

approved ACS telephonic CPE the following:

(1) Any consumer instructions required to be included with approved ACS telephonic CPE by the Administrative Council for Terminal Attachments;

(2) For ACS telephonic CPE that is not hearing aid compatible, as defined in § 68.316:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (*see* § 68.112).

(d) *Notice of revocation.* When approval is revoked for any item of equipment, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment.

#### **§ 68.503 Complaint procedures.**

The complaint procedures of §§ 68.414 through 68.423 shall apply to complaints regarding the hearing aid compatibility of ACS telephonic CPE.

#### **§ 68.504 Administrative Council on Terminal Attachments.**

The database registration and labeling provisions of §§ 68.354, 68.610, and 68.612 shall apply to ACS telephonic CPE that is approved as hearing aid compatible and is manufactured in or imported to the United States on or after February 28, 2020. After that date, the information required by the Administrative Council on Terminal Attachments shall be submitted within 30 days after the date that the equipment is manufactured in or imported into the United States.

[FR Doc. 2018-04012 Filed 2-27-18; 8:45 am]

BILLING CODE 6712-01-P

## **OFFICE OF MANAGEMENT AND BUDGET**

### **Office of Federal Procurement Policy**

#### **48 CFR Part 9903**

#### **Cost Accounting Standards: Clarification of the Exemption From Cost Accounting Standards for Firm-Fixed-Price Contracts and Subcontracts Awarded Without Submission of Certified Cost or Pricing Data**

**AGENCY:** Office of Management and Budget, Office of Federal Procurement Policy, Cost Accounting Standards Board.

**ACTION:** Final rule.

**SUMMARY:** The Office of Federal Procurement Policy (OFPP), Cost Accounting Standards (CAS) Board, is publishing, without change from the proposed rule, a final rule revising the exemption from CAS for firm-fixed-price (FFP) contracts and subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data. This final rule clarifies that the exemption applies to FFP contracts and subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

**DATES:** *Effective date:* March 30, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ida Pham, Acting Staff Director, Cost Accounting Standards Board (telephone: 202-881-9062; email: [Ida.L.Pham@omb.eop.gov](mailto:Ida.L.Pham@omb.eop.gov)).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Regulatory Process—Changes to 48 CFR Part 9903**

The CAS Board's regulations and Standards are codified at 48 CFR chapter 99. This final rule amends of a CAS Board regulation other than a Standard, and as such is not subject to the statutorily prescribed rulemaking process for the promulgation of a Standard at 41 U.S.C. 1502(c) [formerly, 41 U.S.C. 422(g)].

##### **B. Background and Summary**

In October 2011, the CASB issued a proposed rule to clarify the CAS exemption provided by 48 CFR 9903.201-1(b)(15) (76 FR 61660). Since 2000, this provision has provided an exemption from CAS for FFP contracts and subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data. In proposing to add the word "certified" before "cost or pricing data," the Board explained that at the time the CAS rule was promulgated in 2000, the term cost or pricing data was understood to mean certified cost or pricing data. However, as a result of changes made to the Federal Acquisition Regulation in 2010 by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council, the term could also be read to mean cost or pricing data without the certification. The Board sought to avoid confusion and provide clarity to the government contractor community on its original intent, which was to implement section 802 of the NDAA for FY 2000 (Pub. L. 106-65). Section 802 adopted the recommendation of the Cost Accounting Standards Board Review Panel, which stated that when certified cost or pricing data were not obtained for FFP contracts

and subcontracts, the safeguards provided by CAS were likewise not necessary. For additional background on the proposed rule, go to (76 FR 61660).

Two comments were received in response to the proposed rule, both of which expressed support for the proposed change. Accordingly, the CAS Board is adopting and finalizing the proposed rule without change.

##### **C. Paperwork Reduction Act**

The Paperwork Reduction Act (44 U.S.C. Chapter 35, Subchapter I) does not apply to this rulemaking, because this rule imposes no additional paperwork burden on offerors, affected contractors and subcontractors, or members of the public which requires the approval of OMB under 44 U.S.C. 3501, *et seq.* The purpose of this rule is to clarify the implementation of the "Streamlined Applicability of Cost Accounting Standards" at Section 802 of National Defense Authorization Act for Fiscal Year 2000. The records required by this final rule are those normally maintained by contractors and subcontractors who claim reimbursement of costs under Government contracts.

