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Title 3—**Executive Order 13835 of May 21, 2018****The President****Prohibiting Certain Additional Transactions With Respect to Venezuela**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 13692 of March 8, 2015, and relied upon for additional steps taken in Executive Order 13808 of August 24, 2017 and Executive Order 13827 of March 19, 2018, particularly in light of the recent activities of the Maduro regime, including endemic economic mismanagement and public corruption at the expense of the Venezuelan people and their prosperity, and ongoing repression of the political opposition; attempts to undermine democratic order by holding snap elections that are neither free nor fair; and the regime's responsibility for the deepening humanitarian and public health crisis in Venezuela, hereby order as follows:

Section 1. (a) All transactions related to, provision of financing for, and other dealings in the following by a United States person or within the United States are prohibited:

(i) the purchase of any debt owed to the Government of Venezuela, including accounts receivable;

(ii) any debt owed to the Government of Venezuela that is pledged as collateral after the effective date of this order, including accounts receivable; and

(iii) the sale, transfer, assignment, or pledging as collateral by the Government of Venezuela of any equity interest in any entity in which the Government of Venezuela has a 50 percent or greater ownership interest.

(b) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) The term “person” means an individual or entity;

(b) The term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches of such entities), or any person within the United States; and

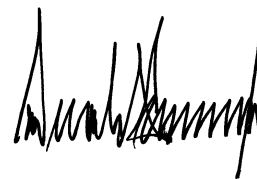
(d) the term “Government of Venezuela” means the Government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and Petroleos de Venezuela, S.A. (PdVSA),

and any person owned or controlled by, or acting for or on behalf of, the Government of Venezuela.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, re-delegate any of these functions to other officers and executive departments and agencies of the United States Government. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 6. This order is effective at 12:30 p.m. eastern daylight time on May 21, 2018.



THE WHITE HOUSE,
May 21, 2018.

Rules and Regulations

Federal Register

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

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 372

[Docket No. APHIS–2013–0049]

RIN 0579–AC60

National Environmental Policy Act Implementing Procedures

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations that set out our National Environmental Policy Act implementing procedures. The amendments include clarifying the categories of actions for which we would normally complete an environmental impact statement or an environmental assessment for an action, as well as updating examples of categorically excluded actions and setting out an environmental documentation process that could be used in emergencies. The changes will serve to update the regulations and improve their clarity and effectiveness.

DATES: Effective June 25, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Eileen Sutker, APHIS Federal NEPA Contact, Environmental and Risk Analysis Services, PPD, APHIS, 4700 River Road, Unit 149, Riverdale, MD 20737–1238; (301) 851–3043.

SUPPLEMENTARY INFORMATION:

Background

The National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), is the United States' basic charter for protection of the environment. The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA, published in 40 CFR parts 1500 through 1508 (referred to below as the CEQ regulations), provide a basic regulatory

framework for the implementation of NEPA across Federal agencies.

The Office of the Secretary of the U.S. Department of Agriculture (USDA) has set forth departmental policy on the implementation of NEPA in 7 CFR part 1b. Within USDA, the Animal and Plant Health Inspection Service (APHIS) has regulations that set out its procedures for implementing NEPA in 7 CFR part 372 (referred to below as the regulations). APHIS' regulations are designed to ensure early and appropriate consideration of potential environmental effects when APHIS programs formulate policy and make decisions. The regulations also promote effective and efficient compliance with NEPA requirements and integration of other environmental review requirements under NEPA (*e.g.*, 40 CFR 1500.2(c) and 40 CFR 1500.4(k)). Consistent with the requirements of CEQ's NEPA implementing regulations in 40 CFR 1507.3, the APHIS regulations supplement the CEQ regulations and the USDA NEPA implementing regulations to take into account APHIS missions, authorities, and decision making. The APHIS regulations include definitions, categories of actions, major planning and decision points, opportunities for public involvement, and methods of processing different types of environmental documents.

NEPA and the CEQ regulations require all agencies of the Federal Government to incorporate environmental considerations in their planning and decisionmaking. This may include the development of an Environmental Impact Statement (EIS), a detailed statement by the responsible official with every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. This statement must cover:

- The environmental impact of the proposed action,
- Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- Reasonable alternatives to the proposed action,
- The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and
- Any irreversible and irretrievable commitments of resources which would

be involved in the proposed action, should it be implemented.

The EIS is distinguished from the environmental assessment (EA), which is a concise public document that briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or a finding of no significant impact (FONSI). Actions taken by an agency that do not individually or cumulatively have a significant effect on the human environment may be categorically excluded from the requirement to prepare either an EA or an EIS.

The APHIS regulations were last amended in a final rule published in the **Federal Register** on February 1, 1995 (60 FR 6000–6005, Docket No. 93–165–3; corrected on March 10, 1995, at 60 FR 13212). The CEQ regulations at 40 CFR 1507.3(a) state that agencies “shall continue to review their policies and procedures and in consultation with the Council to revise them as necessary to ensure full compliance with the purposes and provisions of the Act.” Accordingly, on July 20, 2016, we published in the **Federal Register** (81 FR 47051–47071, Docket No. APHIS–2013–0049) a proposal¹ to amend the regulations by adding several new types of actions that were not previously covered in the regulations. Accordingly, we also evaluated our regulations and identified changes that would reflect new authorities, activities, and data. The changes we proposed also clarified certain areas of the regulations.

We also proposed to establish or revise categorical exclusions and extraordinary circumstances under which those categorical exclusions would not apply and to revise the requirements generally relating to classification of various actions (*e.g.*, actions normally requiring EISs, actions normally requiring EAs but not necessarily EISs). Upon further consideration and in light of the comments we received, we decided not to finalize the proposed extraordinary circumstances and most of the proposed new program categorical exclusions. Instead, we are making minor adjustments to the language currently found in § 372.5 concerning these subjects to improve clarity and provide further examples of activities that fall

¹ To view the proposed rule and the comments we received, go to <https://www.regulations.gov/docket?D=APHIS-2013-0049>.

into a given class of action or may be subject to categorical exclusion. The proposed additions were accompanied by a reorganization of the regulations, which we are also not finalizing. The structure of the regulations will remain largely identical to that of the current regulations. We may revisit the issue of categorical exclusions, extraordinary circumstances, and classification of actions in a future rulemaking.

We solicited comments concerning our proposal for 60 days ending September 19, 2016. We received 12 comments by that date from advocacy groups, industry associations, and private citizens. They are discussed below by topic, with the exception of any comments received on those portions of the proposed rule we are not finalizing, as described above.

Comments Regarding Categorical Exclusions and Extraordinary Circumstances

The bulk of the comments we received related to changes we proposed to our categorical exclusions and their associated extraordinary circumstances exceptions. As stated above, in considering those comments, which covered a broad variety of issues in detail, we came to recognize the need to reevaluate our proposed categories and reconsider the scope and effect of those categories.

General Comments

One commenter stated that since the changes and additions may affect species protected under the Endangered Species Act of 1973 and their designated critical habitats, APHIS must conduct a programmatic consultation with the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS).

This rule is administrative in nature and does not affect any listed threatened or endangered species. We consult with FWS and/or NMFS when an analysis of listed species is necessary to arrive at an environmental effects determination. We will continue to consult on any future actions that may affect protected species.

The same commenter said that we should coordinate our efforts concerning NEPA with the existing initiative involving APHIS, the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA) to modernize agency activities under the Coordinated Framework for the Regulation of Biotechnology.²

² Further information on the Coordinated Framework for the Regulation of Biotechnology may

APHIS is involved in updating the Coordinated Framework for the Regulation of Biotechnology, which clarifies the relevant existing authorities and roles of the USDA, the FDA, and the EPA. On January 4, 2017, EPA, FDA, and USDA released the 2017 Draft Update to the Coordinated Framework for the Regulation of Biotechnology and accompanying National Strategy for Modernizing the Regulatory System for Biotechnology Products. The original Coordinated Framework for the Regulation of Biotechnology and the 2017 Draft Update identify which types of topics trigger NEPA analyses within each agency. The finalized update of the Coordinated Framework for the Regulation of Biotechnology will continue to align with the regulations, and may facilitate further regulations.

Another commenter characterized the proposed action as APHIS scaling back its NEPA obligations, despite ongoing disputes over the scope of APHIS' duties in this area.

Contrary to the commenter's assertion, this rule will improve transparency and clarity regarding APHIS activities under NEPA. Further, we will continue to apply an appropriate level of environmental documentation to every action.

Another commenter stated that they had included suggestions for corresponding changes to the NEPA implementing regulations discussed here as part of a comment submitted in connection with a notice of intent to prepare an EIS published in the **Federal Register** on February 5, 2016 (81 FR 6225–6229, Docket No. APHIS–2014–0054) titled “Environmental Impact Statement; Introduction of the Products of Biotechnology.”³ The commenter also said that this action may need to be revised in light of any changes to the NEPA regulations made in this final rule.

Due to the nature of APHIS rulemaking, we cannot consider the content of comments submitted on other rules. The notice referenced by the commenter has yet to be finalized; however, if changes to the NEPA implementing regulations are necessary as a result of that action, we will make those changes accordingly via subsequent rulemaking.

One commenter pointed out several typographical errors in the preamble language and the regulatory text of the

be found here: https://obama.whitehouse.archives.gov/sites/default/files/microsites/ostp/2017_coordinated_framework_update.pdf.

³ To view that notice and the comments we received go to <https://www.regulations.gov/docket?D=APHIS-2014-0054>.

proposed rule. We have corrected the errors in the regulatory text. The preamble language is not repeated in this final rule.

Comments Regarding Definitions

In § 372.4, which contains definitions of various terms used in the regulations, we proposed to revise two existing definitions and add definitions for two additional terms. We are not finalizing the two proposed additional definitions. We determined that a definition for “Agency official responsible for environmental review” is unnecessary because the information we wished to convey can already be found in the definition for “Environmental unit.” We are not finalizing the definition for “Extraordinary circumstances” because, as stated previously, we are not finalizing the proposed revisions concerning extraordinary circumstances. The revisions we are finalizing remain consistent with the CEQ regulations.

One commenter suggested we add a definition for the term “conventional,” given that we proposed a change from “routine measures” to “conventional measures” throughout the regulations due to prior confusion about the meaning of “routine.” The commenter argued that the word “conventional” has as much potential to cause confusion as the word “routine.”

Uses of the term “conventional measures” in place of “routine measures” were only found in those sections we are not finalizing in this document.

Comments Regarding Actions Normally Requiring Environmental Assessments But Not Necessarily Environmental Impact Statements

We proposed to set out a description of actions APHIS takes that normally require EAs but not necessarily EISs in § 372.6 (§ 372.5(b) in the final rule). An action in this class will typically be characterized by its limited scope (particular sites, species, or activities).

We are clarifying the way in which we assess potential environmental impacts in connection with an action normally requiring an EA but not necessarily an EIS. Any effects of the action on environmental resources (such as air, water, soil, plant communities, animal populations, or others) or indicators (such as dissolved oxygen content of water) can be reasonably identified.

Proposed paragraph (d) of § 372.6 (§ 372.5(b)(4) in the final rule) indicated that approvals and issuance of licenses and permits for proposals involving regulated genetically engineered or

regulated nonindigenous species would normally require an EA but not necessarily an EIS, unless they are categorically excluded. One commenter proposed that we refer to “genetically engineered organisms” separately from regulated nonindigenous species. Two commenters pointed out that we neglected to specifically exclude actions that are categorically excluded in the language of this section.

We agree with the first commenter’s suggestion to use the word “organisms” and have changed the term used in that section to “genetically engineered organisms or products.” Reference to genetically engineered products is necessary in some parts of the regulations to adequately cover veterinary biologics products, such as genetically engineered subunit proteins, plasmid vectors, and other constructs that are not organisms. We agree with the point raised by the last two commenters and have added the requested language to the introductory paragraph of § 372.5(b).

Another commenter made a recommendation regarding the comingling threshold level for genetically engineered and conventional products. The commenter also stated that third-party field testing on crops with a high risk of comingling should occur.

As the proposal did not relate to such a threshold or such inspections, these comments are outside the scope of this rulemaking.

Proposed paragraph (e) of § 372.6 (§ 372.5(b)(5) in the final rule) indicated that activities to reduce damage or harm by a specific wildlife species or group of species (such as deer or birds), or to reduce a specific type of damage or harm (such as protection of agriculture from wildlife depredation and disease, management of rabies in wildlife, or protection of threatened or endangered species) normally require an EA but not necessarily an EIS, unless they are categorically excluded.

One commenter stated that a Federal court has determined that State-wide analysis of Wildlife Services’ (WS) wolf damage management activities in the State of Washington violated NEPA due to the absence of an EIS in the case of *Cascadia Wildlands v. Woodruff* (151 F. Supp. 3d 1153 (W.D. Wash. 2015)). The commenter argued that such State-wide plans have significant environmental impacts and thus must appropriately be analyzed in an EIS. The commenter went on to say that State-wide or district-wide program analyses will allow WS to evade any assessments of compliance with Federal land-use plans (e.g., forest plans and resource

management plans) that govern management of lands on which it conducts its activities. The commenter argued that State-wide or district-wide analyses fail to consider that impacts may be concentrated in certain areas, as WS generally relies upon average numbers killed State-wide or district-wide.

We disagree with the commenter’s characterization of *Cascadia Wildlands v. Woodruff* and with the commenter’s assertion that the case sets a precedent whereby all State-wide plans require preparation of an EIS. The court did not order WS to complete an EIS for its wolf damage management activities in Washington. WS coordinates all activities with land management agencies on lands under their jurisdiction. For example, memoranda of understanding between WS and the U.S. Forest Service, and between WS and the Bureau of Land Management identify the authorities, coordination requirements, and responsibilities of each agency, ensuring that land-use plans are considered, and that potential conflicts with other land uses are identified and avoided or minimized. In addition, WS uses EAs to involve other agencies with applicable jurisdiction, including land and wildlife management agencies, inviting formal agency cooperation and or comments as appropriate. WS also includes a formal public comment period on all of its EAs to ensure that all issues and concerns are considered. As shown in the document entitled “Proposed Amendments to National Environmental Policy Act Implementing Procedures (7 CFR part 372) Substantiating Document for Proposed Amendments,” WS EAs have repeatedly demonstrated that its activities have not had significant impacts on the environment.⁴

Proposed paragraph (g) of § 372.6 (§ 372.5(b)(7) in the final rule) indicated that determinations of nonregulated status for genetically engineered organisms normally requires an EA but not necessarily an EIS, unless categorically excluded. One commenter suggested that we add language specifically stating that an EA would be required except in those cases where the action fits into one of the categorical exclusion categories associated with such actions.

While we are not adding language specifying that an EA would be required except in those cases where the action fits into one of the categorical exclusion categories associated with such actions in § 372.5(b)(7) as suggested by the

commenter, we added language in the introductory paragraph of § 372.5(b) stipulating that all of the example actions described in § 372.5(b)(1) through (7) normally require an EA but not necessarily an EIS, unless categorically excluded.

Another commenter stated that extensions of determinations of nonregulated status for genetically engineered organisms were in violation of NEPA. The commenter argued that while such extensions are often granted to similar organisms, there may still be agronomic or geographic differences that would result in significant environmental impacts. At a minimum, the commenter said, these extensions warrant the preparation of EAs in order to better evaluate the potential environmental impacts of the genetically engineered organisms. This rule does not address whether extensions of genetically engineered organisms are in violation of NEPA. Moreover, we do not explicitly identify extensions of determinations of nonregulated status for genetically engineered organisms in the discussion of exceptions for categorically excluded actions found in § 372.5(d). If the decisionmaker determines that a categorically excluded action may have the potential to affect significantly the quality of the human environment, then an EA or an EIS will be prepared. Agronomic and geographic differences are among the factors that the decisionmaker will consider when determining whether a particular extension application will be categorically excluded or if preparation of an EA or EIS is required.

Another commenter suggested that we add licensing and permitting of commercial breeding operations regulated under the Animal Welfare Act to the list of actions normally requiring EAs but not necessarily EISs.

Commercial breeding operations are not specifically listed as one of the examples of such actions given in § 372.5(b) for EAs. APHIS intends to assess all animal welfare licensing and registration applications to determine if they are eligible for a categorical exclusion or if circumstances exist that will necessitate the preparation of an EA or EIS. We will document our conclusions.

We received a number of additional comments relating to the need for EAs or EISs in connection with the licensing of commercial breeding operations. Those comments are addressed below in a section entitled, “Comments Regarding Commercial Breeding Operations.”

⁴ Pages 26–27 of the document located at <https://www.regulations.gov/docket?D=APHIS-2013-0049>.

Comments Regarding Categorical Exclusions

Proposed § 372.8 (§ 372.5(c) in the final rule) lists various categorically excluded actions. We proposed to make changes to paragraph (a) of § 372.8 (§ 372.5(c)(1)(i) in the final rule) in order to expand the list of substances that may be used as part of a conventional measure (a term not finalized in this rule; instead we have retained the original term, “routine measure”), subject to certain conditions, to include the use of pesticides, chemicals, drugs, pheromones, contraceptives, or other potentially harmful substances, materials, and target-specific devices or remedies. Previously, the list of substances referred only to chemicals, pesticides, or other potentially hazardous or harmful substances, materials, and target-specific devices or remedies.

While we are not finalizing the proposed language, we will respond to the comment because the current regulations cite the use of pesticides, chemicals, and other potentially hazardous or harmful substances. Two commenters objected to the inclusion of such elements in any categorically excluded action, saying that their use often has significant impacts, which require NEPA analysis. One commenter specifically cited the growth-promotion drugs ractopamine and monensin, which the commenter argued can leach into groundwater, and the growth-promotion drug tylosin, which has been linked to antibiotic resistance.

APHIS does not use these or other growth-promotion drugs in any programs, and there are no actions in which we would consider their usage.

The other commenter used as an example those pesticides classified as “restricted use pesticides” by the EPA, stating these are pesticides that EPA has determined are likely to cause “unreasonable adverse effects on the environment” if they are used “without additional regulatory restrictions.” The commenter went on to classify the EPA’s oversight of restricted use pesticides as predominantly focused on acute exposure and therefore inadequate to protect against risks posed by regular low-level exposure, even though the pesticides may aggregate in the environment, causing harm via long-term, low-level exposure to humans and animals.

APHIS develops and uses methods that are proven to be effective, efficient in their performance, and safe in their execution. APHIS uses pesticides in accordance with all EPA requirements. As shown in the document entitled

“Proposed Amendments to National Environmental Policy Act Implementing Procedures (7 CFR Part 372) Substantiating Document for Proposed Amendments,” these methods were analyzed in prior environmental reviews, risk assessments, and/or are monitored to demonstrate or determine whether their use could significantly impact the human environment. This includes a number of use patterns and any program mitigation measures (including contained facilities, field sites, and pens) for pesticides, chemicals, or other potentially hazardous or harmful agents. Many of these use patterns have long been known and studied by APHIS, and APHIS has seen no record of significant environmental impacts. Our NEPA analyses consider chemical movement, degradation, environmental impacts, exposure, and risk for all actions, including those actions subject to categorical exclusion.⁵ This includes both potential acute and chronic risks. If any proposed activity meets any of the criteria listed in § 372.5(d), then an EA or EIS will be prepared.

We are finalizing a group of categorically excluded actions that concern research and development activities limited in magnitude, frequency, and scope that occur in laboratories, facilities, pens, or field sites. The location and organization of this section is taken from the current regulations; however, we are incorporating some of our proposed language in a new list of examples of such activities.

In § 372.8(j)(1) (§ 372.5(c)(2)(i)(A) in the final rule) we proposed to allow for the categorical exclusion of the inoculation or treatment of discrete herds of livestock or wildlife undertaken in contained areas (such as a barn or corral, a zoo, an exhibition, or an aviary). One commenter requested that we provide further guidance on the concept of “discrete herds of livestock or wildlife undertaken in contained areas” either via final rule or through issuance of a guidance document.

For clarity, we revised this language to cover only those vaccination trials that occur on groups of animals in areas designed to limit interaction with similar animals, or include other controls as needed to mitigate potential risk.

Section 372.8(j)(2) (§ 372.5(c)(2)(i)(D) in the final rule) states that an example of a categorically excluded research and development activity is the use of

vaccinations or inoculations, including new vaccines (e.g., vaccines with components inserted through genetic engineering technologies) and applications of existing vaccines to new species provided that the project is conducted in a controlled and limited manner, and the impacts of the vaccine can be predicted. A commenter stated that the use of genetically engineered vaccines and other novel technologies may result in impacts that require analysis under NEPA.

In the case of genetically engineered vaccines and other novel technologies, if any the criteria in § 372.5(d) apply then an EA or EIS will be prepared. As shown in the document entitled “Proposed Amendments to National Environmental Policy Act Implementing Procedures (7 CFR Part 372) Substantiating Document for Proposed Amendments,” we note that, based on more than 20 years of experience, APHIS’ Center for Veterinary Biologics has found that the impact of new vaccines and inoculations stays within the vaccinated animal.⁶

We also proposed that activities could not be categorically excluded if a previously licensed or approved biologic has been subsequently shown to be unsafe, or if it would be used at substantially higher dosage levels or for substantially different applications or circumstances than the use for which the product was previously approved. One commenter argued that an EA should not necessarily be required in every instance where a substantially higher dose or substantially different application or use circumstance is being developed and recommended we remove that language from the regulations. The commenter said that APHIS should evaluate each situation on a case-by-case basis.

While we agree that an EA is not always required where a substantially higher dose or substantially different application or use circumstance is proposed, we are making no changes to the proposed language. We will continue to consider each case individually, as the commenter suggested. An EA or EIS would not need to be prepared if we determine that a substantially higher dose or substantially different application or use circumstance for a previously licensed or approved biologic will not impact the environmental or safety factors associated with use of that biologic.

⁵ Pages 14–16 and 47 of the document located at <https://www.regulations.gov/docket?D=APHIS-2013-0049>.

⁶ Pages 35–36 of the document located at <https://www.regulations.gov/docket?D=APHIS-2013-0049>.

Comments Regarding Categorical Exclusions; Licensing, Permitting, Authorization, and Approval

Proposed § 372.9 (§ 372.5(c)(3) in the final rule) contained examples of various categorically excluded actions under the heading of licensing and permitting. In the preamble to the proposed rule, we explained that licensing and permitting are administrative actions for the agency, and generally occur in support of actions that later undergo analysis in an EIS or EA. To require a separate NEPA analysis for each license or permit does not allow expedient action to serve the public, and would promote piecemeal analyses.

One commenter objected to this characterization, saying that it would be a contravention of APHIS' obligations under NEPA because any individual action within a program may have significant effects and must be subject to individualized NEPA review. The commenter also argued that it is in the public interest to undertake individualized reviews where warranted.

APHIS is not trying to evade or ignore its obligations under NEPA. The CEQ regulations at 40 CFR 1508.4 give agencies the authority to identify categorical exclusions in their NEPA implementing regulations, which is what APHIS seeks to do here. It is important to understand that, in addition to EAs and EISs, categorical exclusions are consistent with NEPA. Categorical exclusions are categories of actions, which do not individually or cumulatively have a significant effect on the human environment, and are recognized as such in the agency's implementing procedures. Use of a categorical exclusion has, and will continue to include, individualized reviews prior to issuance.

