
Ross County		Attainment/Unclassifiable.
Sandusky County		Attainment/Unclassifiable.
Scioto County		Attainment/Unclassifiable.
Seneca County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Stark County		Attainment/Unclassifiable.
Summit County		Attainment/Unclassifiable.
Trumbull County		Attainment/Unclassifiable.
Tuscarawas County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Van Wert County		Attainment/Unclassifiable.
Vinton County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County (part) (remainder)		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Williams County		Attainment/Unclassifiable.
Wood County		Attainment/Unclassifiable.
Wyandot County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 38. Section 81.337 is amended by revising the table entitled ''Oklahoma—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.337 Oklahoma.

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OKLAHOMA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Adair County		Attainment/Unclassifiable.
Alfalfa County		Attainment/Unclassifiable.
Atoka County		Attainment/Unclassifiable.
Beaver County		Attainment/Unclassifiable.
Beckham County		Attainment/Unclassifiable.
Blaine County		Attainment/Unclassifiable.
Bryan County		Attainment/Unclassifiable.
Caddo County		Attainment/Unclassifiable.
Canadian County		Attainment/Unclassifiable.
Carter County		Attainment/Unclassifiable.
Cherokee County		Attainment/Unclassifiable.
Choctaw County	9/12/16	Attainment/Unclassifiable.
Cimarron County		Attainment/Unclassifiable.
Cleveland County		Attainment/Unclassifiable.
Coal County		Attainment/Unclassifiable.
Comanche County		Attainment/Unclassifiable.
Cotton County		Attainment/Unclassifiable.
Craig County		Attainment/Unclassifiable.
Creek County		Attainment/Unclassifiable.
Custer County		Attainment/Unclassifiable.
Delaware County		Attainment/Unclassifiable.
Dewey County		Attainment/Unclassifiable.
Ellis County		Attainment/Unclassifiable.
Garvin County		Attainment/Unclassifiable.
Grady County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Greer County		Attainment/Unclassifiable.
Harmon County		Attainment/Unclassifiable.

OKLAHOMA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Harper County		Attainment/Unclassifiable.
Haskell County		Attainment/Unclassifiable.
Hughes County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Johnston County		Attainment/Unclassifiable.
Kay County		Attainment/Unclassifiable.
Kingfisher County		Attainment/Unclassifiable.
Kiowa County		Attainment/Unclassifiable.
Latimer County		Attainment/Unclassifiable.
Le Flore County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
Love County		Attainment/Unclassifiable.
McClain County		Attainment/Unclassifiable.
McCurtain County		Attainment/Unclassifiable.
McIntosh County		Attainment/Unclassifiable.
Major County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Murray County		Attainment/Unclassifiable.
Noble County	9/12/16	Attainment/Unclassifiable.
Nowata County		Attainment/Unclassifiable.
Okfuskee County		Attainment/Unclassifiable.
Oklahoma County		Attainment/Unclassifiable.
Okmulgee County		Attainment/Unclassifiable.
Osage County		Attainment/Unclassifiable.
Ottawa County		Attainment/Unclassifiable.
Pawnee County		Attainment/Unclassifiable.
Payne County		Attainment/Unclassifiable.
Pittsburg County		Attainment/Unclassifiable.
Pontotoc County		Attainment/Unclassifiable.
Pottawatomie County		Attainment/Unclassifiable.
Pushmataha County		Attainment/Unclassifiable.
Roger Mills County		Attainment/Unclassifiable.
Rogers County		Attainment/Unclassifiable.
Seminole County		Attainment/Unclassifiable.
Sequoyah County		Attainment/Unclassifiable.
Stephens County		Attainment/Unclassifiable.
Texas County		Attainment/Unclassifiable.
Tillman County		Attainment/Unclassifiable.
Tulsa County		Attainment/Unclassifiable.
Wagoner County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Washita County		Attainment/Unclassifiable.
Woods County		Attainment/Unclassifiable.
Woodward County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Garfield and Mayes Counties will be designated by December 31, 2020.

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■ 39. Section 81.338 is amended by adding a table titled ''Oregon—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''Oregon—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.338 Oregon.

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OREGON—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Entire State		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 40. Section 81.339 is amended by revising the table entitled ''Pennsylvania—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.339 Pennsylvania.

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PENNSYLVANIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Allegheny, PA		
Allegheny County (part)	10/4/13	Nonattainment.
The area consisting of:		
Borough of Braddock		
Borough of Dravosburg		
Borough of East McKeesport		
Borough of East Pittsburgh		
Borough of Elizabeth		
Borough of Glassport		
Borough of Jefferson Hills		
Borough of Liberty		
Borough of Lincoln		
Borough of North Braddock		
Borough of Pleasant Hills		
Borough of Port Vue		
Borough of Versailles		
Borough of Wall		
Borough of West Elizabeth		
Borough of West Mifflin		
City of Clairton		
City of Duquesne		
City of McKeesport		
Elizabeth Township		
Forward Township		
North Versailles Township		
Beaver, PA		
Beaver County (part)	10/4/13	Nonattainment.
Area consisting of Industry Borough, Shippingport Borough, Midland Borough, Brighton Township, Potter Township and Vanport Township		
Indiana, PA	10/4/13	Nonattainment.
Indiana County		
Armstrong County (part)		
Area consisting of Plumcreek Township, South Bend Township, and Elderton Borough		
Warren, PA		
Warren County (part)	10/4/13	Nonattainment.
Area consisting of Conewango Township, Glade Township, Pleasant Township, and the City of Warren		
Allegheny (part)		Unclassifiable.
Remainder of County		
Cambria County		Unclassifiable.
Carbon-Schuylkill Area		Unclassifiable.
Carbon County		
Schuylkill County		
Clearfield County		Unclassifiable.
Lawrence County		Unclassifiable.
Lehigh-Northampton Area		Unclassifiable.
Lehigh County		
Northampton County		
Adams County		Attainment/Unclassifiable.
Armstrong County (part)		Attainment/Unclassifiable.
Remainder of County		
Beaver County (part)		Attainment/Unclassifiable.
Remainder of County		
Bedford County		Attainment/Unclassifiable.
Berks County		Attainment/Unclassifiable.
Blair County		Attainment/Unclassifiable.
Bradford County		Attainment/Unclassifiable.
Bucks County		Attainment/Unclassifiable.
Butler County		Attainment/Unclassifiable.
Cameron County		Attainment/Unclassifiable.
Centre County		Attainment/Unclassifiable.
Chester County		Attainment/Unclassifiable.
Clarion County		Attainment/Unclassifiable.
Clinton County		Attainment/Unclassifiable.
Columbia County		Attainment/Unclassifiable.

PENNSYLVANIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Crawford County		Attainment/Unclassifiable.
Cumberland County		Attainment/Unclassifiable.
Dauphin County		Attainment/Unclassifiable.
Elk County		Attainment/Unclassifiable.
Erie County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Forest County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Fulton County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Huntingdon County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Juniata County		Attainment/Unclassifiable.
Lackawanna County		Attainment/Unclassifiable.
Lancaster County		Attainment/Unclassifiable.
Lebanon County		Attainment/Unclassifiable.
Luzerne County		Attainment/Unclassifiable.
Lycoming County		Attainment/Unclassifiable.
McKean County		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Mifflin County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Montour County		Attainment/Unclassifiable.
Northumberland County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Philadelphia-Delaware		Attainment/Unclassifiable.
Delaware County		
Philadelphia County		
Pike County		Attainment/Unclassifiable.
Potter County		Attainment/Unclassifiable.
Snyder County		Attainment/Unclassifiable.
Somerset County		Attainment/Unclassifiable.
Sullivan County		Attainment/Unclassifiable.
Susquehanna County		Attainment/Unclassifiable.
Tioga County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Venango County		Attainment/Unclassifiable.
Warren County (part)		Attainment/Unclassifiable.
Remainder of County		
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Westmoreland County		Attainment/Unclassifiable.
Wyoming County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] York County will be designated by December 31, 2020.

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■ 41. Section 81.340 is amended by adding a table titled ''Rhode Island —2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''Rhode Island —1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.340 Rhode Island.

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RHODE ISLAND—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
State of Rhode Island		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 42. Section 81.341 is amended by adding a new table titled ''South Carolina—2010 Sulfur Dioxide NAAQS (Primary)'' following the table titled ''South Carolina—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.341 South Carolina.

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SOUTH CAROLINA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Abbeville County		Attainment/Unclassifiable.
Aiken County		Attainment/Unclassifiable.
Allendale County		Attainment/Unclassifiable.
Anderson County		Attainment/Unclassifiable.
Bamberg County		Attainment/Unclassifiable.
Barnwell County		Attainment/Unclassifiable.
Beaufort County		Attainment/Unclassifiable.
Berkeley County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Charleston County		Attainment/Unclassifiable.
Cherokee County		Attainment/Unclassifiable.
Chester County		Attainment/Unclassifiable.
Chesterfield County		Attainment/Unclassifiable.
Clarendon County		Attainment/Unclassifiable.
Colleton County		Attainment/Unclassifiable.
Darlington County		Attainment/Unclassifiable.
Dillon County		Attainment/Unclassifiable.
Dorchester County		Attainment/Unclassifiable.
Edgefield County		Attainment/Unclassifiable.
Fairfield County		Attainment/Unclassifiable.
Florence County		Attainment/Unclassifiable.
Georgetown County		Attainment/Unclassifiable.
Greenville County		Attainment/Unclassifiable.
Greenwood County		Attainment/Unclassifiable.
Hampton County		Attainment/Unclassifiable.
Horry County		Attainment/Unclassifiable.
Jasper County		Attainment/Unclassifiable.
Kershaw County		Attainment/Unclassifiable.
Lancaster County		Attainment/Unclassifiable.
Laurens County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Lexington County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marlboro County		Attainment/Unclassifiable.
McCormick County		Attainment/Unclassifiable.
Newberry County		Attainment/Unclassifiable.
Oconee County		Attainment/Unclassifiable.
Orangeburg County		Attainment/Unclassifiable.
Pickens County		Attainment/Unclassifiable.
Richland County		Attainment/Unclassifiable.
Saluda County		Attainment/Unclassifiable.
Spartanburg County		Attainment/Unclassifiable.
Sumter County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Williamsburg County		Attainment/Unclassifiable.
York County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

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■ 43. Section 81.342 is amended by revising the table entitled ''South Dakota—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.342 South Dakota.

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SOUTH DAKOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Statewide:		Attainment/Unclassifiable.

SOUTH DAKOTA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Aurora County		
Beadle County		
Bennett County		
Bon Homme County		
Brookings County		
Brown County		
Brule County		
Buffalo County		
Butte County		
Campbell County		
Charles Mix County		
Clark County		
Clay County		
Codington County		
Corson County		
Custer County		
Davison County		
Day County		
Deuel County		
Dewey County		
Douglas County		
Edmunds County		
Fall River County		
Faulk County		
Grant County	9/12/16	Attainment/Unclassifiable.
Gregory County		
Haakon County		
Hamlin County		
Hand County		
Hanson County		
Harding County		
Hughes County		
Hutchinson County		
Hyde County		
Jackson County		
Jerauld County		
Jones County		
Kingsbury County		
Lake County		
Lawrence County		
Lincoln County		
Lyman County		
McCook County		
McPherson County		
Marshall County		
Meade County		
Mellette County		
Miner County		
Minnehaha County		
Moody County		
Oglala Lakota County		
Pennington County		
Perkins County		
Potter County		
Roberts County		
Sanborn County		
Spink County		
Stanley County		
Sully County		
Todd County		
Tripp County		
Turner County		
Union County		
Walworth County		
Yankton County		
Ziebach County		

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

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■ 44. Section 81.343 is amended by revising the table entitled ''Tennessee—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.343 Tennessee.

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TENNESSEE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area	Designation	
	Date [1]	Type
Sullivan County, TN [2]	10/4/13	Nonattainment.
Sullivan County (part)		
That portion of Sullivan County encompassing a circle having its center at the B–253 power house coordinates 36.5186 N; 82.5350 W and having a 3-kilometer radius		
Sumner County, TN [2]	9/12/16	Unclassifiable.
Sumner County		
Rest of State: [3]		
Anderson County		Attainment/Unclassifiable.
Bedford County		Attainment/Unclassifiable.
Benton County		Attainment/Unclassifiable.
Bledsoe County		Attainment/Unclassifiable.
Blount County		Attainment/Unclassifiable.
Bradley County		Attainment/Unclassifiable.
Campbell County		Attainment/Unclassifiable.
Cannon County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Carter County		Attainment/Unclassifiable.
Cheatham County		Attainment/Unclassifiable.
Chester County		Attainment/Unclassifiable.
Claiborne County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Cocke County		Attainment/Unclassifiable.
Coffee County		Attainment/Unclassifiable.
Crockett County		Attainment/Unclassifiable.
Cumberland County		Attainment/Unclassifiable.
Davidson County		Attainment/Unclassifiable.
Decatur County		Attainment/Unclassifiable.
DeKalb County		Attainment/Unclassifiable.
Dickson County		Attainment/Unclassifiable.
Dyer County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Fentress County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Gibson County		Attainment/Unclassifiable.
Giles County		Attainment/Unclassifiable.
Grainger County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Grundy County		Attainment/Unclassifiable.
Hamblen County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Hardeman County		Attainment/Unclassifiable.
Hardin County		Attainment/Unclassifiable.
Hawkins County		Attainment/Unclassifiable.
Haywood County		Attainment/Unclassifiable.
Henderson County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Hickman County		Attainment/Unclassifiable.
Houston County		Attainment/Unclassifiable.
Humphreys County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Lake County		Attainment/Unclassifiable.
Lauderdale County		Attainment/Unclassifiable.
Lawrence County		Attainment/Unclassifiable.
Lewis County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Loudon County		Attainment/Unclassifiable.
Macon County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County		Attainment/Unclassifiable.
Maury County		Attainment/Unclassifiable.
McMinn County		Attainment/Unclassifiable.