##### **D. Executive Orders 12866 and 13771, the Congressional Review Act, and the Regulatory Flexibility Act**

This rule serves to clarify the elimination of certain administrative requirements associated with the application and administration of the Cost Accounting Standards by covered Government contractors and subcontractors, consistent with the provisions of "Streamlined Applicability of Cost Accounting Standards" at Section 802 of National Defense Authorization Act for Fiscal Year 2000. In addition, because the final rule will achieve greater consistency between the CAS and the FAR, the rule promotes simplification for contractors. The economic impact on contractors and subcontractors is, therefore, expected to be minor. As a result, the CAS Board has determined that this final rule will not result in the promulgation of an "economically significant rule" under the provisions of Executive Order 12866, that a regulatory impact analysis is not required, and the requirements of E.O. 13771, *Reducing Regulation and Controlling Regulatory Costs*, do not apply. For the same reason, this final rule is not a "major rule" under the Congressional Review Act, 5 U.S.C. Chapter 8. Finally, this final rule does not have a significant effect on a substantial number of small entities because small businesses are exempt from the application of the Cost

Accounting Standards. Therefore, this final rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980, 5 U.S.C. Chapter 6.

#### List of Subjects in 48 CFR Part 9903

Cost accounting standards,  
Government procurement.

**Lesley A. Field,**

*Acting Chair, Cost Accounting Standards Board.*

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

#### PART 9903—CONTRACT COVERAGE

■ 1. The authority citation for part 9903 continues to read as follows:

**Authority:** Public Law 111–350, 124 Stat. 3677, 41 U.S.C. 1502.

#### Subpart 9903.2—CAS Program Requirements

■ 2. Section 9903.201–1 is amended by revising paragraph (b)(15) to read as follows:

##### 9903.201–1 CAS applicability.

\* \* \* \* \*

(b) \* \* \*

(15) Firm-fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

[FR Doc. 2018–04101 Filed 2–27–18; 8:45 am]

**BILLING CODE 3110–01–P**

#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 130903775–4276–02]

RIN 0648–XG054

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish; 2018 River Herring and Shad Catch Cap Reached for the Directed Atlantic Mackerel Commercial Fishery

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is reducing the Atlantic mackerel possession limit for Federal limited access Atlantic mackerel

permitted vessels based on a projection that the 2018 river herring and shad catch cap for that fishery has been reached. This action is necessary to comply with the regulations implementing the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan and is intended to limit the harvest of river herring and shad in the Greater Atlantic Region.

**DATES:** Effective 00:01 hr local time, February 27, 2018, through December 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Alyson Pitts, Fishery Management Specialist, (978) 281–9352.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic mackerel fishery can be found at 50 CFR part 648, including requirements for setting annual catch cap allocations for river herring and shad. NMFS set the 2018 river herring and shad catch cap for the directed Atlantic mackerel fishery at 82 mt as part of a final rule to implement the 2016 through 2018 Atlantic mackerel specifications (81 FR 24504, April 4, 2016).

The NMFS Administrator of the Greater Atlantic Region (Regional Administrator) monitors river herring and shad catch from the directed Atlantic mackerel fishery based on vessel and dealer reports, state data, and other available information. The regulations at § 648.24 require that when the Regional Administrator projects that when 95 percent of the river herring and shad catch cap has been caught by the directed Atlantic mackerel fishery (*i.e.*, trips that land more than 20,000 lb (9.08 mt) of Atlantic mackerel) will reach 95 percent of a catch cap, NMFS must prohibit, through notification in the **Federal Register**, Federal limited access permitted Atlantic mackerel vessels from fishing for, possessing, transferring, receiving, landing, or selling more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip or landing more than once per calendar day for the remainder of the calendar year.

The Regional Administrator has determined, based on vessel and dealer reports, state data, and other available information, that Federal limited access Atlantic mackerel vessels will have caught 95 percent of the river herring and shad catch cap by February 20, 2018. The regulations at § 648.24(d) require NMFS to provide at least a 72 hour notice to the public before any Atlantic mackerel possession reduction or fishery closure. Therefore, effective 00:01 hr local time, February 27, 2018, federally permitted vessels targeting Atlantic mackerel may not fish for,

catch, possess, transfer, land, or sell more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip or calendar day through December 31, 2018. Vessels with more than 20,000 lb (9.08 mt) of Atlantic mackerel that have entered port before 00:01 hr local time, February 27, 2018, may land and sell more than 20,000 lb (9.08 mt) of Atlantic mackerel from that trip.

#### Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action restricts the catch of Atlantic mackerel for the remainder of the fishing year. Data have only recently become available indicating that directed Atlantic mackerel trips by federally permitted vessels will have caught 95 percent of the river herring and shad catch cap established for the 2018 calendar year. Once NMFS projects that river herring and shad catch will reach 95 percent of the catch cap, NMFS is required by Federal regulation to implement a 20,000 lb (9.08 mt) Atlantic mackerel possession limit and prohibit vessels from landing Atlantic mackerel more than once per calendar day through December 31, 2018. The regulations at § 648.24(b)(6) require such action to ensure that such vessels do not exceed the river herring and shad catch cap for the Atlantic mackerel fishery. If implementation of this closure is delayed to solicit prior public comment, the river herring and shad catch cap for this fishing year will likely be exceeded, thereby undermining the conservation objectives of the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: February 23, 2018.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018–04073 Filed 2–23–18; 4:15 pm]

**BILLING CODE 3510–22–P**