Another commenter said that we provided insufficient analysis for the determination that licensing and permitting are categorically exempt. The commenter went on to say that it is unclear whether this provision is meant to apply to licensing conducted under Animal Welfare Act (AWA; Laboratory Animal Welfare Act of 1966, as amended Public Law 89-544, 7 U.S.C. 2131-2159) licensing. The commenter argued that AWA licensing actions have enormous potential for environmental harm, and so will frequently warrant at least preparation of an EA. The commenter stated that, even if there were a categorical exclusion for commercial breeder licensing, at a minimum it should specify exceptions to that categorical exclusion. The

commenter found that the proposed definition, evaluation criteria, and list of extraordinary circumstances set too high a bar for judging whether an action may have a significant environmental effect.

The regulations already provide a categorical exclusion for licensing and permitting, and identify a wide variety of routine measures that could result in authorizations and approvals. Since these categories already existed within the regulations and were effective for years, we did not include additional analysis in the proposed rule. We do not agree with the commenter's position regarding our ability to evaluate an action for significant environmental effect. On the contrary, we find that the general exceptions to categorical exclusions identified in § 372.5(d) will allow us to adequately address concerns about the potential for significant impacts to the environment pursuant to AWA licensing, because this section allows the decisionmaker to determine that a categorically excluded action may have the potential to affect "significantly" the quality of the "human environment." For additional discussion on the rest of the commenter's points specific to licensing of commercial breeding operations, please see the section below entitled, "Comments Regarding Commercial Breeding Operations."

Proposed paragraph (a)(2) of § 372.10 (§ 372.5(c)(2)(i)(B) in the final rule) contained a categorical exclusion for the evaluation of uses for chemicals not specifically listed on the product label, as long as they are used in a manner designed to limit potential effects to nontarget species such that there are no individual or cumulative impacts on the human environment. A commenter stated that categorical exclusions for evaluation of novel chemical uses cannot be employed under NEPA because their application and contact with nontarget species may result in unintended environmental, human health, or ecological impacts.

Our research and testing in this area is limited to serving Agency needs, and does not encompass broadly based or basic research. We have added the stipulation that such evaluation and use must be pursuant to applicable Federal authorizations to clarify the relatively narrow application of this categorical exclusion. Use must be limited in magnitude, frequency, and scope, and it can only occur in laboratories, facilities, pens, or field sites. We also note that this is not a new categorical exclusion, only an enhanced description of activities that did not demonstrate environmental impacts in the past.

Proposed paragraph (a)(6) (§ 372.5(c)(2)(ii) in the final rule) contained the prior categorical exclusion for the development and production of sterile insects. We are also including the release of sterile insects as well.

The same commenter argued that the development and production of sterile insects may include novel methods for inducing sterility, which would require NEPA analysis. The commenter said that the field release of genetically engineered insects may have significant human health and ecological impacts.

APHIS does not develop, approve, or release genetically engineered sterile insects. Were that to change in the future, we would consider any potential environmental impacts. Any novel methods to develop sterile insects would be subject to the criteria listed in § 372.5(d).

Comments on the Process for Rapid Response to Emergencies

We are adding a new section describing the process APHIS follows to develop environmental documentation when conducting a rapid response to an emergency. APHIS frequently takes important emergency actions to prevent the spread of animal and plant pests and diseases. Without emergency action to control the spread of these pests and diseases, there is a potential for significant impacts on the human environment. One commenter encouraged APHIS to take the need to control a plant disease outbreak or other exigency into account under NEPA, including in situations where a categorical exclusion does not apply.

APHIS will take NEPA into account in the event there is a need to control a plant disease outbreak or other exigency. We recognize the need to deal quickly, effectively, and efficiently with any emergency situation that may arise. We mitigate foreseeable environmental effects to the extent practicable.

Another commenter observed that our proposed text was based on CEQ regulations, but added that there have been legal challenges to this portion of those regulations. The commenter stated that, while there has been no ruling on whether the portion of the CEQ regulations dealing with rapid response to an emergency is invalid, it was noted that allowing an emergency to encompass anything more than significant, unanticipated occurrences, such as natural disasters, as opposed to circumstances of the agency's own making, seemed at odds with NEPA as this may allow for the evasion of NEPA review. The commenter concluded that APHIS should therefore specify that an

emergency exists in instances of significant, unanticipated occurrences, such as natural disasters only, and that an emergency cannot be a result of the agency's own making.

Merely adding the concept that an emergency cannot be a result of the agency's own making does not account for the types of emergency actions APHIS may need to cope with, such as unanticipated or unforeseen impacts associated with a pest or disease outbreak. In an emergency, our primary concerns include the consequences of a delayed response. The intent of this section is to create the flexibility necessary to begin a response to the emergency, regardless of cause. This section does not allow APHIS to evade NEPA analyses; instead, it adjusts the usual timeframe and sequence for analysis of any potential impact during emergencies. The timing for NEPA compliance for all non-emergency and post-emergency actions remains unchanged.

Comments Regarding Commercial Breeding Operations

As stated previously, we received a number of comments from the Humane Society of the United States (HSUS) relating to the need for EAs or EISs in connection with the licensing of commercial breeding operations. HSUS expressed surprise that we did not mention the licensing of commercial breeding operations in the proposed rule and observed that we provided no guidance for applying NEPA standards to the licensing and regulation of these operations. They disagreed with our assessment that the approval and issuance of licenses is properly categorized as administrative, and stated that we failed to articulate what mitigation measures are in place related to the environmental damage at commercial breeding facilities, nor how any such measures would render those environmental effects insignificant. Finally, they argued that a programmatic assessment of commercial breeders, brokers, and transporters is compulsory, and the regulations should clearly convey that certain individual AWA license approvals may require an individual EA or EIS.

The AWA provides for the licensing of dealers, exhibitors, and registration of research facilities, and transporters (intermediate handlers and carriers). The associated standards provide specific requirements for regulated entities under this Act (7 CFR 371.7; 9 CFR chapter 1, parts 1 through 12 (particularly part 3, Standards)). When we propose modifications to the AWA regulations, we solicit and consider

public comments to those specific provisions. The NEPA regulations are not the correct place to create or modify requirements for licensing under the authority of the AWA.

Under the AWA, the action of issuing a license consists of administrative handling of applications. In practice, this means we assess forms for completeness and schedule appropriate inspections. We inspect the facilities, and they must be in compliance prior to the issuance of a license or registration. The criteria for denial of an initial application are not discretionary (9 CFR 2.11)—all who meet the requirements are licensed or registered. Potential impacts to the environment do not occur through the act of processing an application to issue a license or registration; instead, they may occur when an individual facility is noncompliant with the standards of humane care, handling, and transportation. Regulated entities are required to comply with the standards associated with their license or registration. Based on the frequency of inspections for facilities, potential environmental impacts resulting from noncompliance are expected to be localized to a specific site, short-term in duration, and completely mitigated by the corrective actions of the facility to comply with the regulations. We carefully considered the suggestion that a programmatic assessment is necessary, and find changes to the NEPA regulations are not the correct place to address these concerns. Programmatic reviews precede proposed changes to topic-specific regulations as they occur.

HSUS said that common aerosols associated with feces and urine at puppy mills that impact air quality the most are ammonia, hydrogen sulfide, methane, and carbon dioxide. They further pointed out that dogs themselves also produce methane, a potent greenhouse gas, and these combined emissions pose a serious environmental threat. Additionally, they stated that vehicle emissions from animal transporters compound this threat and should be taken into consideration, arguing that while very little is known about the bacterial and particulate emissions of animal transport vehicles which travel across the United States, they undoubtedly emit tons of harmful gases and particulates into the air while traveling between breeder and broker or pet shop.

As stated previously, APHIS' authority under the AWA is limited to the issuance of licenses, which is an administrative act with no environmental implications. EPA, not

APHIS, has authority to regulate waste materials, disposal, and emissions.

HSUS also said that decomposition of dead dogs at commercial breeding operations can contribute to soil, air, and water pollution. They stated that improper mortality management can lead to environmental contamination and claimed that dead dogs have been found scattered or improperly disposed of at a number of USDA licensed facilities.

The AWA regulations in 9 CFR 3.1(f) require facilities with dogs to properly dispose of waste and dead animals in a manner that minimizes contamination and disease risks. APHIS standards (9 CFR part 3) are established by species, and do not differ by licensee or registrant. Beyond that, State and local laws determine how dead animals are disposed of within any given jurisdiction, and APHIS works with local jurisdictions during emergencies. If a mass animal health event were to lead to high mortality levels, then APHIS would likely be involved in the disposal of those carcasses as part of a joint local, State, and Federal emergency response effort.

HSUS identified noise pollution as another environmental harm associated with large-scale commercial dog breeders. They claimed that barking dogs can reach decibel levels on par with abrasive blasting or demolition at a construction site or even an ambulance siren and recommended that noise studies, as commonly performed by many localities, should be incorporated into EAs of commercial breeding operations.

As the commenter correctly points out, localities vary in their approaches to the regulation of noise. We believe that local and State regulators are better situated to assess and regulate ambient noise standards, which are then applicable to all residents of that jurisdiction.

HSUS stated that, even if an EIS is not automatically warranted in most cases, large-scale commercial breeding operations raise enough environmental concerns that APHIS should routinely be preparing EAs prior to issuing a new license for a breeding facility.

Applicants, excepting those whose operations meet the *de minimis* standards set out by APHIS, must demonstrate compliance with the AWA and its regulations in order to receive a license. The regulations establish specifications for the humane handling, care, treatment, and transportation of the species. While it is possible the regulations may change based on public comments we receive as we consider modifying program-specific rules, this

NEPA implementing regulation is not the correct place to consider this issue. We ensure appropriate NEPA documentation is prepared for all of our proposed actions. That may take the form of a categorical exclusion, an EA, or an EIS.

Miscellaneous Changes

We are changing all references to the “administrative record” to references to the “record” because the term “administrative record” is not the accurate use of a legal term of art.

We are also making several minor edits to improve the clarity, focus, and brevity of the regulations overall.

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

Executive Orders 12866, 13563, 13771, and Regulatory Flexibility Act

This final rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

This final rule is expected to be an Executive Order 13771 deregulatory action as it imposes no additional costs on affected entities and individuals, and will likely benefit those businesses and individuals regulated by APHIS that participate in the NEPA process.

We have prepared an economic analysis for this rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also examines the potential economic effects of this rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. Copies of the full analysis are available on the *Regulations.gov* website (see footnote 1 in this document for a link to *Regulations.gov*) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

The rule amends the APHIS regulations that set forth the procedures for implementing NEPA. The amendments to the regulations are designed to improve the clarity and

effectiveness of the procedures for implementing NEPA, such as by providing new examples for when we will complete an environmental impact statement or an environmental analysis for an action and outlining an environmental documentation process to be used in emergencies.

APHIS has determined that the rule will not have a significant economic impact on a substantial number of small entities. Some entities will experience time and money savings, but the savings will benefit only a few entities each year. The rule will also serve to clarify the regulations and make the NEPA process more transparent. These actions, although beneficial, are not expected to have a significant economic impact on affected entities. The rule imposes no additional costs on affected entities and individuals or on APHIS.

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

Executive Order 12372

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

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

APHIS has assessed the impact of this rule and determined that this rule does not, to our knowledge, have Tribal implications that require tribal consultation under Executive Order 13175.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations

that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

This final rule revises the regulations that guide APHIS employees in NEPA analysis and documentation for animal and plant health management, wildlife damage management, and animal welfare management activities. CEQ regulations do not require agencies to prepare a NEPA analysis or document before establishing agency procedures that supplement the CEQ regulations for implementing NEPA, and thus no NEPA document was prepared for this final rule. Agencies are required to adopt NEPA procedures that establish specific criteria for, and identification of, three categories of actions: Those that require preparation of an EIS; those that require preparation of an EA; and those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). Agency NEPA procedures assist agencies in the fulfillment of agency responsibilities under NEPA, but are not the agency’s final determination of what level of NEPA analysis is required for a particular proposed action. The requirements for establishing agency NEPA procedures are set forth at 40 CFR 1505.1 and 1507.3.

Paperwork Reduction Act

This final rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 372

Administrative practice and procedure, Environmental assessment, Environmental impact statement, National Environmental Policy Act.

Accordingly, we are amending 7 CFR part 372 as follows:

PART 372—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 4321 *et seq.*; 40 CFR 1500–1508; 7 CFR 1b, 2.22, 2.80, and 371.9.

§ 372.1 [Amended]

■ 2. Section 372.1 is amended by adding the word “(NEPA)” after the word “Act” the first time it occurs and by removing the second and third occurrences of the words “the National Environmental Policy Act” and adding the word “NEPA” in their place.

■ 3. Section 372.3 is revised to read as follows:

§ 372.3 Information and assistance.

Information, including the status of studies, and the availability of reference materials, as well as the informal interpretations of APHIS' NEPA procedures and other forms of assistance, will be made available upon request to the APHIS NEPA contact at: Policy and Program Development, APHIS, USDA, Attention: NEPA Contact, 4700 River Road Unit 149, Riverdale, MD 20737-1238, (301) 851-3043.

■ 4. Section 372.4 is amended as follows:

■ a. In the introductory text, by adding the words "and definitions" after the word "terminology" and by removing the word "is" and adding the word "are" in its place; and

■ b. By revising the definitions of decisionmaker and environmental unit.

The revisions read as follows:

§ 372.4 Definitions.

* * * * *

Decisionmaker. The agency official responsible for signing the document based on a categorical exclusion or findings of no significant impact (FONSI) and environmental assessment or the record of decision following the environmental impact statement (EIS) process.

* * * * *

Environmental unit. The analytical unit in Policy and Program Development responsible for coordinating APHIS' compliance with NEPA and other environmental laws and regulations.

■ 5. Section 372.5 is amended as follows:

■ a. By revising the introductory text of paragraph (b);

■ b. In paragraph (b)(1)(i), by adding the word "and" after the semicolon;

■ c. In paragraphs (b)(1)(ii) and (b)(3), by removing the words " , except for actions that are categorically excluded, as provided in paragraph (c) of this section";

■ d. By revising paragraph (b)(4);

■ e. By redesignating paragraph (b)(5) as paragraph (b)(6) and adding a new paragraph (b)(5);

■ f. By revising newly redesignated paragraph (b)(6);

■ g. By adding paragraph (b)(7);

■ h. By revising paragraphs (c)(1)(ii)(B), (c)(2), and (c)(3)(i);

■ i. By redesignating paragraphs (c)(3)(ii) and (iii) as paragraphs (c)(3)(iii) and (iv), respectively;

■ j. By adding a new paragraph (c)(3)(ii);

■ k. By revising paragraph (c)(4);

■ l. By adding paragraph (c)(5);

■ m. In paragraph (d)(2), by adding the word "or" after the semicolon; and

■ n. By removing paragraph (d)(3) and redesignating paragraph (d)(4) as paragraph (d)(3).

The additions and revisions read as follows:

§ 372.5 Classification of actions.

* * * * *

(b) Actions normally requiring environmental assessments but not necessarily environmental impact statements. This class of APHIS actions may involve the agency as a whole or an entire program, but generally is related to a more discrete program component and is characterized by its limited scope (particular sites, species, or activities) and potential effect (impacting relatively few environmental values or systems). Potential environmental impacts associated with the proposed action are not considered potentially significant at the outset of the planning process. Any effects of the action on environmental resources (such as air, water, soil, plant communities, animal populations, or others) or indicators (such as dissolved oxygen content of water) can be reasonably identified, and mitigation measures are generally available and have been successfully employed. Unless the actions are categorically excluded as provided in paragraph (c) of this section, actions in this class include:

* * * * *

(4) Approvals and issuance of permits for proposals involving regulated genetically engineered organisms or products, or regulated nonindigenous species.

(5) Programs or statewide activities to reduce damage or harm by a specific wildlife species or group of species, such as deer or birds, or to reduce a specific type of damage or harm, such as protection of agriculture from wildlife depredation and disease; for the management of rabies in wildlife; or for the protection of threatened or endangered species.

(6) Research or testing that will be conducted outside of a laboratory or other containment area or reaches a stage of development (e.g., formulation of premarketing strategies) that forecasts an irretrievable commitment to the resulting products or technology.

(7) Determination of nonregulated status for genetically engineered organisms.

(c) * * *

(1) * * *

(ii) * * *

(B) Use of vaccinations or inoculations including new vaccines (e.g., genetically engineered vaccines) and applications of existing vaccines to new species provided that the project is conducted in a controlled and limited manner, and the impacts of the vaccine can be predicted; and

* * * * *

(2) Research and development activities. (i) Activities limited in magnitude, frequency, and scope that occur in laboratories, facilities, pens, or field sites. Examples are:

(A) Vaccination trials that occur on groups of animals in areas designed to limit interaction with similar animals, or include other controls needed to mitigate potential risk.

(B) Laboratory research involving the evaluation and use of chemicals in a manner not specifically listed on the product label pursuant to applicable Federal authorizations.

(C) The development and/or production (including formulation, packaging or repackaging, movement, and distribution) of articles such as program materials, devices, reagents, and biologics that were approved and/or licensed in accordance with existing regulations, or that are for evaluation in confined animal, plant, or insect populations under conditions that prevent exposure to the general population.

(D) Research evaluating wildlife management products or tools, such as animal repellents, frightening devices, or fencing, that is carried out in a manner and area designed to eliminate the potential for harmful environmental effects and in accordance with applicable regulatory requirements.

(ii) Development, production, and release of sterile insects.

(3) * * *

(i) Issuance of a license, permit, authorization, or approval to ship or field test previously unlicensed veterinary biologics, including veterinary biologics containing genetically engineered organisms (such as vector-based vaccines and nucleic acid-based vaccines);

(ii) Issuance of a license, permit, authorization, or approval for movement or uses of pure cultures of organisms (relatively free of extraneous microorganisms and extraneous material) that are not strains of quarantine concern and occur, or are likely to occur, in a State's environment; or

* * * * *

(4) Extending deregulations for genetically engineered organisms. Extension of nonregulated status under part 340 of this chapter to organisms similar to those already deregulated.

(5) *Minor renovation, improvement, and maintenance of facilities.* Examples are:

- (i) Renovation of existing laboratories and other facilities.
- (ii) Functional replacement of parts and equipment.
- (iii) Minor additions to existing facilities.
- (iv) Minor excavations of land and repairs to properties.

* * * * *

§ 372.6 [Removed]

■ 7. Section 372.6 is removed.

§§ 372.7 through 372.10 [Redesignated as §§ 372.6 through 372.9]

- 8. Sections 372.7 through 372.10 are redesignated as §§ 372.6 through 372.9, respectively.
- 9. Newly redesignated § 372.6 is revised to read as follows:

§ 372.6 Early planning.

Prospective applicants are encouraged to contact APHIS program officials to determine what types of environmental analyses or documentation, if any, need to be prepared.

■ 10. Newly redesignated § 372.7 is amended by revising the section heading and paragraph (b)(4) to read as follows:

§ 372.7 Planning and decision points and public involvement.

* * * * *

(b) * * *

(4) All environmental documents and comments received will be made available to the public via *Regulations.gov*.

- 11. Newly redesignated § 372.8 is amended as follows:
 - a. In paragraph (a) introductory text, by adding a sentence at the end of the paragraph;
 - b. In paragraph (a)(1), by removing the citation “§ 372.8” and adding the citation “§ 372.7” in its place; and
 - c. By revising paragraph (a)(3).

The addition and revision read as follows:

§ 372.8 Processing and use of environmental documents.

(a) * * * This determination is based on information provided in the NEPA document and available in the record.

* * * * *

(3) Changes to environmental assessments and findings of no significant impact that are prompted by comments, new information, or any other source, will normally be announced in the same manner as the notice of availability prior to implementing the proposed action or

any alternative. APHIS will mail notice upon request.

* * * * *

§ 372.9 [Amended]

- 12. Newly redesignated § 372.9 is amended by removing the second sentence and the word “administrative” in the last sentence.
- 13. A new § 372.10 is added to read as follows:

§ 372.10 Process for rapid response to emergencies.

When it is determined (by the Administrator or the delegated Agency official responsible for environmental review) that an emergency exists that requires immediate action before preparing and completing the usual NEPA review, then the provisions of this section apply.

(a) The Administrator or the delegated Agency official responsible for environmental review may take actions that are necessary to control the immediate impacts of the emergency and that are urgently needed to prevent imminent damage to public health or safety, or prevent threats to valuable resources. When taking such actions, the Administrator or the delegated Agency official responsible for environmental review will consider the probable environmental consequences of the emergency action and mitigate foreseeable adverse environmental effects to the extent practicable.

(b) If a proposed emergency action is normally analyzed in an environmental assessment as described in § 372.5 and the nature and scope of proposed emergency actions are such that there is insufficient time to prepare an EA and FONSI before commencing the proposed action, the Administrator shall consult with APHIS’ Chief of Environmental and Risk Analysis Services about alternative arrangements for NEPA compliance. APHIS’ Chief of Environmental and Risk Analysis Services may authorize emergency alternative arrangements for completing the required NEPA compliance documentation. Any alternative arrangements must be documented and notice of their use provided to CEQ.

(c) If a proposed emergency action is likely to result in significant environmental impacts, then APHIS will immediately consult with CEQ and request alternative arrangements in accordance with CEQ regulations at 40 CFR 1506.11. Such alternative arrangements will apply only to the proposed actions necessary to control the immediate impacts of the emergency. Other proposed actions remain subject to NEPA analysis and

documentation in accordance with the CEQ regulations and these regulations.

Done in Washington, DC, this 18th day of May 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018–11083 Filed 5–23–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1773

RIN 0572–AC33

Policy on Audits of RUS Borrowers and Grantees

AGENCY: Rural Utilities Service, USDA.

ACTION: Final rule with request for comment; correction; delay of effective date; extension of comment period.

SUMMARY: The Rural Utilities Service (RUS) is correcting a final rule with request for comment that appeared in the **Federal Register** on May 7, 2018, and is extending the comment period and delaying the effective date. The document amended regulations regarding its Policy on Audits to incorporate 2011 revisions to the Generally Accepted Government Auditing Standards (GAGAS) issued by the Government Accountability Office (GAO), the clarified audit standards issued by the American Institute of Certified Public Accountants (AICPA) in 2011, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F, Audit Requirements, issued by the Office of Management and Budget on December 26, 2013, and adopted by USDA on December 26, 2014. The document also expanded and clarified the regulations to: Include grant recipients, amend peer review requirements, amend reporting requirements, expand the options for the electronic filing of audits, and clarify a number of existing audit requirements, and amended the title to reflect this change.

DATES:

Effective Dates: The correction is effective May 24, 2018. The effective date for the final rule published in the **Federal Register** on Monday, May 7, 2018 (83 FR 19905), is delayed from July 6, 2018, to July 23, 2018.

Applicability Date: The final rule published in the **Federal Register** on Monday, May 7, 2018 (83 FR 19905), is applicable for financial audits for

periods ending on or after December 15, 2018.

Comment Date: The comment due date for the final rule published in the **Federal Register** on Monday, May 7, 2018 (83 FR 19905), is extended. Comments must be received by RUS on or before June 22, 2018.

ADDRESSES: Submit comments by either of the following methods:

- Federal eRulemaking Portal at <https://www.regulations.gov/>. Follow instructions for submitting comments. The Federal Docket Management System (FDMS) number is RUS-17-Agency-0001.

- *Postal Mail/Commercial Delivery:* Please send your comments addressed to Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1522, Room 5164-S, Washington, DC 20250-1522.

Additional information about Rural Development and its programs is available on the internet at <https://www.rd.usda.gov/>.

FOR FURTHER INFORMATION CONTACT: William Chris Colberg, Acting Chief, Technical Accounting and Auditing Staff, Program Accounting Services Division, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Avenue SW, STOP 1523, Washington, DC 20250-1523. Telephone: (202) 720-1905.