TENNESSEE—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area	Designation	
	Date [1]	Type
McNairy County		Attainment/Unclassifiable.
Meigs County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Moore County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Obion County		Attainment/Unclassifiable.
Overton County		Attainment/Unclassifiable.
Perry County		Attainment/Unclassifiable.
Pickett County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Rhea County		Attainment/Unclassifiable.
Roane County		Attainment/Unclassifiable.
Robertson County		Attainment/Unclassifiable.
Rutherford County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Sequatchie County		Attainment/Unclassifiable.
Sevier County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Smith County		Attainment/Unclassifiable.
Stewart County		Attainment/Unclassifiable.
Sullivan County (part) (remainder)		Attainment/Unclassifiable.
Tipton County		Attainment/Unclassifiable.
Trousdale County		Attainment/Unclassifiable.
Unicoi County		Attainment/Unclassifiable.
Union County		Attainment/Unclassifiable.
Van Buren County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Weakley County		Attainment/Unclassifiable.
White County		Attainment/Unclassifiable.
Williamson County		Attainment/Unclassifiable.
Wilson County		Attainment/Unclassifiable.

[1] This date is April 9, 2018, unless otherwise noted.
[2] Excludes Indian country located in each area, if any, unless otherwise specified.
[3] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

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■ 45. Section 81.344 is amended by revising the table entitled ''Texas—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.344 Texas.

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TEXAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Freestone and Anderson Counties, TX		
Freestone County (part) and Anderson County (part)	1/12/17	Nonattainment.
Those portions of Freestone and Anderson Counties encompassed by the rectangle with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 14 with datum NAD83 as follows: (1) Vertices—UTM Easting (m) 766752.69, UTM Northing (m) 3536333.0, (2) vertices—UTM Easting (m) 784752.69, UTM Northing (m) 3536333.0, (3) vertices—UTM Easting (m) 784752.69, UTM Northing (m) 3512333.0, (4) vertices—UTM Easting (m) 766752.69, UTM Northing (m) 3512333.0		
Rusk and Panola Counties, TX		
Rusk County (part) and Panola County (part)	1/12/17	Nonattainment.

TEXAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Those portions of Rusk and Panola Counties encompassed by the rectangle with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 15 with datum NAD83 as follows: (1) Vertices—UTM Easting (m) 340067.31, UTM Northing (m) 3575814.75 (2) vertices—UTM Easting (m) 356767.31, UTM Northing (m) 3575814.75 (3) vertices—UTM Easting (m) 356767.31, UTM Northing (m) 3564314.75 (4) vertices—UTM Easting (m) 340067.31, UTM Northing (m) 3564314.75	.....	
Titus County (part)	1/12/17	Nonattainment.
That portion of Titus County encompassed by the rectangle with the vertices using Universal Traverse Mercator (UTM) coordinates in UTM zone 15 with datum NAD83 as follows: (1) Vertices—UTM Easting (m) 304329.030, UTM Northing (m) 3666971.0, (2) vertices—UTM Easting (m) 311629.030, UTM Northing (m) 3666971.0, (3) vertices—UTM Easting (m) 311629.03, UTM Northing (m) 3661870.5, (4) vertices—UTM Easting (m) 304329.03, UTM Northing (m) 3661870.5	.....	
Milam County, TX	1/12/17	Unclassifiable.
Potter County, TX	9/12/16	Unclassifiable.
Anderson County (part) (remainder)	.....	Attainment/Unclassifiable.
Andrews County	.....	Attainment/Unclassifiable.
Angelina County	.....	Attainment/Unclassifiable.
Aransas County	.....	Attainment/Unclassifiable.
Archer County	.....	Attainment/Unclassifiable.
Armstrong County	.....	Attainment/Unclassifiable.
Atascosa County	9/12/16	Attainment/Unclassifiable.
Austin County	.....	Attainment/Unclassifiable.
Bailey County	.....	Attainment/Unclassifiable.
Bandera County	.....	Attainment/Unclassifiable.
Bastrop County	.....	Attainment/Unclassifiable.
Baylor County	.....	Attainment/Unclassifiable.
Bee County	.....	Attainment/Unclassifiable.
Bell County	.....	Attainment/Unclassifiable.
Blanco County	.....	Attainment/Unclassifiable.
Borden County	.....	Attainment/Unclassifiable.
Bosque County	.....	Attainment/Unclassifiable.
Bowie County	.....	Attainment/Unclassifiable.
Brazoria County	.....	Attainment/Unclassifiable.
Brazos County	.....	Attainment/Unclassifiable.
Brewster County	.....	Attainment/Unclassifiable.
Briscoe County	.....	Attainment/Unclassifiable.
Brooks County	.....	Attainment/Unclassifiable.
Brown County	.....	Attainment/Unclassifiable.
Burleson County	.....	Attainment/Unclassifiable.
Burnet County	.....	Attainment/Unclassifiable.
Caldwell County	.....	Attainment/Unclassifiable.
Calhoun County	.....	Attainment/Unclassifiable.
Callahan County	.....	Attainment/Unclassifiable.
Cameron County	.....	Attainment/Unclassifiable.
Camp County	.....	Attainment/Unclassifiable.
Carson County	.....	Attainment/Unclassifiable.
Cass County	.....	Attainment/Unclassifiable.
Castro County	.....	Attainment/Unclassifiable.
Chambers County	.....	Attainment/Unclassifiable.
Cherokee County	.....	Attainment/Unclassifiable.
Childress County	.....	Attainment/Unclassifiable.
Clay County	.....	Attainment/Unclassifiable.
Cochran County	.....	Attainment/Unclassifiable.
Coke County	.....	Attainment/Unclassifiable.
Coleman County	.....	Attainment/Unclassifiable.
Collin County	.....	Attainment/Unclassifiable.
Collingsworth County	.....	Attainment/Unclassifiable.
Colorado County	.....	Attainment/Unclassifiable.
Comal County	.....	Attainment/Unclassifiable.
Comanche County	.....	Attainment/Unclassifiable.
Concho County	.....	Attainment/Unclassifiable.
Cooke County	.....	Attainment/Unclassifiable.
Coryell County	.....	Attainment/Unclassifiable.
Cottle County	.....	Attainment/Unclassifiable.
Crane County	.....	Attainment/Unclassifiable.
Crockett County	.....	Attainment/Unclassifiable.
Crosby County	.....	Attainment/Unclassifiable.

TEXAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Culberson County		Attainment/Unclassifiable.
Dallam County		Attainment/Unclassifiable.
Dallas County		Attainment/Unclassifiable.
Dawson County		Attainment/Unclassifiable.
Deaf Smith County		Attainment/Unclassifiable.
Delta County		Attainment/Unclassifiable.
Denton County		Attainment/Unclassifiable.
DeWitt County		Attainment/Unclassifiable.
Dickens County		Attainment/Unclassifiable.
Dimmit County		Attainment/Unclassifiable.
Donley County		Attainment/Unclassifiable.
Duval County		Attainment/Unclassifiable.
Eastland County		Attainment/Unclassifiable.
Ector County		Attainment/Unclassifiable.
Edwards County		Attainment/Unclassifiable.
El Paso County		Attainment/Unclassifiable.
Ellis County		Attainment/Unclassifiable.
Erath County		Attainment/Unclassifiable.
Falls County		Attainment/Unclassifiable.
Fannin County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Fisher County		Attainment/Unclassifiable.
Floyd County		Attainment/Unclassifiable.
Foard County		Attainment/Unclassifiable.
Fort Bend County	9/12/16	Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Freestone County (part) (remainder)		Attainment/Unclassifiable.
Frio County		Attainment/Unclassifiable.
Gaines County		Attainment/Unclassifiable.
Galveston County		Attainment/Unclassifiable.
Garza County		Attainment/Unclassifiable.
Gillespie County		Attainment/Unclassifiable.
Glasscock County		Attainment/Unclassifiable.
Goliad County	9/12/16	Attainment/Unclassifiable.
Gonzales County		Attainment/Unclassifiable.
Gray County		Attainment/Unclassifiable.
Grayson County		Attainment/Unclassifiable.
Gregg County		Attainment/Unclassifiable.
Grimes County		Attainment/Unclassifiable.
Guadalupe County		Attainment/Unclassifiable.
Hale County		Attainment/Unclassifiable.
Hall County		Attainment/Unclassifiable.
Hamilton County		Attainment/Unclassifiable.
Hansford County		Attainment/Unclassifiable.
Hardeman County		Attainment/Unclassifiable.
Hardin County		Attainment/Unclassifiable.
Harris County		Attainment/Unclassifiable.
Hartley County		Attainment/Unclassifiable.
Haskell County		Attainment/Unclassifiable.
Hays County		Attainment/Unclassifiable.
Hemphill County		Attainment/Unclassifiable.
Henderson County		Attainment/Unclassifiable.
Hidalgo County		Attainment/Unclassifiable.
Hill County		Attainment/Unclassifiable.
Hockley County		Attainment/Unclassifiable.
Hood County		Attainment/Unclassifiable.
Hopkins County		Attainment/Unclassifiable.
Houston County		Attainment/Unclassifiable.
Hudspeth County		Attainment/Unclassifiable.
Hunt County		Attainment/Unclassifiable.
Irion County		Attainment/Unclassifiable.
Jack County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jasper County		Attainment/Unclassifiable.
Jeff Davis County		Attainment/Unclassifiable.
Jim Hogg County		Attainment/Unclassifiable.
Jim Wells County		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Jones County		Attainment/Unclassifiable.
Karnes County		Attainment/Unclassifiable.

TEXAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Kaufman County		Attainment/Unclassifiable.
Kendall County		Attainment/Unclassifiable.
Kenedy County		Attainment/Unclassifiable.
Kent County		Attainment/Unclassifiable.
Kerr County		Attainment/Unclassifiable.
Kimble County		Attainment/Unclassifiable.
King County		Attainment/Unclassifiable.
Kinney County		Attainment/Unclassifiable.
Kleberg County		Attainment/Unclassifiable.
Knox County		Attainment/Unclassifiable.
Lamar County		Attainment/Unclassifiable.
Lamb County	9/12/16	Attainment/Unclassifiable.
Lampasas County		Attainment/Unclassifiable.
La Salle County		Attainment/Unclassifiable.
Lavaca County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Leon County		Attainment/Unclassifiable.
Liberty County		Attainment/Unclassifiable.
Limestone County	9/12/16	Attainment/Unclassifiable.
Lipscomb County		Attainment/Unclassifiable.
Live Oak County		Attainment/Unclassifiable.
Llano County		Attainment/Unclassifiable.
Loving County		Attainment/Unclassifiable.
Lubbock County		Attainment/Unclassifiable.
Lynn County		Attainment/Unclassifiable.
McCulloch County		Attainment/Unclassifiable.
McLennan County	9/12/16	Attainment/Unclassifiable.
McMullen County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Martin County		Attainment/Unclassifiable.
Mason County		Attainment/Unclassifiable.
Matagorda County		Attainment/Unclassifiable.
Maverick County		Attainment/Unclassifiable.
Medina County		Attainment/Unclassifiable.
Menard County		Attainment/Unclassifiable.
Midland County		Attainment/Unclassifiable.
Mills County		Attainment/Unclassifiable.
Mitchell County		Attainment/Unclassifiable.
Montague County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Moore County		Attainment/Unclassifiable.
Morris County		Attainment/Unclassifiable.
Motley County		Attainment/Unclassifiable.
Nacogdoches County		Attainment/Unclassifiable.
Newton County		Attainment/Unclassifiable.
Nolan County		Attainment/Unclassifiable.
Nueces County		Attainment/Unclassifiable.
Ochiltree County		Attainment/Unclassifiable.
Oldham County		Attainment/Unclassifiable.
Panola County (part) (remainder)		Attainment/Unclassifiable.
Palo Pinto County		Attainment/Unclassifiable.
Parker County		Attainment/Unclassifiable.
Parmer County		Attainment/Unclassifiable.
Pecos County		Attainment/Unclassifiable.
Polk County		Attainment/Unclassifiable.
Presidio County		Attainment/Unclassifiable.
Rains County		Attainment/Unclassifiable.
Randall County		Attainment/Unclassifiable.
Reagan County		Attainment/Unclassifiable.
Real County		Attainment/Unclassifiable.
Red River County		Attainment/Unclassifiable.
Reeves County		Attainment/Unclassifiable.
Refugio County		Attainment/Unclassifiable.
Roberts County		Attainment/Unclassifiable.
Robertson County	9/12/16	Attainment/Unclassifiable.
Rockwall County		Attainment/Unclassifiable.
Runnels County		Attainment/Unclassifiable.
Rusk County (part) (remainder)		Attainment/Unclassifiable.
Sabine County		Attainment/Unclassifiable.