SUPPLEMENTARY INFORMATION: In FR Doc. 2018-09501, appearing on page 19906 in the **Federal Register** of Monday, May 7, 2018, the following correction is made:

Background [Corrected]

On page 19906, in the third column, the Uniform Resource Locator (URL) "<https://www.rd.usda.gov/publications/regulations-guidelines/rural-utilities-service-audit>" is corrected to read "<https://www.rd.usda.gov/publications/regulations-guidelines/bulletins/program-accounting>".

Dated: May 18, 2018.

Kenneth L. Johnson,
Administrator, Rural Utilities Service.
[FR Doc. 2018-11108 Filed 5-23-18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2017-0530; Product Identifier 2017-NM-012-AD; Amendment 39-19271; AD 2018-09-14]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016-11-02, which applied to all Bombardier, Inc., Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL-600-2D15 (Regional Jet Series 705) airplanes; Model CL-600-2D24 (Regional Jet Series 900) airplanes; and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. AD 2016-11-02 required repetitive inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair if necessary. This AD continues to require the repetitive inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair if necessary. This AD also requires replacement of affected fasteners, which terminates the inspections. This AD was prompted by reports of loose or missing fasteners and collars on the upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective June 28, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of June 28, 2018.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of June 10, 2016 (81 FR 33371, May 26, 2016).

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514 855-7401; email thd.crj@aero.bombardier.com;

internet <http://www.bombardier.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th Street, Des Moines,

WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0530.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0530; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800-647-5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7329; fax 516-794-5531.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016-11-02, Amendment 39-18529 (81 FR 33371, May 26, 2016) ("AD 2016-11-02"). AD 2016-11-02 applied to all Bombardier, Inc., Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL-600-2D15 (Regional Jet Series 705) airplanes; Model CL-600-2D24 (Regional Jet Series 900) airplanes; and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on June 12, 2017 (82 FR 26864). The NPRM was prompted by reports of loose or missing fasteners and collars on the upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. The NPRM proposed to continue to require the repetitive inspections of the upper and lower engine pylons for protruding, loose, or missing fasteners; and repair if necessary. The NPRM also proposed to require replacement of affected fasteners, which terminates the inspections. We are issuing this AD to prevent protruding, loose, or missing fasteners, which could result in structural failure of the engine pylons.

Transport Canada Civil Aviation (TCCA), which is the aviation authority

for Canada, has issued Canadian Airworthiness Directive CF-2016-10R1, dated July 8, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Bombardier, Inc., Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL-600-2D15 (Regional Jet Series 705) airplanes; Model CL-600-2D24 (Regional Jet Series 900) airplanes; and Model CL-600-2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

There have been several reported findings of loose or missing Hi-Lite fasteners and collars on the left hand (L/H) and right hand (R/H) upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. Missing fasteners in these areas are shown to significantly reduce the safety margins and could result in a structural failure of the engine pylon.

Bombardier, as an interim corrective action issued a new Aircraft Maintenance Manual (AMM) task for detailed inspection of the engine pylon rib and skin fasteners to inspect for protruding, loose or missing fasteners and rectify any discrepancies noted in accordance with a Repair Engineering Order (REO). The original version of this [Canadian] AD, CF-2016-10, mandated the subject inspection and necessary rectification.

Bombardier has since issued Service Bulletin (SB) 670BA-54-007 to replace all affected fasteners with interference fit fasteners [including applicable related investigative and corrective actions], as terminating action for the mandated inspection requirement. [Canadian] AD CF-2016-10 is now being revised to mandate compliance with SB 670BA-54-007.

Related investigative actions include measurements of the attach holes in the engine pylon upper structure and special detailed visual inspections for cracks in the engine pylon structure. Corrective actions include repair. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0530.

You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0530.

Comments

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

Request To Include Additional Service Information in Credit Paragraph

Mesa Airlines suggested that Bombardier Service Bulletin 670BA-54-

007, dated May 13, 2016, be included in paragraph (l), “Credit for Previous Actions,” of the proposed AD. The commenter did not provide justification for its request. We infer that the commenter made this request to provide credit for operators that completed the actions in Bombardier Service Bulletin 670BA-54-007, dated May 13, 2016, prior to the effective date of the proposed AD.

We do not agree that the commenter’s requested change is needed. Paragraph (f) of this AD states that the actions specified in this AD must be accomplished “unless already done.” The phrase “unless already done” provides credit for accomplishment of the actions required by paragraph (j) of this AD, if done in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA-54-007, dated May 13, 2016, prior to the effective date of this AD. Therefore, we have not changed this AD in this regard.

Request To Revise Paragraph (g) of the Proposed AD To Require Airplane Maintenance Manual Task

Bombardier requested that Task 54-51-01-220-801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 Aircraft Maintenance Manual (AMM), be required by paragraph (g) of the proposed AD in lieu of Bombardier Temporary Revision (TR) 54-0007, dated March 8, 2016, to the CRJ700/900/1000 AMM. The commenter stated that Bombardier TR 54-0007 was incorporated into Revision 52 of the Bombardier CRJ700/900/1000 AMM, and that the AMM is currently at Revision 56.

We partially agree with the commenter’s request. We agree to include Task 54-51-01-220-801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 AMM as a method of compliance in paragraph (g) of this AD, but we do not agree to remove Bombardier TR 54-0007, dated March 8, 2016, to the Bombardier CRJ700/900/1000 AMM. We have revised paragraph (g) of this AD to include both Task 54-51-01-220-801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 AMM, CSP B-001, Revision 56, dated September 25, 2017; and Bombardier TR 54-0007, dated March 8, 2016. This revision provides operators with an option to use either service document to accomplish the required action.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously and minor editorial changes. We have determined that these changes:

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

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this AD.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., issued Service Bulletin 670BA-54-007, dated May 13, 2016. This service information describes procedures for replacing fasteners and collars, including applicable related investigative and corrective actions.

Bombardier, Inc., also issued Repair Engineering Order 670-54-51-034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088—FS 1098, PBL 69.3 L & RHS,” Revision A, dated April 20, 2016. This service information describes procedures for repair, including applicable related investigative and corrective actions.

In addition, Bombardier, Inc., issued TR 54-0007, dated March 8, 2016, to the CRJ700/900/1000 AMM; and Task 54-51-01-220-801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 AMM, CSP B-001, Revision 56, dated September 25, 2017. This service information describes procedures for a detailed visual inspection for protruding, loose, or missing fasteners of the left-hand and right-hand upper and lower engine pylons. The content of these documents is nearly identical, except for labels on the figures; we have chosen to incorporate both documents by reference so that either may be used to comply with certain requirements of this AD.

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

Costs of Compliance

We estimate that this AD affects 273 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained from AD 2016–11–02).	1 work-hour × \$85 per hour = \$85 per inspection cycle.	\$0	\$85 per inspection cycle.	\$23,205 per inspection cycle.
Replacement (new action).	43 work-hours × \$85 per hour = \$3,655 per inspection cycle.	1,808	\$5,463 per inspection cycle.	\$1,491,399 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Repair (retained from AD 2016–11–02).	Up to 32 work-hours × \$85 per hour = \$2,720	(¹)	Up to \$2,720.

¹ We have received no definitive data that will enable us to provide cost estimates for the parts cost specified in this AD for the on-condition repairs.

Authority for This Rulemaking

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

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

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

Regulatory Findings

We determined that this AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between

the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–11–02, Amendment 39–18529 (81 FR 33371, May 26, 2016), and adding the following new AD:

2018–09–14 Bombardier, Inc.: Amendment 39–19271; Docket No. FAA–2017–0530; Product Identifier 2017–NM–012–AD.

(a) Effective Date

This AD is effective June 28, 2018.

(b) Affected ADs

This AD replaces AD 2016–11–02, Amendment 39–18529 (81 FR 33371, May 26, 2016) (“AD 2016–11–02”).

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(4) of this AD, certificated in any category.

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers (S/Ns) 10002 through 10344 inclusive.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) airplanes, S/Ns 15001 through 15388 inclusive, 15391, 15392, and 15395.

(3) Bombardier, Inc., Model CL–600–2D24 (Regional Jet Series 900) airplanes, S/Ns 15001 through 15388 inclusive, 15391, 15392, and 15395.

(4) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, S/Ns 19001 through 19044 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/Pylons.

(e) Reason

This AD was prompted by reports of loose or missing fasteners and collars on the upper and lower engine pylon structure common to the upper and lower pylon skin panels and engine thrust fitting. We are issuing this AD to prevent protruding, loose, or missing fasteners, which could result in structural failure of the engine pylons.

(f) Compliance

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

(g) Retained Inspection, With a Reference To Terminating Action and Additional Service Information

This paragraph restates the requirements of paragraph (g) of AD 2016–11–02, with a reference to new terminating action and additional service information. At the applicable time specified in paragraph (g)(1) or (g)(2) of this AD: Do a detailed visual inspection for protruding, loose, or missing fasteners of the upper and lower engine pylons, in accordance with Bombardier Temporary Revision 54–0007, dated March 8, 2016, to the CRJ700/900/1000 Aircraft Maintenance Manual; or Task 54–51–01–220–801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 Aircraft Maintenance Manual, CSP B–001, Revision 56, dated September 25, 2017. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours. Accomplishment of the replacement required by paragraph (j) of this AD is terminating action for the inspections required by this paragraph.

(1) For airplanes that have accumulated more than 840 total flight hours as of June 10, 2016 (the effective date of AD 2016–11–02): Inspect within 660 flight hours or 3 months, whichever occurs first, after June 10, 2016.

(2) For airplanes that have accumulated 840 total flight hours or less as of June 10, 2016 (the effective date of AD 2016–11–02): Inspect before the accumulation of 1,500 total flight hours.

(h) Retained Repair, With New Service Information and Contact Information

This paragraph restates the requirements of paragraph (h) of AD 2016–11–02, with new service information and contact information. If any protruding, loose, or missing fastener is found during any inspection required by paragraph (g) of this AD, before further flight, repair, including applicable related investigative and corrective actions, in accordance with Bombardier Repair Engineering Order (REO) 670–54–51–034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,” dated March 7, 2016, or Revision A, dated April 20, 2016; except where Bombardier REO 670–54–51–034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,” dated March 7, 2016, or Revision A, dated April 20, 2016; specifies to contact Bombardier for further instruction, before further flight, repair using a method approved by the Manager, FAA, New York ACO Branch; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.’s TCCA Design Approval Organization (DAO). As of the effective date of this AD, use Bombardier REO 670–54–51–034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,” Revision A, dated April 20, 2016, for the actions required by this paragraph.

(i) Retained Credit for Previous Actions, With No Changes

This paragraph restates paragraph (i) of AD 2016–11–02, with no changes. This paragraph provides credit only for the initial inspection specified in paragraph (g) of this AD, if that action was performed before June 10, 2016 (the effective date of AD 2016–11–02) using Bombardier Reference Instruction Letter 4212, dated December 23, 2015; or Bombardier Reference Instruction Letter 4212A, Revision A, dated January 28, 2016. These documents are not incorporated by reference in this AD.

(j) New Requirements of This AD: Fastener and Collar Replacement

Within 12,600 flight hours or 72 months after the effective date of this AD, whichever occurs first: Replace affected fasteners and collars, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–54–007, dated May 13, 2016. Where Bombardier Service Bulletin 670BA–54–007, dated May 13, 2016, specifies to contact Bombardier for appropriate action: Before further flight, accomplish the applicable corrective action in accordance with the procedures specified in paragraph (m)(2) of this AD.

(k) Terminating Action for the Introductory Text of Paragraph (g) of This AD

Accomplishing the replacement required by paragraph (j) of this AD constitutes terminating action for the inspections required by the introductory text of paragraph (g) of this AD.

(l) Credit for Previous Actions

(1) This paragraph provides credit for the actions specified in paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Bombardier REO 670–54–51–034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,” dated March 7, 2016. This document was incorporated by reference in AD 2016–11–02.

(2) This paragraph provides credit for the actions specified in paragraph (j) of this AD, if those actions were performed before the effective date of this AD using Bombardier REO 670–54–51–035, “Permanent Repair for Clearance Fit Installed (–8) Size Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS & Terminating Action for GREO 670–54–51–034,” dated April 20, 2016. This document is not incorporated by reference in this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, FAA, New York ACO Branch, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly

to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531.

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

(ii) AMOCs approved previously for AD 2016–11–02 are acceptable for the corresponding provisions of this AD.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, FAA, New York ACO Branch; or TCCA; or Bombardier, Inc.’s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2016–10R1, dated July 8, 2016, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0530.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (o)(5) and (o)(6) of this AD.

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on June 28, 2018.

(i) Bombardier Repair Engineering Order 670–54–51–034, “Repair for Missing or Loose/Protruding Fasteners in Upper and Lower Pylon Skins FS 1088–FS 1098, PBL 69.3 L & RHS,” Revision A, dated April 20, 2016.

(ii) Bombardier Service Bulletin 670BA–54–007, dated May 13, 2016.

(iii) Task 54–51–01–220–801, “Detailed Inspection of the Engine Pylon Rib and Skin Fasteners,” to Chapter 54, “Nacelle/Pylons,” to Part 2 of the Bombardier CRJ700/900/1000 Aircraft Maintenance Manual, CSP B–001, Revision 56, dated September 25, 2017.

(4) The following service information was approved for IBR on June 10, 2016 (81 FR 33371, May 26, 2016).

(i) Bombardier Temporary Revision 54–0007, dated March 8, 2016, to the CRJ700/900/1000 Aircraft Maintenance Manual.

(ii) Reserved.

(5) For service information identified in this AD, contact Bombardier, Inc., 400 Côte

Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514-855-5000; fax 514 855-7401; email thd.crj@aero.bombardier.com; internet <http://www.bombardier.com>.

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

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

Issued in Des Moines, Washington, on April 27, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018-09863 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2018-0463; Product Identifier 2018-CE-021-AD; Amendment 39-19293; AD 2018-11-05]

RIN 2120-AA64

Airworthiness Directives; Honda Aircraft Company LLC Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Airworthiness Directive (AD) 2018-06-10 for certain Honda Aircraft Company LLC Model HA-420 airplanes. AD 2018-06-10 required incorporating a temporary revision into the airplane flight manual and replacing faulty power brake valves upon condition. This AD retains the actions required in AD 2018-06-10 and adds airplanes to the Applicability section. This AD was prompted by an inadvertent mistake in the serial number applicability (both in the service bulletin and in the AD). We are issuing this AD to address the unsafe condition on these products by correcting the inadvertent serial number error.

DATES: This AD is effective May 29, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of May 29, 2018.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of April 13, 2018 (83 FR 13401, March 29, 2018).

We must receive any comments on this AD by July 9, 2018.

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

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

For service information identified in this final rule, contact Honda Aircraft Company LLC, 6430 Ballinger Road, Greensboro, North Carolina 27410; telephone (336) 662-0246; internet: <http://www.hondajet.com>. You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0463.

Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0463; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is listed above. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Samuel Kovitch, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474-5570; fax: (404) 474-5605; email: samuel.kovitch@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

We issued AD 2018-06-10, Amendment 39-19230 (83 FR 13401, March 29, 2018), (“AD 2018-06-10”), for certain Honda Aircraft Company LLC Model HA-420 airplanes. AD 2018-06-10 required incorporating a temporary revision into the airplane flight manual and replacing faulty power brake valves upon condition. AD 2018-06-10 resulted from reports of unannounced asymmetric braking during ground operations and landing deceleration. We issued AD 2018-06-10 to detect failure of the power brake valve. The unsafe condition, if not addressed, could result in degraded braking performance and reduced directional control during ground operations and landing deceleration.

Actions Since AD 2018-06-10 was Issued

Since we issued AD 2018-06-10, we were notified by Honda Aircraft Company that Service Bulletin SB-420-32-001, dated January 8, 2018, contains a typographical error in the serial number effectivity, which was also used as the basis for the Applicability section of AD 2018-06-10. The service bulletin incorrectly listed the applicable Model HA-420 airplane serial number effectivity as 42000011 through 4200089 instead of 42000011 through 42000089. We are issuing this AD to address the unsafe condition on these products by correcting the inadvertent serial number error.

Related Service Information Under 14 CFR Part 51

We reviewed Honda Aircraft Company Service Bulletin SB-420-32-001, Revision B, dated April 16, 2018. The service information describes procedures for replacing a defective PBV with an improved design PBV. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are issuing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

AD Requirements

This AD requires inserting a temporary revision into the AFM, which may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the airplane records showing

compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439. This AD also requires replacing the installed PBV, P/N HJ1–13243–101–005 or P/N HJ1–13243–101–007, with an improved PBV, P/N HJ1–13243–101–009, if a defective PBV is detected during the required pilot checks as specified in the temporary revision. In addition, this AD provides an optional terminating action for the temporary revision into the AFM by replacing the installed PBV with the improved PBV, P/N HJ1–13243–101–009.

Interim Action

We consider this AD interim action. We are currently considering requiring replacement of the installed PBV, P/N HJ1–13243–101–005 or P/N HJ1–13243–101–007, with an improved part, which will constitute terminating action for the temporary revision to the AFM. However, the planned compliance time for the replacement of the PBV would allow enough time to provide notice and

opportunity for prior comment on the merit of the replacement.

FAA’s Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of the PBV could cause degraded braking performance and reduced directional control during ground operations and landing deceleration. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your

comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA–2018–0463 and product identifier 2018–CE–021–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects 72 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Insert temporary revision into the airplane flight manual ..	1 work-hour × \$85 per hour = \$85.	Not applicable	\$85	\$6,120

We estimate the following costs to do any necessary replacements that would be required based on the results of the

pilot check of the braking system during ground operations before every flight and before every landing. We have no

way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace the power brake valve	20 work-hours × \$85 per hour = \$1,700.	\$21,878	\$23,578

Since the addition of airplanes to the Applicability section is based on a typographical error in the manufacturer’s service information, all affected airplanes were previously accounted for in the cost estimate of AD 2018–06–10. There is no change to this Cost of Compliance section.

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service,

as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on

the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),
- (3) Will not affect intrastate aviation in Alaska, and
- (4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2018–06–10, Amendment 39–19230 (83 FR 13401, March 29, 2018) and adding the following new AD:

2018–11–05 Honda Aircraft Company LLC: Amendment 39–19293; Docket No. FAA–2018–0463; Product Identifier 2018–CE–021–AD.

(a) Effective Date

This AD is effective May 29, 2018.

(b) Affected ADs

This AD replaces AD 2018–06–10, Amendment 39–19230 (83 FR 13401, March 29, 2018), (“AD 2018–06–10”).

(c) Applicability

This AD applies to Honda Aircraft Company LLC Model HA–420 airplanes, serial numbers 42000011 through 42000089, that:

- (1) have power brake valve, part number (P/N) HJ1–13243–101–005 or HJ1–13243–101–007, installed; and
- (2) are certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 32, Landing Gear.

(e) Unsafe Condition

This AD was prompted by reports of unannounced asymmetric braking during ground operations and landing deceleration. We are issuing this AD to detect failure of the power brake valve and to correct the inadvertent serial number error in AD 2018–06–10. The unsafe condition, if not addressed, could result in degraded braking performance and reduced directional control during ground operations and landing deceleration.

(f) Compliance

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

(g) Insert Temporary Revision Into the Airplane Flight Manual (AFM)

Before further flight after May 29, 2018 (the effective date of this AD) insert Honda Aircraft Company Temporary Revision TR 01.1, dated February 16, 2018, into the Honda Aircraft Company (Honda) HA–420 Airplane Flight Manual (AFM) (“the temporary revision”). This insertion and the steps therein may be performed by the owner/operator (pilot) holding at least a private pilot certificate and must be entered into the airplane records showing compliance with this AD in accordance with 14 CFR 43.9 (a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Replace the Power Brake Valve (PBV)

As of and any time after May 29, 2018 (the effective date of this AD), if any of the procedures listed in the temporary revision referenced in paragraph (g) of this AD reveal a leaking PBV, before further flight, replace the PBV, P/N HJ1–13243–101–005 or P/N HJ1–13243–101–007, with the improved design PBV, P/N HJ1–13243–101–009. Do the replacement using the Accomplishment Instructions in either Honda Service Bulletin SB–420–32–001, dated January 8, 2018, or Revision B, dated April 16, 2018. Before further flight after installing P/N HJ1–13243–101–009, remove the temporary revision from the Honda HA–420 AFM.

(i) No Reporting Requirement

Although Honda Service Bulletin SB–420–32–001, dated January 8, 2018, and Revision B, dated April 16, 2018, specify submitting certain information to the manufacturer, this AD does not require that action.

(j) Optional Terminating Action for Inserting the AFM Temporary Revision/Pilot Checks

(1) Instead of inserting the temporary revision or at any time after inserting the temporary revision required by paragraph (g) of this AD, you may replace the installed PBV, P/N HJ1–13243–101–005 or P/N HJ1–13243–101–007, with the improved design PBV, P/N HJ1–13243–101–009. The replacement must be done using the Accomplishment Instructions in either Honda Service Bulletin SB–420–32–001, dated January 8, 2018, or Revision B, dated April 16, 2018. Before further flight after installing P/N HJ1–13243–101–009, remove

the temporary revision from the Honda HA–420 AFM.

(2) If you choose to follow the temporary revision required by paragraph (g) of this AD instead of the optional replacement in paragraph (j)(1) of this AD, the on-condition replacement required by paragraph (h) of this AD is still required before further flight.

(k) Special Flight Permit

Special flight permits for this AD are prohibited.

(l) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (m) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (l)(3)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with this AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(m) Related Information

For more information about this AD, contact Samuel Kovitch, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5570; fax: (404) 474–5605; email: samuel.kovitch@faa.gov.

(n) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on May 29, 2018.

(i) Honda Aircraft Company Service Bulletin SB–420–32–001, Revision B, dated April 16, 2018.

(ii) Reserved.

(4) The following service information was approved for IBR on April 13, 2018 (83 FR 13401, March 29, 2018).

(i) Honda Aircraft Company Temporary Revision TR 01.1, dated February 16, 2018, to the Honda Aircraft Company HA-420 Airplane Flight Manual.

(ii) Honda Service Bulletin SB-420-32-001, dated January 8, 2018.

(5) For Honda Aircraft Company LLC service information identified in this AD, contact Honda Aircraft Company LLC, 6430 Ballinger Road, Greensboro, North Carolina 27410; telephone (336) 662-0246; internet: <http://www.hondajet.com>.

(6) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

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

Issued in Kansas City, Missouri, on May 17, 2018.

Pat Mullen,

Aircraft Certification Service, Acting Deputy Director, Policy and Innovation Division, AIR-601.

[FR Doc. 2018-11067 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG-2018-0084]

RIN 1625-AA08

Special Local Regulation; Low Country Splash, Wando River, Cooper River, and Charleston Harbor; Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation on the waters of the Wando River, Cooper River, and Charleston Harbor during the Low Country Splash Open Water Swim event. This action is necessary to ensure the safety of event participants and the general public on navigable waters of the United States during the event. This special local regulation prohibits non-participant persons and vessels from entering, transiting through, anchoring in, or remaining within a moving regulated area unless authorized by the Captain of the Port (COTP) Charleston or a designated representative.

DATES: This rule is effective from 7 a.m. until 11 a.m. on May 26, 2018.

ADDRESSES: To view documents mentioned in this preamble as being

available in the docket, go to <http://www.regulations.gov>, type USCG-2018-0084 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this special local regulation on May 26, 2018 and lack sufficient time to publish an NPRM, provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the regulated area until after the date of the swim event and compromise public safety.

For the reason discussed above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority to establish special local regulations in 33 U.S.C. 1231. The Captain of the Port Charleston (COTP) has determined that potential hazards associated with the Low Country Splash Open Swim event presents a safety concern for anyone in the vicinity of the regulated area during the event. This rule is needed to protect participants,

spectators, and the general public in the navigable waters within the regulated area during the Low Country Splash Open Swim event.

IV. Discussion of the Rule

This rule establishes a special local regulation that will encompass certain waters of the Wando River, Cooper River, and Charleston Harbor during the Low Country Splash Open Swim event. The special local regulation will be enforced from 7 a.m. until 11 a.m. on May 26, 2018. This special local regulation will establish a moving regulated area beginning at Daniel Island Pier, south along the coast of Daniel Island, across the Wando River to Hobcaw Yacht Club, south along the coast of Mt. Pleasant, SC, to Charleston Harbor Resort Marina. Within the regulated area, non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area without obtaining permission from the COTP Charleston or a designated representative. Persons and vessels may request authorization to enter, transit through, anchor in, or remain within the regulated areas by contacting the COTP Charleston by telephone at (843) 740-7050, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated areas is granted by the COTP Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the COTP Charleston or a designated representative. The Coast Guard will provide notice of the regulated areas by Local Notice to Mariners, Broadcast Notice to Mariners, or by on-scene designated representatives.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

This regulatory action determination is based on the size, location, duration and time-of-day of the event. Vessel traffic will be able to safely transit around the regulated area during the event, which will impact a small, moving area of the waters of the Wando River, Cooper River, and Charleston Harbor for a period of only four hours. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF-FM marine channel 16 about the zone, and the rule would allow vessels to seek permission from the COTP or a designated representative to enter, transit through, anchor in, or remain within the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the special local regulation area may be small entities, for the reasons stated in V.A. above, this rule would not have a significant impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of

1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade that will prohibit persons and vessels from entering, transiting through, anchoring in, or remaining within a moving regulated area on the waters of the Wando River, Cooper River, and Charleston Harbor. It is categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 33 CFR 1.05–1.

■ 2. Add § 100.T07–0084 to read as follows:

§ 100.T07–0084 Special Local Regulation; Low Country Splash, Wando River, Cooper River, and Charleston Harbor; Charleston, SC.

(a) *Location.* The following regulated area is established as a special local regulation: All waters within a moving zone, beginning at Daniel Island Pier in approximate position 32°51’20” N, 079°54’06” W, south along the coast of Daniel Island, across the Wando River to Hobcaw Yacht Club, in approximate position 32°49’20” N, 079°53’49” W, south along the coast of Mt. Pleasant, S.C., to Charleston Harbor Resort Marina, in approximate position 32°47’20” N, 079°54’39” W. All

coordinates are North American Datum 1983.

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

(c) *Regulations.* (1) All non-participant persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the COTP Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the COTP Charleston by telephone at 843-740-7050, or a designated representative via VHF radio on channel 16, to request authorization.

(3) If authorization to enter, transit through, anchor in, or remain within the regulated area is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Charleston or a designated representative.

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

(d) *Enforcement period.* This rule will be enforced from 7 a.m. until 11 a.m. on May 26, 2018.

Dated: May 18, 2018.

J.W. Reed,

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

[FR Doc. 2018-11144 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0595]

Drawbridge Operation Regulation; Jamaica Bay, Queens, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Marine Parkway (Gil Hodges) Bridge across Jamaica Bay, mile 3.0, at Queens, NY.

This temporary deviation extends the period the bridge may remain in the closed-to-navigation position and is necessary to finalize emergency repairs.

DATES: This deviation is effective from 12:01 a.m. on May 26, 2018, to 11:59 p.m. on June 29, 2018.

ADDRESSES: The docket for this deviation, USCG-2017-0595 is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH”. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: On July 6, 2017, the Coast Guard published a temporary deviation entitled “Drawbridge Operation Regulation; Jamaica Bay, Queens, NY” in the **Federal Register** (82 FR 31255). That deviation allowed the bridge to open with two-hours of advance notice from July 6, 2017 to December 22, 2017. On December 7, 2017, the Coast Guard published a temporary interim rule with request for comments entitled “Drawbridge Operation Regulation; Jamaica Bay, Queens, NY” in the **Federal Register** (82 FR 57674). That temporary interim rule extended the period the bridge may remain in the closed position through May 25, 2018.

The owner of the bridge, the Metropolitan Transportation Authority, requested a second temporary deviation to extend the bridge closure from 12:01 a.m. on May 26, 2018 to 11:59 p.m. on June 29, 2018. This extension is necessary to complete emergency repairs associated with the replacement of lift span machinery that has been delayed by inclement weather.

The Marine Parkway (Gil Hodges) Bridge across Rockaway Inlet, mile 3.0 at Queens, New York is a vertical lift bridge with a vertical clearance of 55 feet at mean high water and 59 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.795(a).

The waterway is transited by seasonal recreational traffic and some commercial vessels. Coordination with waterway users has indicated no objections to the proposed closure of the draw. Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will not be able to open for emergencies. There is no immediate alternate route for vessels

unable to pass through the bridge when in the closed position.

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

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

Dated: May 7, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018-11098 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0695]

RIN 1625-AA09

Drawbridge Operation Regulation; Chambers Bay, Steilacoom, WA

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Chambers Bay railroad lift bridge (Chambers Bay Bridge) across Chambers Bay, mile 0.01, near Steilacoom in Pierce County, WA. The modified schedule removes the bridge operator at the subject drawbridge between the hours of 10 p.m. and 6 a.m. due to minimal usage.

DATES: This rule is effective June 25, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>. Type USCG-2017-0695 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206-220-7282; email d13-pf-d13bridges@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

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

II. Background, Purpose and Legal Basis

On March 12, 2018, we published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Chambers Bay, Steilacoom, WA, in the **Federal Register** (83 FR 10648). We received no comments on this rule. On January 17, 2018 we published in the Local Notice to Mariners an approved temporary deviation for the subject bridge while we processed a permanent regulation change.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. Chambers Bay Bridge across Chambers Bay, mile 0.01, near Steilacoom in Pierce County, WA, is a lift bridge and provides a vertical clearance of 10ft in the closed-to-navigation position, and 50ft of vertical clearance in the open-to-navigation position (reference MHW elevation of 12.2 feet). The subject bridge operates in accordance with 33 CFR 117.5. This rule will be a specific operating rule in Subpart B. This new rule allows BNSF to better balance the needs of marine and rail traffic, and modifies the operating schedule by removing the bridge operator between the evening hours of 10 p.m. and 6 a.m. due to minimal usage. In the last 6 years, only 2% of the subject bridge lifts have occurred between the hours of 10 p.m. and 6 a.m., which equates to approximately 5 openings a year.

IV. Discussion of Comments, Changes and the Final Rule

We provided a comment period of 30 days, and no comments were received. The current rule for the subject bridge is open on demand (33 CFR 117.5). However, this rule will be a new specific regulation in Subpart B. The new rule will authorize BNSF to remove the bridge operator at the Chambers Bay Bridge from 10 p.m. to 6 a.m., but the draw shall open on signal if at least four hours of notice is given. For vessels engaged in emergency response, the draw will be required to open as soon as possible, and no later than one hour after notification.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analysis based on these statutes and Executive Orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance, it is exempt from the requirements of Executive Order 13771. This regulatory action determination is based on the ability that vessels can still transit the bridge given advanced notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We have not received any comments for this rule change.

E. Unfunded Mandates Reform Act

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

received any comments for this rule change.

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321-4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2-1, paragraph (32)(e), of the Instruction. A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05-1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 117.1029 under the center heading “Washington” to read as follows:

§ 117.1029 Chambers Bay.

The draw of the Chambers Bay railroad lift bridge, mile 0.01, at Chambers Bay, shall open on signal except between 10 p.m. to 6 a.m. The draw shall open on signal from 10 p.m. to 6 a.m. when at least four hours of notice has been given via the phone number displayed at the bridge, and as soon as possible, no later than 1 hour after notification, for vessels engaged in emergency response.

David G. Throop,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 2018-11102 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2018-0395]

Safety Zones; Annual Fireworks Displays Within the Sector Columbia River Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce safety zones regulations at various locations in the Sector Columbia River Captain of the Port zone. This action is necessary to provide for the safety of life on these navigable waters during fireworks displays. While these safety zone regulations are subject to enforcement, persons and vessels are prohibited from being in the safety zone unless authorized by the Captain of the Port Sector Columbia River or a designated representative.

DATES: The regulations in 33 CFR 165.1315 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified in this document.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of enforcement, call or email LCDR Laura Springer, Waterways Management Division, Marine Safety Unit Portland, Coast Guard; telephone 503-240-9319, email msupdxwvm@uscg.mil.

SUPPLEMENTARY INFORMATION: These safety zones found in 33 CFR 165.1315 will be activated and thus subject to enforcement at least 1 hour before and 1 hour after the duration of the event each day as listed in the following Table:

TABLE—DATES AND DURATIONS IN 2018 FOR EVENTS LISTED IN 33 CFR 165.1315 AND THE LOCATION OF THESE EVENTS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE

Event name (typically)	Event location	Date and duration of event	Latitude	Longitude
Portland Rose Festival Fireworks	Portland, OR	May 25, 2018, 9:45 p.m. to 10 p.m	45°30'58" N	122°40'12" W
Tri-City Chamber of Commerce Fireworks/River of Fire Festival	Kennewick, WA	July 4, 2018, 10 p.m. to 10:30 p.m	46°13'37" N	119°08'47" W
Astoria-Warrenton 4th of July Fireworks	Astoria, OR	July 4, 2018, 10 p.m. to 10:30 p.m	46°11'34" N	123°49'28" W
Waterfront Blues Festival Fireworks	Portland, OR	July 4, 2018, 10 p.m. to 10:30 p.m	45°30'42" N	122°40'14" W
Florence Independence Day Celebration	Florence, OR	July 4, 2018, 10 p.m. to 10:30 p.m	43°58'09" N	124°05'50" W
Oaks Park Association 4th of July	Portland, OR	July 4, 2018, 10 p.m. to 10:30 p.m	45°28'22" N	122°39'59" W
City of Rainier/Rainier Days	Rainier, OR	July 7, 2018, 10 p.m. to 10:30 p.m	46°05'46" N	122°56'18" W
Splash Aberdeen Waterfront Festival	Aberdeen, WA	July 4, 2018, 10 p.m. to 10:20 p.m	46°58'40" N	123°47'45" W
City of Coos Bay July 4th Celebration/Fireworks Over the Bay	Coos Bay, OR	July 4, 2018, 10 p.m. to 10:30 p.m	43°22'06" N	124°12'24" W
Port of Cascade Locks 4th of July Fireworks	Cascade Locks, OR	July 4, 2018, 10 p.m. to 10:30 p.m	45°40'15" N	121°53'43" W
Clatskanie Heritage Days Fireworks	Clatskanie, OR	July 4, 2018, 10 p.m. to 10:30 p.m	46°6'17" N	123°12'02" W
Washougal 4th of July	Washougal, WA	July 4, 2018, 10 p.m. to 10:30 p.m	45°34'32" N	122°22'53" W
City of St. Helens 4th of July Fireworks	St. Helens, OR	July 4, 2018, 10 p.m. to 10:30 p.m	45°51'54" N	122°47'26" W
Brookings, OR July 4th Fireworks	Milwaukie, OR	July 4, 2018, 10 p.m. to 10:30 p.m	45°27'03" N	122°39'18" W
Hood River 4th of July	Hood River, OR	July 4, 2018, 9:30 p.m. to 11:30 p.m	45°42'58" N	121°30'32" W
Winchester Bay 4th of July Fireworks	Winchester Bay, OR	July 4, 2018, 10 p.m. to 10:30 p.m	43°40'56" N	124°11'13" W
Brookings, OR July 4th Fireworks	Brookings, OR	July 4, 2018, 10:15 p.m. to 10:40 p.m	42°02'39" N	124°16'14" W
Yachats 4th of July	Yachats, OR	July 4, 2018, 10 p.m. to 10:30 p.m	44°18'38" N	124°06'27" W
Lincoln City 4th of July	Lincoln City, OR	July 4, 2018, 10 p.m. to 10:30 p.m	44°55'28" N	124°01'31" W
July 4th Party at the Port of Gold Beach	Gold Beach, OR	July 4, 2018, 10 p.m. to 10:30 p.m	42°25'30" N	124°25'03" W
Huntington 4th of July	Huntington, OR	July 4, 2018, 10 p.m. to 10:30 p.m	44°18'02" N	117°13'33" W
Toledo Summer Festival	Toledo, OR	July 14, 2018, 10 p.m. to 10:30 p.m	44°37'08" N	123°56'24" W
Port Orford 4th of July	Port Orford, OR	July 4, 2018 10 p.m. to 10:30 p.m.	42°44'31" N	124°29'30" W
Roseburg Hometown 4th of July	Roseburg, OR	July 4, 2018, 10 p.m. to 10:30 p.m	43°12'58" N	123°22'10" W

TABLE—DATES AND DURATIONS IN 2018 FOR EVENTS LISTED IN 33 CFR 165.1315 AND THE LOCATION OF THESE EVENTS WITHIN THE SECTOR COLUMBIA RIVER CAPTAIN OF THE PORT ZONE—Continued

Event name (typically)	Event location	Date and duration of event	Latitude	Longitude
Newport 4th of July	Newport, OR	July 4, 2018, 10 p.m. to 10:30 p.m.	44°37'40" N	124°02'45" W
Cedco Inc./The Mill Casino Independence Day	North Bend, OR	July 3, 2018, 10 p.m. to 10:30 p.m.	43°23'42" N	124°12'55" W
Waldport 4th of July	Waldport, OR	July 3, 2018, 10 p.m. to 10:30 p.m.	44°25'31" N	124°04'44" W
Westport 4th of July	Westport, WA	July 4, 2018, 10 p.m. to 11 p.m.	46°54'17" N	124°05'59" W
Bandon 4th of July	Bandon, OR	July 4, 2018, 10 p.m. to 10:30 p.m.	43°07'29" N	124°25'05" W
Garibaldi Days Fireworks	Garibaldi, OR	July 28, 2018, 10 p.m. to 10:30 p.m.	45°33'13" N	123°54'56" W
Bald Eagle Days	Cathlamet, WA	July 21, 2018, 10 p.m. to 10:30 p.m. ..	46°12'14" N	123°23'17" W

All coordinates are listed in reference Datum NAD 1983.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of these enforcement periods via the Local Notice to Mariners.

Dated: May 2, 2018.

D.F. Berliner,

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

[FR Doc. 2018-11076 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG-2018-0286]

RIN 1625-AA00

Safety Zone; Fireworks, Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for multiple fireworks events launched in the vicinity of Penn’s Landing, Philadelphia, Pennsylvania, for waters of the Delaware River, Philadelphia, PA. Establishment of this safety zone is necessary to enhance safety of life on navigable waters immediately prior to, during, and immediately after these fireworks events. During the enforcement periods, no vessel may enter in or transit this regulated area without approval from the Captain of the Port Delaware Bay or a designated representative.

DATES: This rule is effective from May 24, 2018 through May 27, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2018-0286 in the “SEARCH” box and click

“SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, Coast Guard; telephone (215) 271-4814, email Edmund.J.Ofalt@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On March 1, 2018, the Coast Guard was notified of fireworks events planned for May 24, 25, 26, and 27, 2018. In response, on May 2, 2018, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Fireworks, Delaware River, Philadelphia, PA (83 FR 19189). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this fireworks display. During the comment period that ended May 9, 2018, we received no comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because the safety zone needs to be established prior to May 24, 2018.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Delaware Bay has determined that potential hazards associated with the fireworks to be used in fireworks displays from May 24 through May 27, 2018 will be a safety concern for anyone within the area defined later in this document. The purpose of this rule is to

ensure safety of vessels and the navigable waters in the safety zone before, during, and after the scheduled event.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published May 2, 2018. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

This rule establishes a safety zone on the Delaware River adjacent to Penns Landing in Philadelphia, PA, May 24, 2018, through May 27, 2018. The safety zone will be enforced from approximately 8 p.m. to 11 p.m. on nights on which fireworks are being displayed from a barge in the Delaware River. These fireworks displays may be held on May 24th, 25th, 26th, and 27th, or on only some of these dates. Notification of enforcement dates and times will be published in the Coast Guard District 5 Local Notice to Mariners and broadcast via Broadcast Notice to Mariners. The safety zone will include all navigable waters of Delaware River, adjacent to Penns Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline connecting at latitude 39°56'31.2" N, longitude 075°08'28.1" W; thence westward to latitude 39°56'29".1 N, longitude 075°07'56.5" W, and bounded on the north by the southern edge of the Benjamin Franklin Bridge where it crosses the Delaware River.

Access to this safety zone will be restricted during the specified enforcement dates and time periods. Vessels may not take on bunkers or conduct lightering operations inside the zone during times of enforcement. Only vessels or persons specifically authorized by the COTP Delaware Bay or designated representative may enter or remain in the regulated area. Requests to enter or remain in the zone will be required to be submitted to the COTP Delaware Bay, or his designated representative via VHF-FM channel 16

or 217–271–4807. Vessels engaged in law enforcement, servicing of aids to navigation, and emergency response will be exempt from these requirements.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration and time of day of the safety zone. The proposed safety zone will impact waters affected by this rule on May 24, 25, 26, and 27, 2018 from 8 p.m. to 11 p.m. During this time of day commercial and recreational traffic is normally low. Notifications of enforcement dates and times will be made to the maritime community via Broadcast Notice to Mariners and Local Notice to Mariners so that plans may be adjusted accordingly. Notifications will be updated as necessary, to keep the maritime community informed of the status of the safety zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal

Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will only be enforced for a short duration and excludes vessels from entry into or remaining within a specified area on the Delaware River. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0286 to read as follows:

§ 165.T05–0286 Safety Zone; Safety Zone; Fireworks, Delaware River, Philadelphia PA.

(a) *Location.* The following area is a safety zone: All navigable waters of Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56'31.2" N, longitude 075°08'28.1" W; thence westward to latitude 39°56'29.1" N, longitude 075°07'56.5" W, and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River. These coordinates are based on the 1984 World Geodetic System (WGS 84).

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port, Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or 215–271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) No vessel may take on bunkers or conduct lightering operations within the safety zone during its enforcement period(s).

(4) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This zone will be enforced from approximately 8

p.m. to 11 p.m. on nights on which fireworks are being displayed from a barge beginning May 24 through May 27, 2018. Starting and ending times for the enforcement of the safety zone will be broadcast via Broadcast Notice to Mariners and published in the weekly Local Notice to Mariners.

Dated: May 18, 2018.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port Delaware Bay.

[FR Doc. 2018–11082 Filed 5–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0444]

RIN 1625–AA00

Safety Zone; Laguna Madre, South Padre Island, TX

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for certain navigable waters of Laguna Madre, South Padre Island, TX. This safety zone is necessary to protect personnel, vessels, and the marine environment from potential hazards associated with firework displays. Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi or a designated representative.

DATES: This rule is effective from 8:45 p.m. on May 25, 2018, through 9:45 p.m. on September 2, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2018–0444 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Kevin Kyles, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5125, email Kevin.L.Kyles@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Corpus Christi

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(3)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it would be impracticable. This safety zone must be established by May 25, 2018 and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing this rule. The NPRM process would delay the establishment of the safety zone until after the scheduled date of the fireworks and compromise public safety.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is necessary to ensure the safety of vessels, persons, and marine environment during the fireworks display.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Corpus Christi (COTP) has determined that potential hazards associated with the fireworks display occurring on May 25, 2018 through September 2, 2018 will be a safety concern for anyone within a 1000-foot radius of the fireworks display. This rule is necessary to protect personnel, vessels, and the marine environment before, during, and after the scheduled firework displays.

IV. Discussion of the Rule

This rule establishes a safety zone from 8:45 p.m. on May 25, 2018 through 9:45 p.m. on September 2, 2018. It will be enforced from 8:45 p.m. through 9:45 p.m. each day on May 25, 27; June 1, 7, 8, 14, 15, 21, 22, 28, 29; July 4, 5, 6, 12, 13, 19, 20, 26, 27; August 2, 3, 9, 10, 17,

24, 31; and September 2, 2018. The safety zone will cover all navigable waters within 1000 feet of the fireworks barge located in the approximate position 026°06'19" N, 097°10'55.4" W, in South Padre Island, TX. The duration of the zone is intended to protect personnel, vessels, and the marine environment before, during, and after the scheduled firework displays.

Entry of vessels or persons into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi. All persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative. The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs), as appropriate.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which

will impact a small designated area of Laguna Madre for about 1 hour during evenings when vessel traffic is normally low. Moreover, the Coast Guard will issue a BNMs via VHF-FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting one hour that would prohibit entry within 500 feet of the fireworks launch location. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration

supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0444 to read as follows:

§ 165.T08–0444 Safety Zone; Laguna Madre, South Padre Island, TX.

(a) *Location.* The following area is a safety zone: All navigable waters of Laguna Madre encompassing a 1000-foot radius around a fireworks display barge in the approximate position of 026°06'19" N, 097°10'55.4" W, in South Padre Island, TX.

(b) *Effective period.* This section is effective from 8:45 p.m. to 9:45 p.m. from May 25, 2018, through September 2, 2018.

(c) *Enforcement period.* This section will be enforced from 8:45 p.m. through 9:45 p.m. each day on May 25, 27; June 1, 7, 8, 14, 15, 21, 22, 28, 29; July 4, 5, 6, 12, 13, 19, 20, 26, 27; August 2, 3, 9, 10, 17, 24, 31; and September 2, 2018.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port Sector Corpus Christi (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Corpus Christi.

(2) Persons or vessels seeking to enter the safety zone must request permission

from the COTP or a designated representative on VHF–FM channel 16 or by telephone at 361–939–0450.

(3) All persons and vessels permitted to enter this safety zone must transit at the slowest safe speed and comply with all lawful directions issued by the COTP or the designated representative.

(e) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for this safety zone through Broadcast Notices to Mariners (BNMs), Local Notices to Mariners (LNMs), and/or Marine Safety Information Bulletins (MSIBs) as appropriate.

Dated: May 18, 2018.

E.J. Gaynor,

Captain, U.S. Coast Guard, Captain of the Port Sector Corpus Christi.

[FR Doc. 2018–11110 Filed 5–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0420]

RIN 1625–AA00

Safety Zone: SF State University Graduation Fireworks Display, San Francisco Bay, San Francisco, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary moving safety zone in the navigable waters of the San Francisco Bay near AT&T Park in support of the San Francisco State University Fireworks Display on May 24, 2018. This safety zone is established to ensure the safety of participants and spectators from the dangers associated with pyrotechnics. Unauthorized persons or vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission of the Captain of the Port or their designated representative.

DATES: This rule is effective from 11:00 a.m. to 10:00 p.m. on May 24, 2018.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2018–0420. To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Junior Grade Emily Rowan, U.S. Coast Guard Sector San Francisco; telephone (415) 399–7443 or email at D11-PF-MarineEvents@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Acronyms

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. Since the Coast Guard received notice of this event on March 26, 2018, notice and comment procedures would be impracticable in this instance.

For similar reasons as those stated above, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port (COTP) San Francisco has determined that potential hazards associated with the planned fireworks display on May 24, 2018, will be a safety concern for anyone within a 100-foot radius of the fireworks barge and anyone within a 560-foot radius of the fireworks firing site. This rule is needed to protect spectators, vessels, and other property from hazards associated with pyrotechnics.