TEXAS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
San Augustine County		Attainment/Unclassifiable.
San Jacinto		Attainment/Unclassifiable.
San Patricio County		Attainment/Unclassifiable.
San Saba County		Attainment/Unclassifiable.
Schleicher County		Attainment/Unclassifiable.
Scurry County		Attainment/Unclassifiable.
Shackelford County		Attainment/Unclassifiable.
Shelby County		Attainment/Unclassifiable.
Sherman County		Attainment/Unclassifiable.
Smith County		Attainment/Unclassifiable.
Somervell County		Attainment/Unclassifiable.
Starr County		Attainment/Unclassifiable.
Stephens County		Attainment/Unclassifiable.
Sterling County		Attainment/Unclassifiable.
Stonewall County		Attainment/Unclassifiable.
Sutton County		Attainment/Unclassifiable.
Swisher County		Attainment/Unclassifiable.
Tarrant County		Attainment/Unclassifiable.
Taylor County		Attainment/Unclassifiable.
Terrell County		Attainment/Unclassifiable.
Terry County		Attainment/Unclassifiable.
Throckmorton County		Attainment/Unclassifiable.
Titus County (part)		Attainment/Unclassifiable.
Tom Green County		Attainment/Unclassifiable.
Travis County		Attainment/Unclassifiable.
Trinity County		Attainment/Unclassifiable.
Tyler County		Attainment/Unclassifiable.
Upshur County		Attainment/Unclassifiable.
Upton County		Attainment/Unclassifiable.
Uvalde County		Attainment/Unclassifiable.
Val Verde County		Attainment/Unclassifiable.
Van Zandt County		Attainment/Unclassifiable.
Victoria County		Attainment/Unclassifiable.
Walker County		Attainment/Unclassifiable.
Waller County		Attainment/Unclassifiable.
Ward County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Webb County		Attainment/Unclassifiable.
Wharton County		Attainment/Unclassifiable.
Wheeler County		Attainment/Unclassifiable.
Wichita County		Attainment/Unclassifiable.
Wilbarger County		Attainment/Unclassifiable.
Willacy County		Attainment/Unclassifiable.
Williamson County		Attainment/Unclassifiable.
Wilson County		Attainment/Unclassifiable.
Winkler County		Attainment/Unclassifiable.
Wise County		Attainment/Unclassifiable.
Wood County		Attainment/Unclassifiable.
Yoakum County		Attainment/Unclassifiable.
Young County		Attainment/Unclassifiable.
Zapata County		Attainment/Unclassifiable.
Zavala County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

[3] Bexar, Harrison, Howard, Hutchinson, Jefferson, Navarro, and Orange Counties and the remaining portion of Titus County will be designated by December 31, 2020.

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■ 46. Section 81.345 is amended by adding a table titled ''Utah—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Utah—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.345 Utah.

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UTAH—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Statewide:		
Beaver County		Attainment/Unclassifiable.
Box Elder County		Attainment/Unclassifiable.
Cache County		Attainment/Unclassifiable.
Carbon County		Attainment/Unclassifiable.
Daggett County		Attainment/Unclassifiable.
Davis County		Attainment/Unclassifiable.
Duchesne County		Attainment/Unclassifiable.
Emery County		Attainment/Unclassifiable.
Garfield County		Attainment/Unclassifiable.
Grand County		Attainment/Unclassifiable.
Iron County		Attainment/Unclassifiable.
Juab County		Attainment/Unclassifiable.
Kane County		Attainment/Unclassifiable.
Millard County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Piute County		Attainment/Unclassifiable.
Rich County		Attainment/Unclassifiable.
Salt Lake County		Attainment/Unclassifiable.
San Juan County		Attainment/Unclassifiable.
Sanpete County		Attainment/Unclassifiable.
Sevier County		Attainment/Unclassifiable.
Summit County		Attainment/Unclassifiable.
Tooele County		Attainment/Unclassifiable.
Uintah County		Attainment/Unclassifiable.
Utah County		Attainment/Unclassifiable.
Wasatch County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Weber County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country. The lands of the Navajo Nation, including those lands located geographically within Utah, are excluded, as they are separately designated under Section 81.303.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 47. Section 81.346 is amended by adding a table titled ''Vermont—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Vermont—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.346 Vermont.

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VERMONT—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Statewide:		
Addison		Attainment/Unclassifiable.
Bennington		Attainment/Unclassifiable.
Caledonia		Attainment/Unclassifiable.
Chittenden		Attainment/Unclassifiable.
Essex		Attainment/Unclassifiable.
Franklin		Attainment/Unclassifiable.
Grand Isle		Attainment/Unclassifiable.
Lamoille		Attainment/Unclassifiable.
Orange		Attainment/Unclassifiable.
Orleans		Attainment/Unclassifiable.
Rutland		Attainment/Unclassifiable.
Washington		Attainment/Unclassifiable.
Windham		Attainment/Unclassifiable.
Windsor		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 48. Section 81.347 is amended by adding a table titled ''Virginia—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Virginia—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.347 Virginia.

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VIRGINIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Buchanan County		Unclassifiable.
Accomack County		Attainment/Unclassifiable.
Albemarle County		Attainment/Unclassifiable.
Amelia County		Attainment/Unclassifiable.
Amherst County		Attainment/Unclassifiable.
Appomattox County		Attainment/Unclassifiable.
Arlington County		Attainment/Unclassifiable.
Augusta County		Attainment/Unclassifiable.
Bath County		Attainment/Unclassifiable.
Bedford County		Attainment/Unclassifiable.
Bland County		Attainment/Unclassifiable.
Brunswick County		Attainment/Unclassifiable.
Buckingham County		Attainment/Unclassifiable.
Campbell County		Attainment/Unclassifiable.
Caroline County		Attainment/Unclassifiable.
Carroll County		Attainment/Unclassifiable.
Charles City County		Attainment/Unclassifiable.
Charlotte County		Attainment/Unclassifiable.
Chesterfield County		Attainment/Unclassifiable.
City of Alexandria		Attainment/Unclassifiable.
City of Bedford		Attainment/Unclassifiable.
City of Bristol		Attainment/Unclassifiable.
City of Buena Vista		Attainment/Unclassifiable.
City of Charlottesville		Attainment/Unclassifiable.
City of Chesapeake		Attainment/Unclassifiable.
City of Colonial Heights		Attainment/Unclassifiable.
City of Danville		Attainment/Unclassifiable.
City of Emporia		Attainment/Unclassifiable.
City of Fairfax		Attainment/Unclassifiable.
City of Falls Church		Attainment/Unclassifiable.
City of Franklin		Attainment/Unclassifiable.
City of Fredericksburg		Attainment/Unclassifiable.
City of Galax		Attainment/Unclassifiable.
City of Hampton		Attainment/Unclassifiable.
City of Harrisonburg		Attainment/Unclassifiable.
City of Hopewell		Attainment/Unclassifiable.
City of Lexington		Attainment/Unclassifiable.
City of Lynchburg		Attainment/Unclassifiable.
City of Manassas		Attainment/Unclassifiable.
City of Manassas Park		Attainment/Unclassifiable.
City of Martinsville		Attainment/Unclassifiable.
City of Newport News		Attainment/Unclassifiable.
City of Norfolk		Attainment/Unclassifiable.
City of Norton		Attainment/Unclassifiable.
City of Petersburg		Attainment/Unclassifiable.
City of Poquoson		Attainment/Unclassifiable.
City of Portsmouth		Attainment/Unclassifiable.
City of Radford		Attainment/Unclassifiable.
City of Richmond		Attainment/Unclassifiable.
City of Roanoke		Attainment/Unclassifiable.
City of Salem		Attainment/Unclassifiable.
City of Staunton		Attainment/Unclassifiable.
City of Suffolk		Attainment/Unclassifiable.
City of Virginia Beach		Attainment/Unclassifiable.
City of Waynesboro		Attainment/Unclassifiable.
City of Williamsburg		Attainment/Unclassifiable.
City of Winchester		Attainment/Unclassifiable.
Clarke County		Attainment/Unclassifiable.
Craig County		Attainment/Unclassifiable.
Culpeper County		Attainment/Unclassifiable.
Cumberland County		Attainment/Unclassifiable.
Dickenson County		Attainment/Unclassifiable.
Dinwiddie County		Attainment/Unclassifiable.
Essex County		Attainment/Unclassifiable.
Fairfax County		Attainment/Unclassifiable.

VIRGINIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Fauquier County		Attainment/Unclassifiable.
Floyd County		Attainment/Unclassifiable.
Fluvanna County		Attainment/Unclassifiable.
Franklin County		Attainment/Unclassifiable.
Frederick County		Attainment/Unclassifiable.
Gloucester County		Attainment/Unclassifiable.
Goochland County		Attainment/Unclassifiable.
Grayson County		Attainment/Unclassifiable.
Greene County		Attainment/Unclassifiable.
Greensville County		Attainment/Unclassifiable.
Halifax County		Attainment/Unclassifiable.
Hanover County		Attainment/Unclassifiable.
Henrico County		Attainment/Unclassifiable.
Henry County		Attainment/Unclassifiable.
Highland County		Attainment/Unclassifiable.
Isle of Wight County		Attainment/Unclassifiable.
James City County		Attainment/Unclassifiable.
King and Queen County		Attainment/Unclassifiable.
King George County		Attainment/Unclassifiable.
King William County		Attainment/Unclassifiable.
Lancaster County		Attainment/Unclassifiable.
Lee County		Attainment/Unclassifiable.
Loudoun County		Attainment/Unclassifiable.
Louisa County		Attainment/Unclassifiable.
Lunenburg County		Attainment/Unclassifiable.
Madison County		Attainment/Unclassifiable.
Mathews County		Attainment/Unclassifiable.
Mecklenburg County		Attainment/Unclassifiable.
Middlesex County		Attainment/Unclassifiable.
Montgomery County		Attainment/Unclassifiable.
Nelson County		Attainment/Unclassifiable.
New Kent County		Attainment/Unclassifiable.
Northampton County		Attainment/Unclassifiable.
Northumberland County		Attainment/Unclassifiable.
Nottoway County		Attainment/Unclassifiable.
Orange County		Attainment/Unclassifiable.
Page County		Attainment/Unclassifiable.
Patrick County		Attainment/Unclassifiable.
Pittsylvania County		Attainment/Unclassifiable.
Powhatan County		Attainment/Unclassifiable.
Prince Edward County		Attainment/Unclassifiable.
Prince George County		Attainment/Unclassifiable.
Prince William County		Attainment/Unclassifiable.
Pulaski County		Attainment/Unclassifiable.
Rappahannock County		Attainment/Unclassifiable.
Richmond County		Attainment/Unclassifiable.
Roanoke County		Attainment/Unclassifiable.
Rockbridge County		Attainment/Unclassifiable.
Rockingham County		Attainment/Unclassifiable.
Russell County		Attainment/Unclassifiable.
Scott County		Attainment/Unclassifiable.
Shenandoah County		Attainment/Unclassifiable.
Smyth County		Attainment/Unclassifiable.
Southampton County		Attainment/Unclassifiable.
Spotsylvania County		Attainment/Unclassifiable.
Stafford County		Attainment/Unclassifiable.
Surry County		Attainment/Unclassifiable.
Sussex County		Attainment/Unclassifiable.
Tazewell County		Attainment/Unclassifiable.
Warren County		Attainment/Unclassifiable.
Washington County		Attainment/Unclassifiable.
Westmoreland County		Attainment/Unclassifiable.
Wise County		Attainment/Unclassifiable.
Wythe County		Attainment/Unclassifiable.
York County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

[3] Alleghany, Botetourt, Covington City, and Giles Counties will be designated by December 31, 2020.

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■ 49. Section 81.348 is amended by adding a table titled ''Washington—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Washington—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.348 Washington.

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WASHINGTON—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Lewis County	.....	Unclassifiable.
Thurston County	.....	Unclassifiable.
Rest of State: [3]		
Adams	.....	Attainment/Unclassifiable.
Asotin	.....	Attainment/Unclassifiable.
Benton	.....	Attainment/Unclassifiable.
Clallam	.....	Attainment/Unclassifiable.
Clark	.....	Attainment/Unclassifiable.
Columbia	.....	Attainment/Unclassifiable.
Cowlitz	.....	Attainment/Unclassifiable.
Ferry	.....	Attainment/Unclassifiable.
Franklin	.....	Attainment/Unclassifiable.
Garfield	.....	Attainment/Unclassifiable.
Grant	.....	Attainment/Unclassifiable.
Grays Harbor	.....	Attainment/Unclassifiable.
Island	.....	Attainment/Unclassifiable.
Jefferson	.....	Attainment/Unclassifiable.
King	.....	Attainment/Unclassifiable.
Kitsap	.....	Attainment/Unclassifiable.
Kittitas	.....	Attainment/Unclassifiable.
Klickitat	.....	Attainment/Unclassifiable.
Lincoln	.....	Attainment/Unclassifiable.
Mason	.....	Attainment/Unclassifiable.
Okanogan	.....	Attainment/Unclassifiable.
Pacific	.....	Attainment/Unclassifiable.
Pend Oreille	.....	Attainment/Unclassifiable.
Pierce	.....	Attainment/Unclassifiable.
San Juan	.....	Attainment/Unclassifiable.
Skagit	.....	Attainment/Unclassifiable.
Skamania	.....	Attainment/Unclassifiable.
Snohomish	.....	Attainment/Unclassifiable.
Spokane	.....	Attainment/Unclassifiable.
Stevens	.....	Attainment/Unclassifiable.
Wahkiakum	.....	Attainment/Unclassifiable.
Walla Walla	.....	Attainment/Unclassifiable.
Whitman	.....	Attainment/Unclassifiable.
Yakima	.....	Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.