IV. Discussion of the Rule

This rule establishes a temporary safety zone during the loading and transit of the fireworks barge, until after completion of the fireworks display. During the loading of the pyrotechnics onto the fireworks barge, scheduled to take place from 11:00 a.m. to 4:00 p.m.

on May 24, 2018, at Pier 50 in San Francisco, CA, the safety zone will encompass the navigable waters around and under the fireworks barge within a radius of 100 feet.

The fireworks barge will remain at Pier 50 until the start of its transit to the display location. Towing of the barge from Pier 50 to the display location is scheduled to take place from 8:00 p.m. to 8:30 p.m. on May 24, 2018, where it will remain until the conclusion of the fireworks display.

At 9:00 p.m. on May 24, 2018, 30 minutes prior to the commencement of the 10-minute fireworks display, the safety zone will increase in size and encompass the navigable waters around and under the fireworks barge within a radius of 560 feet in approximate position 37°46'36" N, 122°22'56" W (NAD 83) for the San Francisco State University Graduation Fireworks Display. The safety zone shall terminate at 10:00 p.m. on May 24, 2018.

The effect of the temporary safety zone is to restrict navigation in the vicinity of the fireworks loading, transit, and firing site. Except for persons or vessels authorized by the COTP or the COTP's designated representative, no person or vessel may enter or remain in the restricted areas. These regulations are needed to keep spectators and vessels away from the immediate vicinity of the fireworks firing sites to ensure the safety of participants, spectators, and transiting vessels.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the

safety zone. Although this rule restricts access to the waters encompassed by the safety zone, the effect of this rule will not be significant because the local waterway users will be notified via public Broadcast Notice to Mariners to ensure the safety zone will result in minimum impact. The entities most likely to be affected are waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities.

B. Impact on Small Entities

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

This rule may affect the following entities, some of which may be small entities: Owners and operators of waterfront facilities, commercial vessels, and pleasure craft engaged in recreational activities and sightseeing, if these facilities or vessels are in the vicinity of the safety zone at times when this zone is being enforced. This rule will not have a significant economic impact on a substantial number of small entities for the following reasons: (i) This rule will encompass only a small portion of the waterway for a limited period of time, and (ii) the maritime public will be advised in advance of these safety zones via Broadcast Notice to Mariners.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's

responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and

have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves safety zones of limited size and duration. It is categorically excluded from further review under Categorical Exclusion L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 01. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T11-925 to read as follows:

§ 165.T11-925 Safety Zone; San Francisco State University Graduation Fireworks Display, San Francisco Bay, San Francisco, CA.

(a) *Location.* The following area is a safety zone: All navigable waters of the San Francisco Bay within 100 feet of the fireworks barge during loading at Pier 50, as well as transit and arrival near AT&T Park in San Francisco, CA. From 11:00 a.m. until approximately 4:00 p.m. on May 24, 2018, the fireworks barge will be loading at Pier 50 in San Francisco, CA. The safety zone will expand to all navigable waters around and under the firework barge within a radius of 560 feet in approximate position 37°46'36" N, 122°22'56" W (NAD 83), 30 minutes prior to the start of the 10 minute fireworks display, scheduled to begin at 9:30 p.m. on May 24, 2018.

(b) *Enforcement period.* The zone described in paragraph (a) of this section will be enforced from 11:00 a.m. until approximately 10:00 p.m. May 24, 2018. The Captain of the Port San Francisco (COTP) will notify the maritime community of periods during which these zones will be enforced via Broadcast Notice to Mariners in accordance with § 165.7.

(c) *Definitions.* As used in this section, “designated representative” means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer on a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

(d) *Regulations.* (1) Under the general regulations in subpart C of this part, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the COTP or the COTP’s designated representative.

(2) The safety zone is closed to all vessel traffic, except as may be permitted by the COTP or a designated representative.

(3) Vessel operators desiring to enter or operate within the safety zone must contact the COTP or a designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the COTP or a designated representative. Persons and vessels may request permission to enter the safety zones on VHF-23A or through the 24-hour Command Center at telephone (415) 399-3547.

Dated: May 17, 2018.

Patrick S. Nelson,

Captain, U.S. Coast Guard, Alternate Captain of the Port, San Francisco.

[FR Doc. 2018-11180 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R05-OAR-2017-0323; FRL-9978-45—Region 5]

Air Plan Approval; Illinois; Volatile Organic Compounds Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a state submission as a revision to the Illinois state implementation plan (SIP). The

revision, submitted on May 30, 2017, incorporates changes to the Illinois Administrative Code (IAC) definition of “volatile organic material” or “volatile organic compounds” (VOC). The revision removes recordkeeping and emission reporting requirements related to the use of tertiary butyl acetate (also known as t-butyl acetate) as a VOC. The revision is consistent with an EPA 2016 rulemaking related to tertiary butyl acetate. In addition, Illinois’ submission includes the addition of chemical identification information to the list of compounds excluded from the definition of VOC and the deletion of an unnecessary phrase in the definition of VOC. EPA proposed this action on November 2, 2017, and received one public comment in response.

DATES: This final rule is effective on June 25, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2017-0323. All documents in the docket are listed on the www.regulations.gov website. Although listed in the index, some information is not publicly available, *i.e.*, 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 either through www.regulations.gov or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, (312) 886-6031 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Charles Hatten, Environmental Engineer, Control Strategies Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3031, hatten.charles@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. What is the background for this action?
- II. Public Comment Received and EPA’s Response
- III. What action is EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. What is the background for this action?

On May 30, 2017, Illinois submitted, as a SIP revision, a request to revise and update the definition of VOC at Part 211, Subpart B, Section 7150 (35 IAC 211.7150). Illinois also submitted corrections to chemical names and revisions to chemical identifiers included in the list of compounds excluded from the definition of VOC at 35 IAC 211.7150(a) and a minor deletion of an unnecessary phrase in 35 IAC 211.7150(d).

The revision addresses an existing exemption related to defining tertiary butyl acetate as a VOC. Before this action, the Illinois SIP excluded this compound from the definition of VOC for purposes of VOC emission limitations and VOC content requirements, but defined the compound as a VOC for all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOC. (69 FR 69298, November 29, 2004). This approach was consistent with EPA's regulation of tertiary butyl acetate at the time this portion of the SIP was originally approved. (64 FR 52731, September 30, 1999).

On February 25, 2016, EPA promulgated a final rule amending the definition of VOC to remove the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements related to the use of tertiary butyl acetate as a VOC. (81 FR 9339, codified at 40 CFR 51.100(s)). See 82 FR 50812 for a more detailed summary of the basis for EPA's 2016 rulemaking. In order to conform to EPA's current definition, Illinois revised its definition of VOC to remove the recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements for tertiary butyl acetate within the definition of VOC (35 IAC 211.7150).

Additionally, Illinois amended the list of excluded compounds in 35 IAC 211.7150 by adding the International Union of Pure and Applied Chemistry (IUPAC) names¹ and CAS registry numbers,² and presenting common names parenthetically.³ Illinois made

¹ IUPAC has developed a recognized system of nomenclature for chemical compounds.

² Chemical Abstract Service (CAS) numbers are developed by the American Chemical Society. CAS numbers are in widespread use and provide clarity because a single CAS number identifies only one chemical isomer.

³ In Table 6 of Attachment 7 to Illinois' submittal, Illinois lists the chemical compounds excluded from the definition of VOC, using the designations by EPA, IUPAC names, CAS numbers, and commonly used alternative names for each.

these changes to eliminate confusion and make it easier to identify specific excluded compounds in 35 IAC 211.7150(a). These changes did not alter the list of excluded compounds and are consistent with the Federal list of excluded compounds in 40 CFR 51.100(s). Finally, Illinois made a minor administrative change by deleting the words "of this Section" in 35 IAC 211.7150(d), which discusses appropriate testing methods and includes a reference to subsection (b) of 35 IAC 211.7150.

On November 2, 2017, EPA published a proposed rule approving Illinois' requested revision to the SIP at 35 IAC 211.7150 and providing a 30-day public comment period. (82 FR 50853, published in parallel with a Direct Final Rule that was subsequently withdrawn, see 82 FR 50811, 60545).

II. Public Comment Received and EPA's Response

EPA received one adverse comment on the proposed approval of the Illinois definition of VOC.

Comment: The commenter stated that EPA should not approve this SIP submission because EPA should not have added tertiary butyl acetate to the list of exempted compounds, given that it is a highly reactive and volatile compound. The commenter also asserted that EPA should not have removed the reporting requirement because EPA had previously required recordkeeping and reporting so that it could determine further restrictions. The commenter further stated that "EPA should have enforced the reporting requirement, analysed [sic] the data and determined whether or not tertiary butyl acetate should be further regulated."

EPA's Response: This comment is not applicable to this action, which merely relies on EPA's previous actions and did not require a technical record supporting exclusion of tertiary butyl acetate from the definition of VOC.

The comment primarily concerns two separate EPA actions related to tertiary butyl acetate, the exclusion of the compound from the definition of VOC and the removal of related recordkeeping and reporting requirements, which were taken in 2004 and 2016, respectively. See 69 FR 69298 and 81 FR 9339. EPA provided public comment periods for these actions and responded to any adverse comments received as required by Federal law. In addition, the comment relates to EPA's approval in July 16, 2008, of Illinois' rule excluding tertiary butyl acetate as a VOC (73 FR 40748). These are issues on which the commenter would be

precluded from obtaining judicial review, as the time period to challenge these EPA actions has passed. See Section 307(b) of the Clean Air Act (CAA).

Nevertheless, EPA notes that it has previously addressed the commenter's concerns in the preambles to the final rules referenced above. Those documents discuss in great detail the nature of VOCs, EPA's approach to organic compounds with a negligible level of reactivity, the chemical characteristics of tertiary butyl acetate, and the bases for EPA's 2004 and 2016 decisions to exclude tertiary butyl acetate from the definition of VOC and remove the recordkeeping and emission reporting requirements related to tertiary butyl acetate as a VOC.

III. What action is EPA taking?

EPA is approving, as a SIP revision, the removal of the recordkeeping and emission reporting requirements applicable to tertiary butyl acetate as a VOC at 35 IAC 211.7150(e), the addition of chemical identification information for excluded compounds in 35 IAC 211.7150(a), and the removal of the phrase "of this Section" in 35 IAC 211.7150(d) contained in the May 30, 2017, submittal.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through www.regulations.gov, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by 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 EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.⁴

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations.

⁴ 62 FR 27968 (May 22, 1997).

42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 23, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: May 10, 2018.

Cathy Stepp,
Regional Administrator, Region 5.

40 CFR part 52 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.*

■ 2. In § 52.720, the table in paragraph (c) is amended by revising the entry "211.7150" to read as follows:

§ 52.720 Identification of plan.

* * * * *
(c) * * *

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
*	*	*	*	*
Part 211: Definitions and General Provisions				
*	*	*	*	*
Subpart B: Definitions				
*	*	*	*	*
211.7150	Volatile Organic Material (VOM) Or Volatile Organic Compound (VOC).	1/23/2017	5/24/2018, [insert Federal Register citation].	
*	*	*	*	*

* * * * *
 [FR Doc. 2018-11068 Filed 5-23-18; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R09-OAR-2017-0760; FRL-9977-86-Region 9]

Approval of California Air Plan Revisions, Antelope Valley Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Antelope Valley Air Quality Management District (AVAQMD) portion of the California

State Implementation Plan (SIP). This revision concerns the emissions of volatile organic compounds (VOCs) from motor vehicle assembly coating operations. We are approving a local rule to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on June 25, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2017-0760. 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 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: Arnold Lazarus, EPA Region IX, (415) 972-3024, lazarus.arnold@epa.gov.

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

Table of Contents

- I. Proposed Action
- II. Public Comments and EPA Responses
- III. EPA Action
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. Proposed Action

On March 19, 2018 (83 FR 11944), the EPA proposed to approve the following rule into the California SIP.

TABLE 1—SUBMITTED RULE

Local agency	Rule No.	Rule title	Adopted	Submitted
AVAQMD	1151.1	Motor Vehicle Assembly Coating Operations	6/20/2017	8/9/2017

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA’s proposed action provided a 30-day public comment period. During this period, we received six comments. One comment noted that the rule focuses specifically on “motor vehicle assembly coating operations,” and stated that it should include all components of the car manufacturing process, in order to address issues related to climate change. Rule 1151.1 is intended to control VOC emissions from a specific type of operation, and as such, we believe that the rule is appropriate in scope and stringency. For the reasons addressed in the proposal, the EPA has determined that the rule is consistent with applicable CAA requirements and appropriate for inclusion in the SIP.

The other five comments raised issues outside the scope of this rulemaking, including bird and bat deaths associated with wind turbines and the risks of unmanaged forests and wildfires. None of those comments are germane to our evaluation of Rule 1151.1.

III. EPA Action

No comments were submitted that changed our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving this rule into the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the AVAQMD rule described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents available through www.regulations.gov and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA’s role is to approve state choices, provided that

they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

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

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 23, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: May 1, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(503) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(503) New and amended regulations for the following APCDs were submitted on August 9, 2017 by the Governor's designee.

(i) Incorporation by reference.

(A) Antelope Valley Air Quality Management District.

(1) Rule 1151.1, "Motor Vehicle Assembly Coating Operations," adopted on June 20, 2017.

[FR Doc. 2018-11061 Filed 5-23-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2016-0056; FRL-9978-47—Region 10]

Air Plan Approval; OR; Infrastructure Requirements for the 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, and 2012 Fine Particulate Matter Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, the Clean Air Act requires states to submit a plan for the implementation, maintenance, and enforcement of the standard, commonly referred to as infrastructure

requirements. The Environmental Protection Agency (EPA) is approving the Oregon State Implementation Plan (SIP) as meeting infrastructure requirements for the 2010 nitrogen dioxide, 2010 sulfur dioxide, and 2012 fine particulate matter NAAQS. The EPA is also approving, and incorporating by reference, rule changes made by the state to implement the fine particulate matter NAAQS, relevant to this infrastructure action, and the ozone NAAQS, unrelated to this action, but included for efficiency.

DATES: This final rule is effective June 25, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2016-0056. 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.*, CBI or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and is publicly available only in hard copy form. Publicly available docket materials are available at <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: Kristin Hall at (206) 553-6357, or hall.kristin@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" is used, it is intended to refer to the EPA.

Table of Contents

I. Background Information
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background Information

On February 23, 2018, the EPA proposed to approve Oregon's December 27, 2013, and October 20, 2015, SIP submissions as meeting certain infrastructure requirements of the Clean Air Act for the 2010 nitrogen dioxide (NO₂), 2010 sulfur dioxide (SO₂), and 2012 fine particulate matter (PM_{2.5}) NAAQS (83 FR 8021). We also proposed to approve, and incorporate by reference, associated rule updates to implement the PM_{2.5} NAAQS, and an unrelated rule update for the ozone NAAQS, submitted July 18, 2017. Please see our proposed rulemaking for further explanation and the basis for our finding (February 23, 2018, 83 FR 8021).

The public comment period for the EPA's proposed action ended on March 26, 2018. We received 26 electronic comments submitted anonymously through <https://www.regulations.gov>. We reviewed the comments and we have determined that none are germane to this action. Therefore, we are finalizing our action as proposed.

II. Final Action

The EPA is approving Oregon's December 27, 2013, and October 20, 2015, SIP submissions as meeting specific infrastructure requirements of the Clean Air Act. We find that the Oregon SIP meets the following Clean Air Act section 110(a)(2) infrastructure elements for the 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5} NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

We are also approving, and incorporating by reference at 40 CFR part 52, subpart MM, the following rule sections:

- OAR 340–202–0060 *Suspended Particulate Matter* (state effective October 16, 2015); and
- OAR 340–250–0030 *Definitions* (state effective October 16, 2015); and
- OAR 340–202–0090 *Ozone* (state effective July 13, 2017).

We note that the approval of OAR 340–202–0090 is unrelated and unnecessary for our infrastructure action. We are including it in this action for efficiency. This action is being taken under section 110 of the Clean Air Act.

III. 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 Oregon Administrative Rules related to ambient air quality standards described in section II. Final Action, and the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these materials generally available through <https://www.regulations.gov> and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the state implementation plan, have been incorporated by reference by the EPA into that plan, are fully federally enforceable under sections 110 and 113 of the Clean Air Act as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by

reference in the next update to the SIP compilation.¹

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

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

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 it 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 July 23, 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, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: May 10, 2018.

Chris Hladick,

Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

¹ 62 FR 27968 (May 22, 1997).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

“202–0060”, “202–0090”, and “250–0030” to read as follows:

Subpart MM—Oregon

§ 52.1970 Identification of plan.

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

■ 2. In § 52.1970, table 2 in paragraph (c) is amended by revising the entries

* * * * *
(c) * * *

TABLE 2—EPA-APPROVED OREGON ADMINISTRATIVE RULES (OAR)

State citation	Title/subject	State effective date	EPA approval date	Explanations
CHAPTER 340—DEPARTMENT OF ENVIRONMENTAL QUALITY				
Division 202—Ambient Air Quality Standards and PSD Increments				
Ambient Air Quality Standards				
202–0060	Suspended Particulate Matter	10/16/2015	5/24/2018, [insert Federal Register citation].	
202–0090	Ozone	07/13/2017	5/24/2018, [insert Federal Register citation].	
Division 250—General Conformity				
250–0030	Definitions	10/16/2015	5/24/2018, [insert Federal Register citation].	

* * * * *

■ 3. Section 52.1991 is amended by adding paragraphs (f) and (g) to read as follows:

§ 52.1991 Section 110(a)(2) infrastructure requirements.

(f) The EPA approves Oregon’s December 27, 2013, submission as meeting the following CAA section 110(a)(2) infrastructure elements for the 2010 nitrogen dioxide and 2010 sulfur dioxide NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

(g) The EPA approves Oregon’s October 20, 2015, submission as meeting the following CAA section 110(a)(2) infrastructure elements for the 2012 PM_{2.5} NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

[FR Doc. 2018–11058 Filed 5–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0775; FRL–9976–66]

Pydiflumetofen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of pydiflumetofen in or on multiple commodities which are identified and discussed later in this document. Syngenta Crop Protection requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 24, 2018. Objections and requests for hearings must be received on or before July 23, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also

Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0775, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200

Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: RDfRNNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2015-0775 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before July 23, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your

objection or hearing request, identified by docket ID number EPA-HQ-OPP-2015-0775, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- **Mail:** OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.
- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 7, 2017 (82 FR 9555) (FRL-9956-86), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F8474) by Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. The petition requested to establish tolerances in 40 CFR part 180 for residues of the fungicide pydiflumetofen in or on barley, grain at 4.0 ppm; barley, hay at 30.0 ppm; barley, straw at 30.0 ppm; corn, field, grain at 0.015 ppm; corn, field, forage at 6.0 ppm; corn, field, stover at 15.0 ppm; corn, field, milled by products at 0.06 ppm; corn, pop, grain at 0.015 ppm; corn, pop, forage at 6.0 ppm; corn, pop, stover at 15.0 ppm; corn, sweet, ear at 0.01 ppm; corn, sweet, forage at 5.0 ppm; corn, sweet, stover at 9.0 ppm; corn, sweet, cannery waste at 2.0 ppm; crop subgroup 4-15A, leafy greens subgroup at 40.0 ppm; crop subgroup 22B, leaf petiole vegetable subgroup at 15.0 ppm; fruits, small vine climbing, except fuzzy kiwi subgroup 13-07F at 1.5 ppm; grape, raisin at 2.0 ppm; grape, wet pomace at 1.5 ppm; grain, aspirated fractions at 100.0 ppm; grain, cereal, forage, fodder and straw, group 16 at 50 ppm; oat, grain at 2.0 ppm; oat, forage at 10.0 ppm; oat, hay at 40.0 ppm; oat, straw at 20.0 ppm; peas and bean, dried shelled, except soybean, subgroup 6C at 0.4 ppm; peas, hay at 40.0 ppm; peas, vine at 6.0 ppm; peanut, nutmeat at 0.02 ppm; peanut, refined oil at 0.05 ppm; peanut, hay at 20.0 ppm; potato, wet peel at 0.03 ppm; potato, dried pulp at 0.05 ppm; potato,

processed waste at 0.03 ppm; quinoa, grain at 4.0 ppm; rapeseed, subgroup 20A at 0.9 ppm; rye, grain at 4.0 ppm; rye, hay at 50.0 ppm; rye, straw at 30.0 ppm; soybean, seed at 0.4 ppm; soybean, forage at 30.0 ppm; soybean, hay at 150 ppm; tomato, dried pomace at 15.0 ppm; tomato, wet pomace at 1.5 ppm; tomato, sun-dried at 3.0 ppm; vegetables, fruiting, crop group 8-10 at 0.6 ppm; vegetables, tuberous and corm subgroup 1C at 0.015 ppm; vegetables, cucurbit, crop group 9 at 0.5 ppm; wheat, grain at 0.3 ppm; wheat, forage at 15.0 ppm; wheat, hay at 50.0 ppm; and wheat, straw at 30.0 ppm.

Additionally, the petition requested to establish tolerances for residues of pydiflumetofen and 2,4,6-trichlorophenol in or on cattle, fat at 0.03 ppm; cattle, kidney at 0.02 ppm; cattle, liver at 0.04 ppm; cattle, meat at 0.02 ppm; cattle, byproducts at 0.04 ppm; goat, fat at 0.03 ppm; goat, kidney at 0.02 ppm; goat, liver at 0.04 ppm; goat, meat at 0.02 ppm; goat, meat byproducts at 0.04 ppm; horse, fat at 0.03 ppm; horse, kidney at 0.02 ppm; horse, liver at 0.04 ppm; horse, meat at 0.02 ppm; horse, meat byproducts at 0.04 ppm; milk at 0.02 ppm; milk, cream at 0.04 ppm; sheep, fat at 0.03 ppm; sheep, kidney at 0.02 ppm; sheep, liver at 0.04 ppm; sheep, meat at 0.02 ppm; and sheep, meat byproducts at 0.04 ppm. That document referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Consistent with the authority in FFDCA section 408(d)(4)(A)(1), EPA is establishing tolerances as requested with some variations. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) of FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure

of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .”

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for pydiflumetofen including exposure resulting from the tolerances established by this action. EPA’s assessment of exposures and risks associated with pydiflumetofen follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The liver was a common target across species tested, likely in part due to the extensive first pass metabolism of absorbed pydiflumetofen. Liver effects were either concurrent with body weight depression and other target organ toxicity as in rats, or the first symptoms of treatment-related toxicity as in mice and dogs. Liver toxicity commonly manifested as increased liver weight concordant with hepatocyte hypertrophy in all species and was accompanied by increased cholesterol and triglyceride serum levels and a higher incidence of liver masses and eosinophilic foci of cellular alteration in mice and increased serum levels of liver enzymes and triglycerides in dogs. Male mice further exhibited a dose-dependent increase in the incidence of hepatocellular adenomas and carcinomas (accounted for separately and combined) and in the frequency of individual mice exhibiting multiple liver adenomas following chronic exposure. Treatment-related liver tumors were not observed in female mice nor in rats of either sex.

Body weight effects were also observed in rodents in response to treatment. Adult rats experienced depressed body weight following both subchronic (concurrent with liver toxicity) and chronic oral exposure (in isolation) and mice exhibited body weight depression following chronic exposure concurrent with symptoms of

liver toxicity. A dose-dependent increase in the incidence and severity of thyroid gland follicular cell hypertrophy was also noted in rats following subchronic dietary exposure at doses greater than or equal to 587 mg/kg/day. In general, short and intermediate duration repeat dose oral exposures were well tolerated by adult rodents and dogs. Rodents were, however, considerably less tolerant of long-term exposure. Liver and body weight effects manifested at doses 25 and 12 times lower in chronic studies as compared to subchronic studies in mice and rats, respectively. A similar progression of toxicity was not evident in dogs.