[2] This date is April 9, 2018, unless otherwise noted.

[3] Chelan, Douglas, and Whatcom Counties will be designated by December 31, 2020.

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■ 50. Section 81.349 is amended by revising the table entitled ''West Virginia—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.349 West Virginia.

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WEST VIRGINIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [3]	Designation	
	Date [2]	Type
Steubenville, OH-WV		
Brooke County (part)	10/4/13	Nonattainment.
Area bounded by the Cross Creek Tax District.		
Marshall, WV		
Marshall County (part)	10/4/13	Nonattainment.
Area consisting of Clay Tax District, Franklin Tax District, and Washington Tax District.		
Wood County	.....	Unclassifiable.
Barbour County	.....	Attainment/Unclassifiable.
Berkeley County	.....	Attainment/Unclassifiable.

WEST VIRGINIA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1] [3]	Designation	
	Date [2]	Type
Boone County		Attainment/Unclassifiable.
Braxton County		Attainment/Unclassifiable.
Brooke County (part)		Attainment/Unclassifiable.
Area consisting of Buffalo Tax District.		
Cabell County		Attainment/Unclassifiable.
Calhoun County		Attainment/Unclassifiable.
Clay County		Attainment/Unclassifiable.
Doddridge County		Attainment/Unclassifiable.
Fayette County		Attainment/Unclassifiable.
Gilmer County		Attainment/Unclassifiable.
Grant County		Attainment/Unclassifiable.
Greenbrier County		Attainment/Unclassifiable.
Hampshire County		Attainment/Unclassifiable.
Hancock County		Attainment/Unclassifiable.
Hardy County		Attainment/Unclassifiable.
Harrison County		Attainment/Unclassifiable.
Jackson County		Attainment/Unclassifiable.
Jefferson County		Attainment/Unclassifiable.
Kanawha County		Attainment/Unclassifiable.
Lewis County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Logan County		Attainment/Unclassifiable.
Marion County		Attainment/Unclassifiable.
Marshall County (part)		Attainment/Unclassifiable.
Area consisting of Cameron Tax District, Liberty Tax District, Meade Tax District, Sand Hill Tax District, Union Tax District, and Webster Tax District.		
Mason County		Attainment/Unclassifiable.
McDowell County		Attainment/Unclassifiable.
Mercer County		Attainment/Unclassifiable.
Mingo County		Attainment/Unclassifiable.
Monongalia County		Attainment/Unclassifiable.
Monroe County		Attainment/Unclassifiable.
Morgan County		Attainment/Unclassifiable.
Nicholas County		Attainment/Unclassifiable.
Ohio County		Attainment/Unclassifiable.
Pendleton County		Attainment/Unclassifiable.
Pleasants County		Attainment/Unclassifiable.
Pocahontas County		Attainment/Unclassifiable.
Preston County		Attainment/Unclassifiable.
Putnam County		Attainment/Unclassifiable.
Raleigh County		Attainment/Unclassifiable.
Randolph County		Attainment/Unclassifiable.
Ritchie County		Attainment/Unclassifiable.
Roane County		Attainment/Unclassifiable.
Summers County		Attainment/Unclassifiable.
Taylor County		Attainment/Unclassifiable.
Tucker County		Attainment/Unclassifiable.
Tyler County		Attainment/Unclassifiable.
Upshur County		Attainment/Unclassifiable.
Wayne County		Attainment/Unclassifiable.
Webster County		Attainment/Unclassifiable.
Wetzel County		Attainment/Unclassifiable.
Wirt County		Attainment/Unclassifiable.
Wyoming County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Mineral County will be designated by December 31, 2020.

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■ 51. Section 81.350 is amended by revising the table entitled ''Wisconsin—2010 Sulfur Dioxide NAAQS (Primary)'' to read as follows:

§ 81.350 Wisconsin.

* * * * *

WISCONSIN—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated Area [1] [4]	Designation	
	Date [2]	Type
Rhinelander, WI	10/4/13	Nonattainment.
Oneida County (part)		
City of Rhinelander, Crescent Town, Newbold Town, Pine Lake Town, and Pelican Town.		
Columbia County, WI	9/12/16	Attainment/Unclassifiable.
Columbia County		
Adams County	.....	Attainment/Unclassifiable.
Ashland County	.....	Attainment/Unclassifiable.
Barron County	.....	Attainment/Unclassifiable.
Bayfield County	.....	Attainment/Unclassifiable.
Brown County	.....	Attainment/Unclassifiable.
Buffalo County	.....	Attainment/Unclassifiable.
Burnett County	.....	Attainment/Unclassifiable.
Calment County	.....	Attainment/Unclassifiable.
Chippewa County	.....	Attainment/Unclassifiable.
Clark County	.....	Attainment/Unclassifiable.
Crawford County	.....	Attainment/Unclassifiable.
Dane County	.....	Attainment/Unclassifiable.
Dodge County	.....	Attainment/Unclassifiable.
Door County	.....	Attainment/Unclassifiable.
Douglas County	.....	Attainment/Unclassifiable.
Dunn County	.....	Attainment/Unclassifiable.
Eau Claire County	.....	Attainment/Unclassifiable.
Florence County	.....	Attainment/Unclassifiable.
Fond du Lac County	.....	Attainment/Unclassifiable.
Forest County	.....	Attainment/Unclassifiable.
Grant County	.....	Attainment/Unclassifiable.
Green County	.....	Attainment/Unclassifiable.
Green Lake County	.....	Attainment/Unclassifiable.
Iowa County	.....	Attainment/Unclassifiable.
Iron County	.....	Attainment/Unclassifiable.
Jackson County	.....	Attainment/Unclassifiable.
Jefferson County	.....	Attainment/Unclassifiable.
Juneau County	.....	Attainment/Unclassifiable.
Kenosha County	.....	Attainment/Unclassifiable.
Kewaunee County	.....	Attainment/Unclassifiable.
La Crosse County	.....	Attainment/Unclassifiable.
Lafayette County	.....	Attainment/Unclassifiable.
Langlade County	.....	Attainment/Unclassifiable.
Lincoln County	.....	Attainment/Unclassifiable.
Manitowoc County	.....	Attainment/Unclassifiable.
Marathon County	.....	Attainment/Unclassifiable.
Marinette County	.....	Attainment/Unclassifiable.
Marquette County	.....	Attainment/Unclassifiable.
Menominee County	.....	Attainment/Unclassifiable.
Milwaukee County	.....	Attainment/Unclassifiable.
Monroe County	.....	Attainment/Unclassifiable.
Oconto County	.....	Attainment/Unclassifiable.
Oneida County	.....	Attainment/Unclassifiable.
Ozaukee County	.....	Attainment/Unclassifiable.
Pepin County	.....	Attainment/Unclassifiable.
Pierce County	.....	Attainment/Unclassifiable.
Polk County	.....	Attainment/Unclassifiable.
Portage County	.....	Attainment/Unclassifiable.
Price County	.....	Attainment/Unclassifiable.
Racine County	.....	Attainment/Unclassifiable.
Richland County	.....	Attainment/Unclassifiable.
Rock County	.....	Attainment/Unclassifiable.
Rusk County	.....	Attainment/Unclassifiable.
St. Croix County	.....	Attainment/Unclassifiable.
Sauk County	.....	Attainment/Unclassifiable.
Sawyer County	.....	Attainment/Unclassifiable.
Shawano County	.....	Attainment/Unclassifiable.
Sheboygan County	.....	Attainment/Unclassifiable.
Taylor County	.....	Attainment/Unclassifiable.
Trempealeau County	.....	Attainment/Unclassifiable.
Vernon County	.....	Attainment/Unclassifiable.
Vilas County	.....	Attainment/Unclassifiable.
Walworth County	.....	Attainment/Unclassifiable.
Washburn County	.....	Attainment/Unclassifiable.