The database does not support a conclusion that the pesticide is a neurotoxicant. Although a dose-dependent decrease in two locomotor activity parameters, number of rears and total distance traveled, was observed in female adult rats only within 6 hours of exposure following acute gavage oral exposure to doses greater than or equal to 300 mg/kg in the acute neurotoxicity study, there were no neuropathology lesions or consistent evidence of other behavioral changes accompanying the depressed locomotor activity up to acute doses of 2000 mg/kg. Detailed functional observations of rats and dogs following repeat dose dietary exposure did not identify similar changes in locomotor activity or any other behavioral changes indicative of neurotoxicity.

Body weight toxicity was not a unique observation in adults; it was also observed in rat offspring. In the two-generation reproduction study, rat pups exhibited significantly reduced weight during lactation that persisted through weaning and into adulthood. The pup body weight decrements were observed in the absence of parental toxicity indicating post-natal susceptibility to pydiflumetofen exposure. There was no evidence of enhanced fetal susceptibility following gestational exposure to pregnant rats or rabbits in the developmental studies.

Although there is some evidence of carcinogenicity in the database (*i.e.*, hepatocellular adenomas and carcinomas in male mice), the Agency has concluded that pydiflumetofen is not likely to be carcinogenic to humans at doses that do not induce a proliferative response in the liver. This conclusion is based on the limited nature of tumors seen in the available data (liver tumors found only in male mice), the fact that pydiflumetofen is not a mutagenic concern *in vivo*, and available mode of action data. The available mode of action data supports the Agency’s conclusion that liver

tumors are likely induced via activation of the constitutive androstane receptor (CAR) and subsequent stimulation of hepatocellular proliferation, and that hepatocellular proliferation is not likely to occur at the doses at which EPA is regulating exposure to pydiflumetofen. As a result, a non-linear approach using the chronic reference dose would adequately account for chronic toxicity, including carcinogenicity.

Pydiflumetofen exhibited low acute toxicity via the dermal and inhalation route. Acute dermal exposure to dermal doses of 5000 mg/kg elicited reduced activity in rats similar to observations following acute oral exposure, but it did not incur mortality. Acute exposure did not irritate the skin nor did it elicit dermal sensitization. No dermal or systemic toxicity was observed following repeat-dose dermal exposures up to 1000 mg/kg/day. Acute lethality from inhalation exposure was limited to high inhalation concentrations and it was a mild acute eye irritant. The requirement for the subchronic inhalation toxicity study was waived for the pydiflumetofen risk assessment based on a weight of evidence (WoE) approach that considered all of the available hazard and exposure information for pydiflumetofen, including: (1) The physical-chemical properties of pydiflumetofen indicated low volatility (vapor pressure is 3.98×10^{-9} mm Hg at 25 °C); (2) the use pattern and exposure scenarios; (3) the margins of exposure for the worst case scenarios are $\geq 13,000$ using an oral point of departure and assuming inhalation and oral absorption are equivalent; (4) pydiflumetofen exhibits low acute inhalation toxicity (Category IV); and (5) the current endpoints selected for risk assessment, liver toxicity and pup body weight decrements, were the most sensitive effects identified in the database and an inhalation study is not likely to identify a lower POD or more sensitive endpoint for risk assessment.

The toxicity of 2,4,6-trichlorophenol—a pydiflumetofen metabolite and residue of concern in livestock commodities—was evaluated based on studies from the open literature that were provided by the registrant, identified in a previous EPA review of 2,4,6-trichlorophenol (<https://www.epa.gov/sites/production/files/2016-09/documents/2-4-6-trichlorophenol.pdf>) and the Agency for Toxic Substance and Disease Registry (ATSDR) review of chlorophenols (<https://www.atsdr.cdc.gov/toxprofiles/tp107.pdf>), or retrieved in a search of the literature conducted for this risk assessment. The absorption,

distribution, metabolism and elimination (ADME) information available for 2,4,6-trichlorophenol is similar to the ADME profile for pydiflumetofen: Near complete absorption and extensive metabolism followed by rapid excretion without appreciable tissue accumulation. Oral exposure to 2,4,6-trichlorophenol elicited effects in the liver, kidneys, and hematopoietic system as well as body weight depression. Subchronic oral exposure in rats elicited an increase in liver, kidney (males only), and spleen weight, an increase in total protein and albumin serum levels, a moderate to marked increase in splenic hematopoiesis, and an increased incidence of hepatocyte vacuolation. Following chronic dietary exposure, male rats exhibited an increased incidence of leukemias, lymphomas, and nephropathy, and both sexes exhibited an increased incidence of bone marrow hyperplasia, leukocytosis, fatty metamorphosis in the liver, and chronic inflammation of the kidney. Tissue specific toxicity in mice was limited to the liver and manifest as an increased incidence of liver adenomas and carcinomas following chronic exposure. Adult body weight depression was observed in both rodent species. Mortality also occurred with greater frequency in both species at or above the limit dose. The few studies that examined developmental and offspring effects presented equivocal evidence of offspring toxicity following exposure to 2,4,6-trichlorophenol. Prenatal subchronic drinking water exposure in female rats led to a reduction in litter size and perinatal drinking water exposure in rats elicited changes in offspring spleen and liver weight; however, the health of the dams and its potential contribution to the manifestation of the offspring effects was not discussed in this study so it is unclear whether the offspring toxicity is a direct result of exposure or secondary to maternal toxicity. In a separate study, pup body weight decrements were observed in the presence and absence of parental toxicity following subchronic exposure, but the body weight effect was considered a consequence of the larger litter size rather than treatment. In any event, the effects seen in these studies occurred at doses above the endpoints selected for regulation of pydiflumetofen exposure.

These studies illustrate a spectrum of responses to increasing oral 2,4,6-trichlorophenol exposure: Isolated organ weight changes and a reduction in litter size were observed at doses as low as 30 mg/kg/day with adverse effects in the

target tissues and significant body weight depression in adult animals manifesting when the oral dose exceeded 200 mg/kg/day. However, the 2,4,6-trichlorophenol doses that elicited the subchronic and chronic toxicity described above were not below the empirical NOAELs established in comparable pydiflumetofen guideline studies (after converting both to millimoles/kg/day) suggesting that direct exposure to 2,4,6-trichlorophenol is not more toxic than direct exposure to pydiflumetofen. Furthermore, direct exposure to 2,4,6-trichlorophenol is anticipated from dietary exposures only and the dietary PODs selected for pydiflumetofen are protective of all adverse effects reported in the 2,4,6-trichlorophenol literature.

The carcinogenic potential of 2,4,6-trichlorophenol was assessed in 1990 by EPA and classified as a B2-probable human carcinogen in accordance with the 1986 cancer classification guidance based on an increased incidence of combined lymphomas and leukemias in male F344 rats and hepatocellular adenomas or carcinomas in male and female mice. Since that evaluation of 2,4,6-trichlorophenol, new literature has been published on the human relevance of leukemias in the F344 rat. The EPA re-evaluated the 2,4,6-trichlorophenol carcinogenicity literature and the broader scientific literature on rodent leukemia to determine if the data supported conducting a separate cancer assessment for 2,4,6-trichlorophenol. The rodent leukemia literature indicated that the leukemia finding in male F344 rats is common for this strain of rat, is highly variable, and lacks a direct human correlate. Although treatment-related, the EPA concluded the leukemia incidence in rats did not support a linear approach to cancer quantification given its questionable relevance to human health risk assessment. Furthermore, the incidence of lymphomas was not remarkable when examined independently from the leukemias and thus not evidence of carcinogenicity in isolation. The liver tumors observed in male and female mice were considered treatment-related; however, the tumors could not be solely attributed to 2,4,6-trichlorophenol exposure because the investigators did not account for known carcinogenic contaminants of commercial 2,4,6-trichlorophenol solutions that may have contributed to the induction of the liver tumors. These carcinogenic contaminants would not be present when 2,4,6-trichlorophenol is formed through metabolism; therefore, these data were not considered strong

evidence of carcinogenicity and did not support a linear approach to 2,4,6-trichlorophenol cancer quantification for exposure resulting from pydiflumetofen use. The literature also did not suggest 2,4,6-trichlorophenol was a mutagenic concern *in vivo*.

Based on the limited evidence of carcinogenicity and mutagenicity for the metabolite, the EPA concluded that using the RfD approach with the chronic dietary POD selected for the pydiflumetofen dietary assessment would be adequate for assessing direct dietary exposure to 2,4,6-trichlorophenol from the proposed pydiflumetofen uses. Because the chronic POD selected for pydiflumetofen is 66 and 165x lower than the 2,4,6-trichlorophenol dose (on a molar basis) that elicited tumors in rats and mice, respectively, this approach will be protective of potential carcinogenicity from exposure to the metabolite. Consequently, a separate cancer dietary assessment for 2,4,6-trichlorophenol is not warranted at this time.

Specific information on the studies received and referenced in this section and the nature of the adverse effects caused by pydiflumetofen and its metabolite 2,4,6-trichlorophenol, as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at <http://www.regulations.gov> in the document titled "Pydiflumetofen. Human Health Risk Assessment for Foliar Uses on Cereals (Wheat, Triticale, Barley, Rye, and Oat), Quinoa, Corn (Field, Pop, and Sweet), Cucurbits Crop Group 9 (Including Greenhouse Use on Cucumber), Fruiting Vegetables Crop Group 8-10, Small Fruit Vine Climbing Subgroup 13-07F (Except Fuzzy Kiwifruit), Peas and Beans Dried Shelled Subgroup 6C, Leafy Greens Subgroup 4-16A, Leaf Petiole Vegetables Subgroup 22B, Peanuts, Rapeseed Subgroup 20A, Soybean, Tuberos and Corm Vegetable Subgroup 1C, Golf Course Turf, and Ornamentals (Including Greenhouse Use)" on pages 61-73 in docket ID number EPA-HQ-OPP-2015-0775.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment.

PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some

degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>.

A summary of the toxicological endpoints for pydiflumetofen used for human risk assessment is shown in Table 1 of this unit. Because the Agency

concludes that that the pydiflumetofen toxicity database accounts for 2,4,6-trichlorophenol toxicity that would result from exposure to pydiflumetofen, that exposure to the metabolite is not more toxic than direct exposure to pydiflumetofen, and that there is insufficient information to warrant a separate cancer assessment of the metabolite at this time, EPA concludes that the endpoints for pydiflumetofen will be protective of effects from exposure to the metabolite 2,4,6-trichlorophenol.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PYDIFLUMETOFEN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (All populations including infants and children).	NOAEL = 100 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Acute RfD = 1 mg/kg/day. aPAD = 1 mg/kg/day	Acute neurotoxicity study—rat. LOAEL = 300 mg/kg/day based on a decrease in locomotor activity (the number of rears and total distance traveled) in females.
Chronic dietary (All populations)	NOAEL= 9.2 mg/kg/day UF _A = 10x UF _H = 10x FQPA SF = 1x	Chronic RfD = 0.092 mg/kg/day. cPAD = 0.092 mg/kg/day	Carcinogenicity study—mouse. MRID 49557940. LOAEL = 45.4 mg/kg/day based on liver weight increase concordant with higher incidence of liver masses, eosinophilic foci of cellular alteration, and centrilobular hypertrophy.
Oral short-term (1 to 30 days) ..	NOAEL= 36.1 mg/kg/day UF _A = 10x. UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	2-generation reproduction study—rat. LOAEL = 116.2 mg/kg/day based on reduced pup weight in the F1 generation.
Dermal short-term (1 to 30 days).	NOAEL = 36.1 mg/kg/day (dermal absorption rate = 17%). UF _A = 10x UF _H = 10x FQPA SF = 1x	LOC for MOE = 100	2-generation reproduction study—rat. LOAEL = 116.2 mg/kg/day based on reduced pup weight in the F1 generation.
Cancer (Oral, dermal, inhalation).	Classification: “Not Likely to be Carcinogenic to Humans” at doses that do not induce a proliferative response in the liver. EPA has determined that a nonlinear approach is appropriate and that the cRfD will be protective of cancer effects.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. Dietary exposure from food and feed uses. In evaluating dietary exposure to pydiflumetofen, EPA considered exposure under the petitioned-for tolerances. EPA assessed dietary exposures from pydiflumetofen in food as follows:

i. Acute exposure. Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

Such effects were identified for pydiflumetofen. In estimating acute dietary exposure, EPA used 2003–2008 food consumption data from the US Department of Agriculture’s (USDA’s) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance level residues and 100 percent crop treated (PCT).

ii. Chronic exposure. In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from USDA’s NHANES/WWEIA. As to residue levels in food, EPA

assumed tolerance level residues and 100 PCT.

iii. Cancer. As discussed in Unit III.A., the Agency has determined that a separate cancer assessment is not necessary for assessing exposure to pydiflumetofen. Because the chronic reference dose (cRfD) is below 10 mg/kg/day, i.e., the lowest dose known to induce hepatocellular proliferation based on available MOA data, the chronic assessment will be protective for assessing direct dietary exposure to pydiflumetofen. Also discussed in Unit II.A. is the Agency’s conclusion that a separate cancer assessment is not

required for assessing exposure to 2,4,6-trichlorophenol (free and conjugated) and the crfD will be protective of potential carcinogenic effects.

iv. Anticipated residue and PCT information. EPA did not use anticipated residue or PCT information in the dietary assessment for pydiflumetofen. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. Dietary exposure from drinking water. The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for pydiflumetofen and its degradate SYN545547 in drinking water using a total toxic residues approach. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of pydiflumetofen and degradate SYN545547. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide>.

Based on the Pesticides Water Calculator (PWC) modeling, the estimated drinking water concentrations (EDWCs) of pydiflumetofen for acute exposures are estimated to be 17 parts per billion (ppb) for surface water and 95 ppb for ground water and for chronic exposures are estimated to be 3.62 ppb for surface water and 93.4 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 95 ppb was used to assess the contribution to drinking water.

For the chronic dietary risk assessment, the water concentration of value 93.4 ppb was used to assess the contribution to drinking water.

3. From non-dietary exposure. The term “residential exposure” is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Pydiflumetofen is proposed for the following uses that could result in residential exposures: Golf course turf and ornamentals in greenhouses, nurseries, fields, and outdoor residential landscapes. EPA assessed residential exposure using the following assumptions: Residential handler exposures are not expected since the proposed residential uses require that handlers wear specific clothing (e.g., long-sleeved shirt and long pants; shoes

plus socks) and/or personal protective equipment, and the turf and ornamental use labels will indicate that the product is intended for use by professional applicators, while the crop use labels will include the statement “Not for residential use.” As a result, a residential handler assessment was not conducted. There is the potential for residential short-term post-application exposure for individuals exposed as a result of being in an environment that has been previously treated with pydiflumetofen.

The quantitative exposure/risk assessment for residential post-application exposures is based on the short-term dermal exposure from contact with residues on treated golf course turf while golfing for adults, children 6 to less than 11 years old, and children 11 to less than 16 years old, and short-term dermal exposure from post-application activities with treated ornamental plants for adults and for children ages 6 to less than 11. Intermediate-term exposures are not expected.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide>.

4. Cumulative effects from substances with a common mechanism of toxicity. Section 408(b)(2)(D)(v) of FFDCFA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider “available information” concerning the cumulative effects of a particular pesticide’s residues and “other substances that have a common mechanism of toxicity.”

EPA has not found pydiflumetofen to share a common mechanism of toxicity with any other substances, and although pydiflumetofen metabolizes into 2,4,6-trichlorophenol, this metabolite does not appear to be produced by other registered pesticides. For the purposes of this tolerance action, therefore, EPA has assumed that pydiflumetofen does not have a common mechanism of toxicity with other substances. For information regarding EPA’s efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA’s website at <http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides>.

D. Safety Factor for Infants and Children

1. In general. Section 408(b)(2)(C) of FFDCFA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the FQPA Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. Prenatal and postnatal sensitivity. There was no evidence of fetal sensitivity or toxicity in rat and rabbit developmental studies; however, quantitative offspring sensitivity was noted in the 2-generation reproduction study. Pup body weight depression starting on day 4 of lactation and persisting into adulthood was observed at doses that did not elicit an adverse response in the parental rats. Although body weight was depressed in these animals after maturity and during the mating and post-mating period (specifically in males), it was considered evidence of offspring susceptibility because the lower body weight was a result of impaired growth in the pups. Reduced pup weight, reduced litter size, and increased liver and spleen weight in offspring was also noted following prenatal and perinatal exposure to the pydiflumetofen metabolite, 2,4,6-trichlorophenol. PODs were selected for each exposure scenario to be protective of the parent and metabolite offspring toxicity and offspring susceptibility in the risk evaluation.

3. Conclusion. EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1x. That decision is based on the following findings:

- i. The toxicity database for pydiflumetofen is complete.
- ii. Regarding neurotoxicity, evidence of behavioral changes in the pydiflumetofen toxicity database was limited to adult rats in the acute neurotoxicity study (ACN). Female rats exhibited depressed locomotor activity in the form of fewer number of rears and less distance traveled following acute exposure to doses of pydiflumetofen >300 mg/kg (3x to 30x higher than the PODs selected for risk assessment). Male

rats did not exhibit any symptoms of neurotoxicity following acute exposure up to 2000 mg/kg/day. No evidence of neurotoxicity was observed in the subchronic rat and dog dietary studies that included additional detailed functional observations to identify neurological impairment nor in the routine clinical observations of the chronic studies and the guideline requirement for a subchronic neurotoxicity (SCN) study was waived. The concern for neurotoxicity in sensitive populations is low because the behavioral effects observed in the acute neurotoxicity studies have well-defined NOAEL/LOAELs, the PODs selected for risk assessment are protective of the acute behavioral change observed in females, there were no corresponding neuropathology changes in females exhibiting decreased locomotor activity, and there was no evidence of neurotoxicity following repeat-dose exposure.

iii. There was evidence of quantitative offspring sensitivity in the 2-generation reproduction study; however, as noted in Section D.2., PODs were selected for each exposure scenario to be protective of the offspring susceptibility in the risk evaluation.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to pydiflumetofen in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children. These assessments will not underestimate the exposure and risks posed by pydiflumetofen.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to pydiflumetofen will occupy 8.5% of the aPAD at the 95th percentile of exposure

for children 3–5 years old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to pydiflumetofen from food and water will utilize 21% of the cPAD for children 3–5 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of pydiflumetofen is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Pydiflumetofen is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to pydiflumetofen.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 400 for adults, 590 for children 6 to less than 11 years old, and 2,500 for children 11 to less than 16 years old. Because EPA's level of concern for pydiflumetofen is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Intermediate-term adverse effects were identified; however, pydiflumetofen is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for pydiflumetofen.

5. *Aggregate cancer risk for U.S. population.* As discussed in Unit III., the Agency has concluded that regulating on the chronic reference dose will be protective of potential

carcinogenicity from exposure to pydiflumetofen. Because the chronic risk assessment did not exceed the Agency's level of concern, the Agency concludes there is not an aggregate cancer risk from exposure to pydiflumetofen.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to pydiflumetofen residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Analytical multi-residue method QuEChERS (Quick, Easy, Cheap, Effective, Rugged, and Safe) as described in Eurofins validation study S14–05402 was independently validated in the following crop matrices: lettuce (high water content), wheat grain (high starch content), oil seed rape (high oil content) and coffee bean (difficult commodity). QuEChERS has been proposed as the enforcement analytical method for plant commodities.

The livestock analytical method was derived from the QuEChERS (EN 15662:2009–02) multi-residue method. It is based on extraction and clean-up procedures, and subsequent LC–MS/MS determination.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: residuemethods@epa.gov.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for pydiflumetofen at this time.

C. Revisions to Petitioned-For Tolerances

The applicant requested a few tolerances on commodities that EPA does not consider to be food or feed items (“corn, sweet, cannery waste,” “grape, wet pomace,” “potato, dried pulp,” “tomato, dried pomace,” and “tomato, wet pomace”); therefore, tolerances are unnecessary. With respect to rye grain, the applicant proposed a tolerance based on barley residue data, but the Agency determined that translating the rye grain tolerance from wheat residue data was more appropriate. For the petitioner-proposed tolerances for soybean forage and hay, there is a feeding restriction on the label, which makes these tolerances unnecessary; therefore, the Agency is not establishing tolerances for those two commodities. The pop corn stover tolerance was revised due to only pop corn stover residues used. For the oat grain and peanut hay tolerances, the petitioner included residues from both formulations, whereas EPA assessed the emulsifiable concentrate (EC) and soluble concentrate (SC) separately to determine if there was a formulation difference and set the tolerance at the higher level to cover residues from either formulation.

Although the petitioner requested tolerances for livestock commodities based on the aggregate residues of the parent and metabolite, EPA is establishing tolerances for livestock commodities based only on measuring residues of the parent compound, in order to harmonize tolerances with Canada. EPA is establishing a meat byproduct tolerance, which covers residues found in liver and kidney, instead of separate liver and kidney tolerances since separate tolerances are not needed. A tolerance for Grain, Cereal, Forage, Fodder and Straw, Group 16 was not set since residue data among the representative commodities varied by more than a factor of five; instead, EPA is establishing individual tolerances. The Agency used the Langmuir model to determine the tolerances for livestock tissue and milk. The milk tolerance was raised to harmonize with Canada’s MRLs and in effect would cover the expected cream residues. With respect to wheat germ, milled byproducts, and field corn flour, the median concentration factor was used by the Agency which resulted in different tolerances than those proposed by the petitioner. In addition, EPA has modified some of the commodity definitions, and numerical expression of the tolerance values in order to conform

to current Agency policy on significant figures.