WISCONSIN—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated Area [1] [4]	Designation	
	Date [2]	Type
Washington County		Attainment/Unclassifiable.
Waukesha County		Attainment/Unclassifiable.
Waupaca County		Attainment/Unclassifiable.
Waushara County		Attainment/Unclassifiable.
Winnebago County		Attainment/Unclassifiable.
Wood County		Attainment/Unclassifiable.
Forest County Potawatomi Community Indian Tribe [3]		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.
[3] Includes Indian country of the tribe listed in this table located in Forest County, Wisconsin. Information pertaining to areas of Indian country in this table is intended for Clean Air Act planning purposes only and is not an EPA determination of Indian country status or any Indian country boundary. EPA lacks the authority to establish Indian country land status, and is making no determination of Indian country boundaries, in this table.
[4] Outagamie County will be designated by December 31, 2020.

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■ 52. Section 81.351 is amended by adding a table titled ''Wyoming—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Wyoming—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.351 Wyoming.

* * * * *

WYOMING—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1] [2]	Designation	
	Date [3]	Type
Albany County		Attainment/Unclassifiable.
Big Horn County		Attainment/Unclassifiable.
Campbell County		Attainment/Unclassifiable.
Crook County		Attainment/Unclassifiable.
Fremont County (part)		Attainment/Unclassifiable.
All areas west of the western border of Township 40North-Range 93West, T39N–R93W, and T38N–R93W, and south of US Route 20.		
Goshen County		Attainment/Unclassifiable.
Hot Springs County		Attainment/Unclassifiable.
Johnson County		Attainment/Unclassifiable.
Lincoln County		Attainment/Unclassifiable.
Natrona County		Attainment/Unclassifiable.
Niobrara County		Attainment/Unclassifiable.
Park County		Attainment/Unclassifiable.
Platte County		Attainment/Unclassifiable.
Sheridan County		Attainment/Unclassifiable.
Sublette County		Attainment/Unclassifiable.
Sweetwater County (part)		Attainment/Unclassifiable.
All areas of the county east of US Route 191.		
Teton County		Attainment/Unclassifiable.
Uinta County		Attainment/Unclassifiable.
Washakie County		Attainment/Unclassifiable.
Weston County		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] Carbon and Converse Counties, and the remaining portions of Fremont and Sweetwater Counties, all which will be designated by December 31, 2020.
[3] This date is April 9, 2018, unless otherwise noted.

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■ 53. Section 81.352 is amended by adding a table titled ''American Samoa—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''American Samoa—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.352 American Samoa.

* * * * *

AMERICAN SAMOA—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Territory Wide		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 54. Section 81.353 is amended by adding a table titled ''Guam—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Guam—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.353 Guam.

* * * * *

GUAM—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Piti-Cabras		Nonattainment.
The portion of Guam within a 6.074-km radius centered on UTM Easting 249,601.60 m, and UTM Northing 1,489,602.00 m (UTM Zone 55N).		
Rest of Territory		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 55. Section 81.354 is amended by adding a table titled ''Northern Mariana Islands—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Northern Mariana Islands—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.354 Northern Mariana Islands.

* * * * *

NORTHERN MARIANA ISLANDS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
Territory Wide		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

* * * * *

■ 56. Section 81.355 is amended by adding a table titled ''Puerto Rico—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Puerto Rico—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.355 Puerto Rico.

* * * * *

PUERTO RICO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
San Juan, PR:		
Cataño Municipality		Nonattainment.
Toa Baja Municipality (part)		Nonattainment.
Palo Seco Ward.		
Sabana Seca Ward.		
San Juan Municipality (part)		Nonattainment.
San Juan Antiguo Ward.		
Santurce Ward.		
Hato Rey Norte Ward.		
Gobernador Pinero Ward.		
Guaynabo Municipality (part)		Nonattainment.

PUERTO RICO—2010 SULFUR DIOXIDE NAAQS (PRIMARY)—Continued

Designated area [1]	Designation	
	Date [2]	Type
Pueblo Viejo Ward.		
Bayamón Municipality (part)		Nonattainment.
Juan Sánchez Ward.		
Guayama-Salinas, PR:		
Salinas Municipality (part)		Nonattainment.
Aguirre Ward.		
Lapa Ward.		
Rest of Territory		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. The EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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■ 57. Section 81.356 is amended by adding a table entitled ''Virgin Islands—2010 Sulfur Dioxide NAAQS (Primary)'' following the table ''Virgin Islands—1971 Sulfur Dioxide NAAQS (Primary and Secondary)'' to read as follows:

§ 81.356 Virgin Islands.

* * * * *

VIRGIN ISLANDS—2010 SULFUR DIOXIDE NAAQS (PRIMARY)

Designated area [1]	Designation	
	Date [2]	Type
All of Virgin Islands AQCR 247		Attainment/Unclassifiable.

[1] Includes any Indian country in each county or area, unless otherwise specified. EPA is not determining the boundaries of any area of Indian country in this table, including any area of Indian country located in the larger designation area. The inclusion of any Indian country in the designation area is not a determination that the state has regulatory authority under the Clean Air Act for such Indian country.
[2] This date is April 9, 2018, unless otherwise noted.

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[FR Doc. 2017–28423 Filed 1–8–18; 8:45 am]

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