V. Conclusion

Therefore, tolerances are established for residues of pydiflumetofen, including its metabolites and degradates, in or on the following commodities. Compliance with the tolerance levels specified below is to be determined by measuring only pydiflumetofen (3-(difluoromethyl)-N-methoxy-1-methyl-N-[1-methyl-2-(2,4,6-trichlorophenyl)ethyl]-1H-pyrazole-4-carboxamide) in or on the commodity: Barley, grain at 4.0 ppm; Barley, hay at 30 ppm; Barley, straw at 30 ppm; Cattle, fat at 0.03 ppm; Cattle, meat at 0.01 ppm; Cattle, meat byproducts at 0.03 ppm; Corn, field, flour at 0.02 ppm; Corn, field, forage at 6.0 ppm; Corn, field, grain at 0.015 ppm; Corn, field, milled byproducts at 0.06 ppm; Corn, field, stover at 15 ppm; Corn, pop, forage at 6.0 ppm; Corn, pop, grain at 0.015 ppm; Corn, pop, stover at 10 ppm; Corn, sweet, forage at 5.0 ppm; Corn, sweet, kernel plus cob with husks removed at 0.01 ppm; Corn, sweet, stover at 9.0 ppm; Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 1.5 ppm; Goat, fat at 0.03 ppm; Goat, meat at 0.01 ppm; Goat, meat byproducts at 0.03 ppm; Grain, aspirated fractions at 100 ppm; Grape, raisin at 2.0 ppm; Horse, fat at 0.03 ppm; Horse, meat at 0.01 ppm; Horse, meat byproducts at 0.03 ppm; Leaf petiole vegetable subgroup 22B at 15 ppm; Leafy greens subgroup 4–16A at 40 ppm; Milk at 0.03 ppm; Oat, forage at 10 ppm; Oat, grain at 3.0 ppm; Oat, hay at 40 ppm; Oat, straw at 20 ppm; Pea, field, forage at 6.0 ppm; Pea, field, hay at 40 ppm; Peanut at 0.02 ppm; Peanut, hay at 30 ppm; Peanut, refined oil at 0.05 ppm; Peas and bean, dried shelled, except soybean, subgroup 6C at 0.40 ppm; Potato, processed potato waste at 0.03 ppm; Potato, wet peel at 0.03 ppm; Quinoa, grain at 4.0 ppm; Rapeseed subgroup 20A at 0.90 ppm; Rye, grain at 0.30 ppm; Rye, hay at 50 ppm; Rye, straw at 30 ppm; Sheep, fat at 0.03 ppm; Sheep, meat at 0.01 ppm; Sheep, meat byproducts at 0.03 ppm; Soybean, seed at 0.40 ppm; Tomato, dried at 3.0 ppm; Vegetable, cucurbit, group 9 at 0.50 ppm; Vegetable, fruiting, group 8–10 at 0.60 ppm; Vegetable, tuberous and corm subgroup 1C at 0.015 ppm; Wheat, forage at 15 ppm; Wheat, germ at 0.40 ppm; Wheat, grain at 0.30 ppm; Wheat, hay at 50 ppm; Wheat, milled byproducts at 2.0 ppm; and Wheat, straw at 30 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled “Regulatory Planning and Review” (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled “Protection of Children from Environmental Health Risks and Safety Risks” (62 FR 19885, April 23, 1997), nor is it considered a regulatory action under Executive Order 13771, entitled “Reducing Regulations and Controlling Regulatory Costs” (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR

67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 17, 2018,

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 180.699 to subpart C to read as follows:

§ 180.699 Pydiflumetofen; Tolerances for residues.

(a) *General.* Tolerances are established for residues of pydiflumetofen, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only pydiflumetofen (3-(difluoromethyl)-N-methoxy-1-methyl-N-[1-methyl-2-(2,4,6-trichlorophenyl)ethyl]-1H-pyrazole-4-carboxamide) in or on the commodity:

Commodity	Parts per million
Barley, grain	4.0
Barley, hay	30
Barley, straw	30
Cattle, fat	0.03
Cattle, meat	0.01
Cattle, meat byproducts	0.03
Corn, field, flour	0.02
Corn, field, forage	6.0
Corn, field, grain	0.015
Corn, field, milled byproducts	0.06
Corn, field, stover	15
Corn, pop, forage	6.0
Corn, pop, grain	0.015
Corn, pop, stover	10
Corn, sweet, forage	5.0
Corn, sweet, kernel plus cob with husks removed	0.01
Corn, sweet, stover	9.0
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13-07F	1.5
Goat, fat	0.03
Goat, meat	0.01
Goat, meat byproducts	0.03
Grain, aspirated fractions	100
Grape, raisin	2.0
Horse, fat	0.03
Horse, meat	0.01
Horse, meat byproducts	0.03

Commodity	Parts per million
Leaf petiole vegetable subgroup 22B	15
Leafy greens subgroup 4-16A	40
Milk	0.03
Oat, forage	10
Oat, grain	3.0
Oat, hay	40
Oat, straw	20
Pea, field, forage	6.0
Pea, field, hay	40
Peanut	0.02
Peanut, hay	30
Peanut, refined oil	0.05
Peas and bean, dried shelled, except soybean, subgroup 6C	0.40
Potato, processed potato waste	0.03
Potato, wet peel	0.03
Quinoa, grain	4.0
Rapeseed subgroup 20A	0.90
Rye, grain	0.30
Rye, hay	50
Rye, straw	30
Sheep, fat	0.03
Sheep, meat	0.01
Sheep, meat byproducts	0.03
Soybean, seed	0.40
Tomato, dried	3.0
Vegetable, cucurbit, group 9	0.50
Vegetable, fruiting, group 8-10 ..	0.60
Vegetable, tuberous and corm subgroup 1C	0.015
Wheat, forage	15
Wheat, germ	0.40
Wheat, grain	0.30
Wheat, hay	50
Wheat, milled byproducts	2.0
Wheat, straw	30

(b) *Section 18 emergency exemptions.*

[Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.*

[Reserved]

[FR Doc. 2018-11192 Filed 5-23-18; 8:45 am]

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Proposed Rules

Federal Register

Vol. 83, No. 101

Thursday, May 24, 2018

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

[Doc. No. AMS–SC–18–0022; SC18–948–1 PR]

Irish Potatoes Grown in Colorado; Increased Assessment Rate for Area No. 2

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Colorado Potato Administrative Committee (Committee) to increase the assessment rate established for Area No. 2 for the 2018–2019 and subsequent fiscal periods. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by June 25, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: <http://www.regulations.gov>. Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: <http://www.regulations.gov>. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT:

Barry Broadbent, Senior Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or email: Barry.Broadbent@ams.usda.gov or GaryD.Olson@ams.usda.gov.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or email: Richard.Lower@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement No. 97 and Order No. 948, as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. Part 948, (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is comprised of producers and handlers operating within the area of production.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This proposed rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposal does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order, Colorado Area No. 2 potato handlers are subject to assessments. Funds to administer the Order are derived from

such assessments. It is intended that the assessment rate would be applicable to all assessable potatoes in Area No. 2 for the 2018–2019 fiscal period, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The Order provides authority for each area Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members are familiar with the Committee’s needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

This proposal would increase the assessment rate for Area No. 2 from \$0.0033 to \$0.006 per hundredweight of potatoes handled for the 2018–2019 and subsequent fiscal periods. The Committee established the current rate in 2013–2014 fiscal period to reduce the Committee’s monetary reserve to a level that it determined to be appropriate under the Order. Since that action, the reserve fund has been drawn down to approximately 15 percent of annual budgeted expenditures. The \$0.006 per hundredweight assessment rate would realign annual assessment revenue with expected administrative expenses moving forward and would no longer require the utilization of the monetary

reserve to fund a portion of the Committee's budgeted expenditures.

The Committee met on March 15, 2018 to consider the Committee's projected 2018–2019 financial requirements, the size of the Committee's operating reserve, and the Order's continuing assessment rate. The Committee unanimously recommended an assessment rate of \$0.006 per hundredweight of potatoes for the 2018–2019 fiscal period. The proposed assessment rate of \$0.006 is \$0.0027 higher than the rate currently in effect. Without the proposed increase, anticipated assessment revenue would not be sufficient to fund the Committee's ongoing administrative function, and the balance in the Committee's monetary reserve would not be enough to cover the deficit. The assessment rate increase is necessary to maintain the Committee's oversight activities at current levels and avoid a reduction in the program's effectiveness.

For the 2017–2018 fiscal period, the Committee adopted a budget of \$79,623. The Committee expects to recommend a similar level of budgeted expenditures for the 2018–2019 fiscal period at its meeting in May 2018. The Committee anticipates its budgeted expenditures for the 2018–2019 fiscal period to be close to the budgeted amounts for the 2017–2018 fiscal period. Budgeted expenditures for the 2017–2018 fiscal period included \$66,110 for administrative expenses, \$6,138 for office expenses, and \$7,375 for facilities/utilities. The Committee's annual budget has been relatively stable over the past five years, with average growth of approximately 2.7 percent. The Committee's budget five years ago for the 2013–2014 fiscal period was \$71,227, compared to the 2017–2018 fiscal period budget of \$79,623.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments, and the amount of funds available in the authorized reserve. Expected income derived from handler assessments of \$84,000 (estimated 14,000,000 hundredweight times \$0.006 per hundredweight) would be adequate to cover budgeted expenses of between \$81,000 and \$83,000 and put a small amount back into the Committee's monetary reserve fund. Funds in the reserve (currently expected to be \$11,848 at the end of the 2017–2018 fiscal period) would be kept within the maximum permitted by § 948.78.

The assessment rate proposed in this rule would continue in effect indefinitely unless modified, suspended, or terminated by USDA

upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's budget for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 160 producers of Colorado Area No. 2 potatoes in the production area and approximately 60 handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$7,500,000 (13 CFR 121.201).

According to data from USDA's Market News, the 2016–2017 season weighted average f.o.b. price for Colorado potatoes was approximately \$12.06 per hundredweight. The Committee reported that shipments for the 2016–2017 fiscal period were 13.9 million hundredweight. Using the number of handlers, and assuming a normal distribution, the majority of handlers would have average annual receipts of less than \$7,500,000 (\$12.06

times 13.9 million equals \$167,634,000 divided by 60 handlers equals \$2,793,900 per handler).

In addition, based on data from USDA's National Agricultural Statistics Service, the season average producer price for Colorado potatoes for the 2016–2017 crop year was approximately \$9.60 per hundredweight. Based on producer price, shipment data, and the total number of Colorado Area No. 2 potato producers, and assuming a normal distribution, the average annual producer revenue is above \$750,000 (\$9.60 times 13.9 million hundredweight equals \$133,440,000 divided by 160 producers equals \$834,000 per producer). Thus, the majority of Colorado Area No. 2 potato handlers may be classified as small entities, while many of the Colorado Area No. 2 potato producers may be classified as large entities.

This proposal would increase the assessment rate collected from handlers for the 2018–2019 and subsequent fiscal periods from \$0.0033 to \$0.006 per hundredweight of Colorado Area No. 2 potatoes. The Committee unanimously recommended the proposed increase. The proposed assessment rate of \$0.006 is \$0.0027 higher than the 2017–2018 rate. The quantity of assessable potatoes for the 2018–2019 fiscal period is estimated at 14 million hundredweight. Thus, the \$0.006 rate should provide \$84,000 in assessment income. Income derived from handler assessments would be adequate to cover budgeted expenses.

The Committee adopted a budget of \$79,623 for the 2017–2018 fiscal period and expects to recommend a similar amount in budgeted expenditures for the 2018–2019 fiscal period at its scheduled May 2018 meeting. The major budgeted expenditures for the 2017–2018 year included \$66,110 for administrative expenses, \$6,138 for office expenses, and \$7,375 for facilities/utilities. Budgeted expenses for these items in 2016–2017 were \$65,894, \$6,587, and \$6,313, respectively.

Prior to arriving at this proposed assessment rate, the Committee considered the benefits and costs related to establishing other assessment rates. However, the Committee determined that any assessment rate other than the \$0.006 per hundredweight rate would either generate insufficient revenue to meet the Committee's expected expenses for the 2018–2019 fiscal period or would result in a larger than desired addition to the Committee's reserve. Based on estimated shipments, the recommended assessment rate of \$0.006 should provide \$84,000 in

assessment income. The Committee determined that this level of assessment revenue would be adequate to cover budgeted expenses for the 2018–2019 fiscal period without unduly increasing reserve funds.

A review of historical information and preliminary information pertaining to the upcoming fiscal year indicates that the average producer price for the 2018–2019 season should be approximately \$9.26 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 2018–2019 fiscal period as a percentage of total producer revenue would be about 0.06 percent.

This proposed action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the Order. In addition, the Committee's meetings were widely publicized throughout the Colorado potato industry. All interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the March 15, 2018 meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0178, Generic Vegetable and Specialty Crops. No changes in those requirements would be necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Colorado potato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen

access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/rules-regulations/moa/small-businesses>. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is proposed to be amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

■ 1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Section 948.216 is revised to read as follows:

§ 948.216 Assessment rate.

On and after September 1, 2018, an assessment rate of \$0.006 per hundredweight is established for Colorado Area No. 2 potatoes.

Dated: May 18, 2018.

Bruce Summers,

Administrator, Agricultural Marketing Service.

[FR Doc. 2018–11084 Filed 5–23–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0232; Airspace Docket No. 17–ANM–33]

RIN 2120–AA66

Proposed Amendment and Establishment of Multiple Air Traffic Service (ATS) Routes; Western United States

Editorial Note: Proposed Rule document 2018–10466 was originally published on pages 22891 through 22894 in the issue of Thursday, May 17, 2018. In that publication, on pages 22893 through 22894, the latitude coordinates appeared incorrectly. The corrected document is published here in its entirety.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend six United States Area Navigation (RNAV) routes (Q–88, Q–90, Q–114, Q–126, Q–136, and Q–150) and establish one RNAV route (Q–92) in the western United States. The routes would support standard instrument departures (SIDs) and standard terminal arrival routes (STARs) for Denver International Airport. Additionally, the routes will promote operational efficiencies for users and provide connectivity to current and proposed RNAV enroute procedures while enhancing capacity for adjacent airports.

DATES: Comments must be received on or before July 2, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1 (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2018–0232; Airspace Docket No. 17–ANM–33 at the beginning of your comments. You may also submit comments through the internet at <http://www.regulations.gov>.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers (FAA Docket No. FAA-2018-0232; Airspace Docket No. 17-ANM-33) and be submitted in triplicate to the Docket Management Facility (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at <http://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to FAA Docket No. FAA-2018-0232; Airspace Docket No. 17-ANM-33." The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

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

Background

The Denver, Salt Lake City, and Minneapolis Air Route Traffic Control Centers (ARTCCs) requested the FAA to amend six existing and establish one new RNAV Q-Routes. These routes would support new SIDs and STARs that are being developed for Denver International Airport and surrounding airports. Moreover, the current routes are being amended to connect the midwest and east coast airports with west coast airports. Additional waypoints are being strategically added to existing routes over the Rocky Mountains to provide more flexibility in route planning to avoid mountain wave effect (severe turbulence, strong vertical currents, and icing) and to provide flexibility in flight planning for oxygen escape routes (oxygen escape routes are used in the event of cabin depressurization during a flight).

Furthermore, amending the six existing routes and adding the one new route will facilitate the implementation of traffic management initiatives such as adjacent ARTCC metering (ACM) and time based flow management.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify United States RNAV routes Q-88, Q-90, Q-114, Q-126, Q-136, Q-150; and establish United States RNAV route Q-92. The proposed route changes are outlined below.

Q-88: Q-88 currently extends from waypoint HAKMN, NV to waypoint CHESZ, UT. The amended route would connect airports in the northeastern United States (U.S.) and Canada with Los Angeles and Las Vegas. As well as, provide Denver International Airport departures to the north a routing to Minneapolis.

Q-90: Q-90 currently extends from waypoint DNERO, CA to waypoint JASSE, AZ. The amended route would add connection to Chicago O'Hare Airport. Additionally, the route would provide an alternate south departure route from Denver International airport to the Los Angeles, CA, basin satellite airports.

Q-92: Q-92 would be established to support departures from Denver International Airport bound for airports in the midwest and east coast.

Q-114: Q-114 currently extends from waypoint NATEE, NV to waypoint BUGGG, UT. The amended route would connect Chicago area airports to the Los Angeles basin airports. Additionally, the amended route would support Denver International Airport west departures to the Los Angeles, CA, basin satellite airports.

Q-126: Q-126 currently extends from waypoint TIPRE, CA to VOR/DME Meeker, CO, (EKR). The amended route would link airports on the U.S. west coast to airports in the midwest. Q-126 would add utility by supporting Denver International Airport arrival traffic from the west. Additional waypoints were added to the airway to provide for oxygen escape routes.

Q-136: Q-136 currently extends from VORTAC Coaldale, NV (OAL) to FIX VOAXA, CO. The amended route would link airports on the U.S. west coast to airports in the midwest. Q-136 would support Denver International Airport west departures to the San Francisco Bay area and departures to the midwest and east coast airports. Additional waypoints were added to the airway to provide for oxygen escape routes.

Q-150: Q-150 currently extends from waypoint STEVS, WA to waypoint OPPEE, WY. The amended route would support overflight traffic between Seattle area airports and Dallas/Ft. Worth, Houston, as well as Calgary and Edmonton airports in Canada. Q-150

would support Denver departures enroute to Boise, ID; Portland, OR; and Seattle, WA.

United States Area Navigation Routes are published in paragraph 2006 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The United States Area Navigation Routes listed in this document will be subsequently published in the Order.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not

warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 2006—United States Area Navigation Routes

Q-88 HAKMN, NV to DKOTA, SD [Amended]

HAKMN, NV	WP	(Lat. 35°30'28.31" N, long. 115°04'47.04" W)
LAKRR, NV	WP	(Lat. 36°05'07.72" N, long. 114°17'09.16" W)
PROMT, UT	WP	(Lat. 37°30'06.70" N, long. 111°52'12.94" W)
ZAKRY, CO	WP	(Lat. 39°22'47.16" N, long. 107°12'15.76" W)
CHUWY, NE	WP	(Lat. 41°30'42.77" N, long. 102°52'39.47" W)
VIVID, SD	FIX	(Lat. 43°51'37.63" N, long. 099°59'15.44" W)
DKOTA, SD	WP	(Lat. 45°22'17.00" N, long. 097°37'27.00" W)

Q-90 DNERO, CA to WELKY, IA [Amended]

DNERO, CA	WP	(Lat. 35°02'07.14" N, long. 114°54'16.39" W)
YAMHA, CO	WP	(Lat. 37°04'15.31" N, long. 108°51'39.33" W)
DAAYE, CO	WP	(Lat. 38°00'40.43" N, long. 105°46'44.19" W)
WELKY, IA	WP	(Lat. 40°38'57.01" N, long. 093°33'40.60" W)

Q-92 CHUWY, NE to JORDY, IA [New]

CHUWY, NE	WP	(Lat. 41°30'42.77" N, long. 102°52'39.47" W)
KUTCH, NE	WP	(Lat. 41°48'23.73" N, long. 101°01'44.06" W)
MAASI, NE	WP	(Lat. 41°59'36.09" N, long. 097°34'21.90" W)
JORDY, IA	FIX	(Lat. 42°05'11.53" N, long. 093°31'32.82" W)

Q-114 NATEE, NV to LEONG, IA [Amended]

NATEE, NV	WP	(Lat. 35°37'14.00" N, long. 115°22'26.00" W)
BAWER, UT	WP	(Lat. 37°38'06.68" N, long. 112°16'45.89" W)
AVVVS, CO	FIX	(Lat. 40°02'07.82" N, long. 104°46'03.16" W)
AYOLE, NE	WP	(Lat. 41°08'59.40" N, long. 100°43'20.63" W)
LEONG, IA	WP	(Lat. 41°24'02.01" N, long. 093°44'57.66" W)

Q-126 TIPRE, CA to BRAFF, CO [Amended]

TIPRE, CA	WP	(Lat. 38°12'21.00" N, long. 121°02'09.00" W)
INSLO, NV	WP	(Lat. 38°40'44.90" N, long. 117°17'53.20" W)
LBATO, UT	WP	(Lat. 39°47'17.82" N, long. 110°04'48.60" W)
BASNN, CO	WP	(Lat. 39°55'53.98" N, long. 109°00'50.73" W)
BRAFF, CO	WP	(Lat. 40°08'35.62" N, long. 104°23'26.75" W)

Q-136 COALDALE, NV (OAL) to BAACN, IA [Amended]

COALDALE, NV	(OAL) VORTAC	(Lat. 38°00'11.74" N, long. 117°46'13.60" W)
RUMPS, NV	WP	(Lat. 38°07'10.00" N, long. 117°16'15.00" W)
KATTS, NV	WP	(Lat. 38°20'00.00" N, long. 116°20'00.00" W)
WEEMN, UT	WP	(Lat. 39°21'57.00" N, long. 109°58'02.80" W)
COUGH, CO	WP	(Lat. 39°53'45.04" N, long. 105°14'56.79" W)
ZIRKL, NE	WP	(Lat. 40°07'56.94" N, long. 101°22'17.29" W)
BAACN, IA	WP	(Lat. 40°58'29.04" N, long. 093°47'25.79" W)

Q-150 STEVS, WA to EXHAS, KS [Amended]

STEVS, WA	WP	(Lat. 47°14'54.49" N, long. 120°32'09.93" W)
GANNE, WY	WP	(Lat. 43°18'37.17" N, long. 109°30'23.85" W)
DUUZE, KS	WP	(Lat. 38°51'00.00" N, long. 101°42'00.00" W)
EXHAS, KS	WP	(Lat. 38°20'04.70" N, long. 101°09'35.23" W)

Issued in Washington, DC, on May 10, 2018.

Scott M. Rosenbloom,

Acting Manager, Airspace Policy Group.

[FR Doc. R1-2018-10446 Filed 5-23-18; 8:45 am]

BILLING CODE 1301-00-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2017-1202; Airspace Docket No. 17-AWP-31]

Proposed Establishment of Class E Airspace, Los Angeles, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E en route airspace extending upward from 1,200 feet above the surface to accommodate instrument flight rules (IFR) aircraft under control of the Los Angeles Air Route Traffic Control Center (ARTCC), Los Angeles, CA. Establishment of this airspace area would ensure controlled airspace exists in those areas where the Federal airway structure is inadequate.

DATES: Comments must be received on or before July 9, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1-800-647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2017-1202; Airspace Docket No. 17-AWP-31, at the beginning of your comments. You may also submit comments through the internet at <http://www.regulations.gov>.

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

FAA Order 7400.11, Airspace Designations and Reporting Points, is

published yearly and effective on September 15.

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198-6547; telephone (206) 231-2253.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish Class E en route airspace at Los Angeles Air Route Traffic Control Center, Los Angeles, CA.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2017-1202/Airspace Docket No. 17-AWP-31." The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th St., Des Moines, WA 98198-6547.

Availability and Summary of Documents for Incorporation by Reference

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

Background

Current airspace design is primarily based on airport terminal areas and airways, often leaving small areas of uncontrolled airspace between airports. Class E en route domestic airspace provides controlled airspace in those areas where there is a requirement to provide IFR en route air traffic control services but the Federal airway structure is inadequate.

Numerous smaller Class E en route areas have been established to provide controlled airspace where the airway structure is inadequate; however, additional areas of uncontrolled airspace have been discovered due to technological improvements in locating and mapping. Also, as aging ground-based navigation aids are removed from service, the airway structure is reduced, uncovering larger areas of uncontrolled airspace.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 to establish Class E en route airspace extending upward from

1,200 feet above the surface at the Los Angeles ARTCC, Los Angeles, CA, to support en route IFR operations where the airway structure is inadequate. This proposal would allow the most efficient routing between airports without reducing margins of safety or requiring additional coordination and pilot/controller workload. This action is necessary to ensure the safety and management of controlled airspace within the National Airspace System as it transitions from ground based navigation aids to satellite-based Global Navigation Satellite System for navigation.

Class E airspace designations are published in paragraph 6006 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6006 Class E En Route Domestic Airspace Areas.

* * * * *

AWP CA E6 Los Angeles, CA [NEW]

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 35°17'00" N, long. 121°25'28" W; to lat. 35°32'00" N, long. 120°51'00" W; to lat. 35°37'00" N, long. 120°33'45" W; to lat. 35°38'30" N, long. 120°28'30" W; to lat. 35°41'58" N, long. 120°17'17" W; to lat. 35°43'00" N, long. 120°13'55" W; to lat. 35°45'00" N, long. 120°07'00" W; to lat. 35°43'11" N, long. 119°55'03" W; to lat. 35°41'04" N, long. 119°42'46" W; to lat. 35°39'39" N, long. 119°34'35" W; to lat. 35°38'43" N, long. 119°29'25" W; to lat. 35°49'40" N, long. 119°22'20" W; to lat. 36°04'30" N, long. 119°12'30" W; to lat. 36°08'00" N, long. 119°10'00" W; to lat. 36°08'00" N, long. 119°02'20" W; to lat. 36°08'00" N, long. 119°00'00" W; to lat. 36°08'00" N, long. 118°35'00" W; to lat. 36°34'15" N, long. 118°35'00" W; to lat. 36°45'45" N, long. 118°35'00" W; to lat. 37°04'50" N, long. 118°35'00" W; to lat. 37°12'00" N, long. 118°35'03" W; to lat. 37°12'00" N, long. 118°26'00" W; to lat. 37°12'00" N, long. 118°00'00" W; to lat. 37°12'00" N, long. 117°20'00" W; to lat. 37°22'00" N, long. 117°00'30" W; to lat. 37°26'30" N, long. 117°04'33" W; to lat. 37°33'00" N, long. 117°05'41" W; to lat. 37°53'00" N, long. 117°05'41" W; to lat. 37°53'00" N, long. 116°50'00" W; to lat. 37°53'00" N, long. 116°26'03" W; to lat. 37°53'00" N, long. 116°11'03" W; to lat. 37°59'59" N, long. 114°42'06" W; to lat. 38°01'00" N, long. 114°30'03" W; to lat. 38°01'00" N, long. 114°12'03" W; to lat. 37°53'44" N, long. 113°42'03" W; to lat. 37°49'25" N, long. 113°42'01" W; to lat. 37°43'00" N, long. 113°47'00" W; to lat. 37°30'00" N, long. 113°00'00" W; to lat. 37°27'22" N, long. 112°25'19" W; to lat. 37°24'50" N, long. 111°53'45" W; to lat. 37°24'45" N, long. 111°52'45" W; to lat. 37°00'18" N, long. 111°43'06" W; to lat. 36°44'00" N, long. 111°36'30" W; to lat. 36°30'54" N, long. 111°32'08" W; to lat. 36°25'15" N, long. 111°30'15" W; to lat. 35°46'00" N, long. 111°50'30" W; to lat. 35°24'00" N, long. 112°00'00" W; to lat. 35°23'48" N, long. 112°09'11" W; to lat. 35°23'00" N, long. 112°40'00" W; to lat.

35°15'20" N, long. 112°55'40" W; to lat. 34°55'00" N, long. 113°37'00" W; to lat. 34°52'00" N, long. 113°42'00" W; to lat. 34°40'00" N, long. 114°00'00" W; to lat. 33°24'00" N, long. 114°00'00" W; to lat. 32°41'00" N, long. 114°00'00" W; to lat. 32°44'15" N, long. 113°41'05" W; to lat. 32°06'58" N, long. 113°30'46" W; to lat. 32°06'00" N, long. 113°30'30" W; to lat. 32°15'00" N, long. 114°00'00" W; to lat. 32°29'38" N, long. 117°24'38" W; to lat. 32°43'07" N, long. 114°43'07" W; to lat. 32°38'30" N, long. 115°48'30" W; to lat. 32°32'03" N, long. 117°07'25" W; to lat. 32°24'00" N, long. 117°24'38" W; to lat. 32°35'07" N, long. 118°29'51" W; to lat. 33°04'49" N, long. 119°44'49" W; to lat. 33°54'53" N, long. 120°40'02" W; to lat. 34°50'19" N, long. 121°40'09" W., thence to the point of beginning, excluding that airspace offshore beyond 12 miles of the shore line.

Issued in Seattle, Washington, on May 17, 2018.

B.G. Chew,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–11063 Filed 5–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 151

[Docket No. USCG–2018–0245]

RIN 1625–AC45

Ballast Water Management—Annual Reporting Requirement

Correction

In proposed rule document 2018–09877 beginning on page 21214 in the issue of Wednesday, May 9, 2018, make the following correction:

On page 21215, in the second column, the 39th line should read as follows:

COTP Captain of the Port

[FR Doc. C1–2018–09877 Filed 5–23–18; 8:45 am]

BILLING CODE 1301–00–D

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0293]

RIN 1625–AA00

Safety Zone for Fireworks Display; Middle River, Baltimore County, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for certain waters of the Middle River. This action is necessary to provide for the safety of life on the navigable waters of the Middle River in Baltimore County, MD, during a fireworks display on June 30, 2018 (with alternate date of July 1, 2018). This action would prohibit persons and vessels from entering the safety zone unless authorized by the Captain of the Port Maryland-National Capital Region or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before June 25, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2018–0293 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public Participation and Request for Comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Mr. Ron Houck, Sector Maryland-National Capital Region Waterways Management Division, U.S. Coast Guard; telephone 410–576–2674, email Ronald.L.Houck@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

On March 21, 2018, the Marine Trades Association of Baltimore County, Inc. of Baltimore, MD notified the Coast Guard that it will be conducting a fireworks display on June 30, 2018 at 9 p.m., to commemorate the July 4th Holiday. Details of the proposed event were provided to the Coast Guard on March 29, 2018. The private fireworks display is to be launched from a fireworks barge located in the Middle River, approximately 300 yards southeast of Wilson Point in Baltimore County, MD. In the event of inclement weather, the fireworks display will be scheduled for July 1, 2018. Hazards from fireworks displays include accidental discharge of fireworks,

dangerous projectiles, and falling hot embers or other debris. The COTP Maryland-National Capital Region has determined that potential hazards associated with the fireworks to be used in this display would be a safety concern for anyone within 200 yards of the fireworks barge.

The purpose of this rulemaking is to ensure the safety of persons and vessels on the navigable waters of the Middle River within 200 yards of the fireworks barge before, during, and after the scheduled event. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP proposes to establish a safety zone from 8 p.m. to 10:30 p.m. on June 30, 2018, and if necessary due to inclement weather, from 8 p.m. to 10:30 p.m. on July 1, 2018. The safety zone would cover all navigable waters of the Middle River, within 200 yards of a fireworks barge in approximate position latitude 39°18'24" N, longitude 076°24'29" W, located in Baltimore County, MD. The duration of the zone is intended to ensure the safety of persons and vessels on the specified navigable waters before, during, and after the scheduled 9 p.m. fireworks display. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration,

and time-of-day of the safety zone. Vessel traffic will be able to safely transit around this safety zone, which would impact a small designated area of the Middle River for 2.5 hours during the evening when vessel traffic is normally low. The Coast Guard will issue a Broadcast Notice to Mariners via VHF–FM marine band channel 16 to provide information about the safety zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Directive 023–01, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone lasting less than 3 hours that would prohibit vessel movement within a portion of the Middle River. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction

Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0293 to read as follows:

§ 165.T05–0293 Safety Zone for Fireworks Display; Middle River, Baltimore County, MD.

(a) *Location.* The following area is a safety zone: All navigable waters of the Middle River, within 200 yards of a fireworks barge in approximate position latitude 39°18'24" N, longitude 076°24'29" W, located in Baltimore County, MD. All coordinates refer to datum NAD 1983.

(b) *Definitions.* As used in this section:

(1) *Captain of the Port Maryland-National Capital Region* means the Commander, U.S. Coast Guard Sector Maryland-National Capital Region.

(2) *Designated representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port Maryland-National Capital Region to assist in enforcement of the safety zone described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in subpart C of this part apply to the safety zone created by this section.

(1) Entry into or remaining in this safety zone is prohibited unless authorized by the Coast Guard Captain of the Port Maryland-National Capital Region. All vessels underway within this safety zone at the time it is implemented are to depart the zone.

(2) Persons desiring to transit the area of the safety zone must obtain authorization from the Captain of the Port Maryland-National Capital Region or designated representative. To request permission to transit the area, the Captain of the Port Maryland-National Capital Region or designated representatives can be contacted at telephone number 410–576–2693 or on marine band radio VHF–FM channel 16 (156.8 MHz). Coast Guard vessels enforcing this section can be contacted on marine band radio VHF–FM channel 16 (156.8 MHz). Upon being hailed by a Coast Guard vessel, or other Federal, State, or local agency vessel, by siren,

radio, flashing light, or other means, the operator of a vessel must proceed as directed. If permission is granted to enter the safety zone, all persons and vessels must comply with the instructions of the Captain of the Port Maryland-National Capital Region or designated representative and proceed as directed while within the zone.

(4) *Enforcement officials.* The Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(d) *Enforcement periods.* This section will be enforced from 8 p.m. to 10:30 p.m. on June 30, 2018, and if necessary due to inclement weather, from 8 p.m. to 10:30 p.m. on July 1, 2018.

Dated: May 2, 2018.

Joseph B. Loring,

Captain, U.S. Coast Guard, Captain of the Port Maryland-National Capital Region.

[FR Doc. 2018-10900 Filed 5-23-18; 8:45 am]

BILLING CODE 9110-04-P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2018-4]

Copyright Office Fees

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office is proposing the adoption of a new fee schedule. The proposed fees would help the Office recover a significant part, though not the whole, of its costs. The Office is providing an opportunity to the public to comment on the proposed changes before it submits the fee schedule to Congress.

DATES: Written comments must be received no later than 11:59 p.m. Eastern Time on July 23, 2018.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at <https://www.copyright.gov/policy/feestudy2018>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT:

Regan A. Smith, Deputy General Counsel, by email at resm@loc.gov, or Julie Saltman, Assistant General Counsel, by email at jusa@loc.gov, or either by telephone at 202-707-8350.

SUPPLEMENTARY INFORMATION: The Copyright Office is proposing the establishment of a new fee schedule for Copyright Office services. Below, the Office describes the legal authority for establishment and adjustment of its fees, describes the overarching methodology employed by the Office in studying its costs and establishing a new fee schedule, and describes and provides justification for each of the Office's proposed fee adjustments.

I. Statutory Framework

The Copyright Act provides for the funding of Copyright Office operations through user fees to cover its reasonable costs. The main provision authorizing the establishment and collection of such fees is 17 U.S.C. 708. Section 708(a) specifies that “[f]ees shall be paid to the Register of Copyrights” for the following services:

(1) On filing an application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made;

(2) on filing each application for registration of a claim for renewal of a subsisting copyright under section 304(a), including the issuance of a certificate of registration if registration is made;

(3) for the issuance of a receipt for a deposit under section 407;

(4) for the recordation, as provided by section 205, of a transfer of copyright ownership or other document;

(5) for the filing, under section 115(b), of a notice of intention to obtain a compulsory license;

(6) for the recordation, under section 302(c), of a statement revealing the identity of an author of an anonymous or pseudonymous work, or for the recordation, under section 302(d), of a statement relating to the death of an author;

(7) for the issuance, under section 706, of an additional certificate of registration;

(8) for the issuance of any other certification;

(9) for the making and reporting of a search as provided by section 705, and for any related services;

(10) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 119 or 122; and

(11) on filing a statement of account based on secondary transmissions of primary transmissions pursuant to section 111.

Fees for the services described in paragraphs (1) through (9) above are established in accordance with the following process. The Register must first “conduct a study of the costs incurred by the Copyright Office for the registration of claims, the recordation of documents, and the provision of services.” 17 U.S.C. 708(b)(1). The study must “consider the timing of any adjustment in fees and the authority to use such fees consistent with the budget.” *Id.* On the basis of that study, the Register may “adjust fees” by regulation “to not more than that necessary to cover the reasonable costs incurred by the Copyright Office for” its services “plus a reasonable inflation adjustment to account for any estimated increase in costs.” 17 U.S.C. 708(b)(2). The Register must then prepare a proposed fee schedule and submit it with the accompanying economic analysis to Congress. *Id.* 708(b)(5). The proposed schedule may go into effect after the end of 120 days after submitting it to Congress unless, within that 120 day period, Congress enacts a law stating in substance that Congress does not approve the schedule. *Id.*

Importantly, section 708 also requires that fees under section 708(a)(1)–(9) “be fair and equitable and give due consideration to the objectives of the copyright system.” *Id.* 708(b)(4). This mandate makes clear that the Copyright Office must review more than the reasonable costs of services provided; instead, the Office must take into account the public interest in the nation’s copyright scheme. In assessing these fees, the Register thus has “wide discretion to adjust Copyright Office fees by regulation.” Melville B. Nimmer & David Nimmer, *Nimmer on Copyright*, secs. 7.24, 7–232 (2013).

The Copyright Act also authorizes the Register of Copyrights to establish fees for services other than those listed in paragraphs (1) through (9) of section 708(a). Though not subject to the procedural requirements of section 708(b), these fees are often evaluated and adjusted as part of the fee study mandated by section 708(b)—as is the case here. First, paragraphs (10) and (11) of section 708 provide that the Copyright Office’s Licensing Division may charge filing fees for the statements of account that cable and satellite companies must submit under the statutory licenses in sections 111, 119, and 122 for the secondary transmissions of primary broadcast television transmissions. 17 U.S.C. 708(a)(10), (11).

These statement of account filing fees must “be reasonable and may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account and any royalty fees deposited with such statements.” *Id.* 708(a). Second, section 708 authorizes the Register to set fees for any “other services,” such as “preparing copies of Copyright Office records,” but these fees must be “based on the cost of providing the service.” *Id.* 708(a). Finally, various other provisions of the Copyright Act outside section 708 authorize the establishment of fees for specific services; all require fees to be set based on costs.¹

In 1997, Congress amended section 708 specifically to grant the Register both wide discretion and permanent authority to set fees for the Office. *See* Public Law 105–80, 111 Stat. 1529, 1532 (1997); H. Rep. No. 105–25, at 16 (Mar. 17, 1997). Accordingly, the fee statute generally instructs the Register to set fees at a level that covers the Copyright Office’s overall costs.² In fulfilling that direction, the Office may set fees that account for indirect costs of providing services, and to use fee revenue from some services to offset losses from others for which the fees are kept low to encourage the public to take advantage of the service.

II. Cost Study

Congress first gave the Register of Copyrights the authority to set and adjust Copyright Office fees in 1997. 17 U.S.C. 708(b) (1997). Since then, the Office has adjusted its fees every three to five years. The last such adjustment went into effect in May 2014.³

The Office initiated a new cost study in June 2017, contracting with a private

accounting and consulting firm, Booz Allen Hamilton (“Booz Allen”), to analyze the Office’s current as well as any expected future costs.⁴ In addition to studying the Office’s costs, Booz Allen examined the Office’s current fee structure, and provided an initial proposed fee schedule aimed to meet the Office’s cost-recovery goals, as well as a fee modeling tool that the Office could use to adjust Booz Allen’s initial proposed fee schedule to account for other policy goals.⁵ Booz Allen’s fee model takes into account price elasticity of demand. The elasticity estimates are based on an analysis of the Office’s data on price elasticity as well as an independent elasticity analysis based on raw data from the Office. Booz Allen’s study is provided on the rulemaking web page, and describes in detail the methodology employed to assess the Office’s costs and formulate the initial proposed fee schedule.⁶

1. Copyright Office Costs

In assessing the costs of the Office’s various functions, Booz Allen used an industry-standard, activity-based costing (ABC) model, using overhead, compensation, and volume as primary cost drivers; the particulars of that model are detailed in the Booz Allen Study.⁷

Some of the key data Booz Allen used in its study was from Fiscal Year 2016, although more current data was available for certain other variables, like salaries and employee estimates of time spent performing fee-related tasks. As the Booz Allen Study acknowledged, however, after Fiscal Year 2016 the Office “engaged in a variety of regulatory reforms that are projected to increase the efficiency of various registration, recordation, or licensing activities,” and that “[b]ecause the ABC model is necessarily based on retrospective data, Booz Allen understands that the Office may choose to make adjustments to the cost-based fee recommendations to account for predicted changes in activity efficiency.”⁸

Booz Allen’s cost assessment also included anticipated expenses associated with the Office’s ongoing information technology and business

process modernization efforts. These efforts are generally described in two documents. In February 2016, the Copyright Office released its *Provisional Information Technology Modernization Plan and Cost Analysis* (“Provisional IT Plan”).⁹ Then, in September 2017, the Library of Congress and Copyright Office jointly issued a *Modified U.S. Copyright Office Provisional IT Modernization Plan* (“Modified IT Plan”) describing a centralized model for updating the Office’s IT systems.¹⁰ Based on data compiled by the Library of Congress for the modified provisional IT plan, the Library’s Office of the Chief Information Officer and the Copyright Office have assessed the costs of modernization over the next five years to be approximately \$12–\$15 million per year.

In total, the Booz Allen study projected the Office’s base year costs to be approximately \$67.7 million, and estimated that costs will increase by approximately 1.8% in each subsequent year for the next five years, assuming no staffing changes. A detailed list of the five-year costs is found at Appendix A of the Booz Allen Study.¹¹

2. Booz Allen’s Initial Proposed Fee Schedule

In establishing a fee schedule, Booz Allen began with the Office’s cost-recovery goals. Importantly, the Office has never recovered its full costs from user fees. Instead, the Office has traditionally recovered approximately 60% of its costs through fees; the remainder is provided through appropriated dollars from the U.S. treasury. Consistent with the Office’s historical practice, the targeted cost recovery rate in the Booz Allen study was 60% for all costs, except those associated with IT modernization efforts. With respect to modernization costs, the Modified IT Plan noted that “[p]ublic comments to the original Provisional IT Plan were generally supportive of increased fees for enhanced technological services.”¹² At the same time, “public comments did not support Copyright IT modernization being fully fee-funded; in fact, many noted that it was premature to determine a fees/appropriated dollar

¹ *See, e.g.*, 17 U.S.C. 104A(e)(1)(C) (“The Register of Copyrights is authorized to fix reasonable fees based on the costs of receipt, processing, recording, and publication of notices of intent to enforce a restored copyright and corrections thereto.”); *id.* 512(c)(2) (requiring the Register to “maintain a current directory of agents” designated to receive notifications of claimed infringement, and authorizing the “payment of a fee by service providers to cover the costs of maintaining the directory”).

² *See* 17 U.S.C. 708(b)(1), (2) (providing that the Register “may . . . adjust fees to not more than that necessary to cover the reasonable costs incurred by the Copyright Office” for “the registration of claims, the recordation of documents, and the provision of services”). In only limited circumstances does the statute specify that the fees for a specific service may not exceed the cost of providing that service. For instance, the statute specifies that the statement of account filing fees under paragraphs (10) and (11) of section 708(a) “may not exceed one-half of the cost necessary to cover reasonable expenses incurred by the Copyright Office for the collection and administration of the statements of account.”

³ *See* 79 FR 15910 (Mar. 24, 2014).

⁴ *See* 17 U.S.C. 708(b)(2) (permitting fees to “account for any estimated increase in costs”).

⁵ *See* 17 U.S.C. 708(b)(4) (“Fees established under this subsection shall be fair and equitable and give due consideration to the objectives of the copyright system”).

⁶ *See* Booz Allen Hamilton, 2017 Fee Study Report (Dec. 2017), available at <https://www.copyright.gov/policy/feestudy2018> (“Booz Allen Study”).

⁷ Booz Allen Study at 7–8.

⁸ Booz Allen Study at 5.

⁹ U.S. Copyright Office, *Provisional Information Technology Modernization Plan and Cost Analysis* (Feb. 29, 2016), available at <http://www.copyright.gov/reports/itplan/technology-report.pdf>.

¹⁰ Library of Congress & U.S. Copyright Office, *Modified U.S. Copyright Office Provisional IT Modernization Plan* (Sept. 1, 2017), available at <http://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf>.

¹¹ Booz Allen Study at 23.

¹² Modified IT Plan at 31.

ratio and endorsed the notion that taxpayer support has an important role in modernizing Office IT systems.”¹³ Anticipating that Congress will continue to support modernization efforts through increased appropriations, the Office’s targeted cost recovery for modernization costs is 50%. (The costs associated with modernizing the Licensing Division’s systems, however, were not considered when calculating the Licensing Division’s fees.)

The Office is often asked why it does not set a goal of full-cost recovery from fees. The answer is that the Office’s primary services—including copyright registration and recordation—are mostly voluntary, and the significantly higher fees needed for total cost recovery would result in less use of those services to the detriment of the public interest in a robust registration system. In economics terms, demand for these services is *elastic*. Simply put, when fees are set too high, potential users—including non-profit or non-commercial users—will be unable or unwilling to pay and simply will stop participating at all and the public record will suffer.

Booz Allen’s fee model accounted for the price elasticity of demand for the Office’s services. As Booz Allen noted, “[t]he vast majority of the Office’s revenue, 86.6%, is generated from fees deemed elastic.”¹⁴ Booz Allen performed its own elasticity analysis using data on copyright registration volume, fee revenue, and fee changes from 1986 to 2018, and validated the resulting figures by referencing economic literature, econometric studies of European trademarks, and the fee setting report of the U.S. Patent and Trademark Office.¹⁵ That analysis found an elasticity measure of -0.32 for the Office’s primary services, including registration and recordation. The analysis predicts, for instance, that “raising the fee for recordation of a document from \$105 to \$125 would lead to a projected decrease of 662 documents recorded, a decline of 6%.”¹⁶

Significantly, using this validated measure of elasticity, Booz Allen concluded that the goal of full-cost recovery was “impossible to achieve.”¹⁷ Booz Allen instead calculated that the maximum obtainable cost recovery for all of the Office services was 70.4%,

with annual revenue of \$47,735,256.¹⁸ At this level of revenue, the Office would not be able to recover its full costs even if the whole cost of IT modernization were funded through taxpayer dollars. Moreover, achieving this rate of cost recovery would be significantly detrimental to the public interest—it would cause a 25% drop in use of Office services, including registration and recordation.¹⁹ Thus, raising the fees to maximize revenue (even short of full cost recovery) would result in a far less robust public record of copyrighted works, and would undermine “the objectives of the copyright system.” 17 U.S.C. 708(b)(4).

At the same time, maintaining fees at a flat level is not an option either, given the increase in Office costs, including the cost of IT modernization. As a result, to maintain a steady level of cost recovery, Booz Allen recommended a weighted average increase of 38% to existing fees across all service categories.²⁰

In recommending individual fees, Booz Allen reviewed the cost per transaction calculated in the ABC model, and then “adjusted [it] to account for external considerations,” including the Office’s guidance regarding the relative demand for Office services.²¹ To optimize fee recovery, Booz Allen’s schedule recommended below-cost fees for services with relatively elastic demand, and above-cost fees for certain services with relatively inelastic demand. This approach to cross-subsidizing fees is consistent with the authorizing statutes and Congress’s intent in granting the Copyright Office broad fee-setting authority.²² Booz Allen’s initial proposed fee schedule can be found in the Booz Allen Study.²³

III. The Office’s Schedule of Proposed Fees

The Office has independently evaluated and adjusted the Booz Allen schedule, which focused principally on the economic analysis, based on our assessment of fairness, equity, the objectives of the Copyright Act²⁴ and

the Office’s policy goals, as well as general guidance from the Office of Management and Budget,²⁵ and the Government Accountability Office.²⁶

Critically, the Office analyzed potential changes to fees under 708(a)(1)–(9) to ensure that they are “fair and equitable and give due consideration to the objectives of the copyright system,” as required by the statute. The voluntary registration and recordation system is vital to a number of national objectives. They facilitate the marketplace for licensing and other valuable uses of works, as well as business transactions that rely on protection of copyrighted works. Additionally, while the system is voluntary in that copyright protection exists independent of registration, registration provides crucial benefits for copyright owners. Before bringing a lawsuit for infringement of a U.S. work, for example, a copyright owner is required to receive either a registration or refusal from the Office. And copyright owners must obtain a timely registration to qualify for certain legal presumptions and to seek statutory damages and attorney’s fees in litigation. Ensuring that most copyright owners can register their works thus is very important to providing access to judicial remedies. Due to the public interest inherent in the copyright system, the Office struck a balance between being a prudent fiduciary of public funds and creating a fee schedule that supports the Office’s policy goal of promoting creativity and protecting creators’ rights.

The following sections set forth the Office’s proposed fees, and explain any changes from current fees. In addition, the Office has provided its revised fee model summary on the rulemaking page, which was developed using Booz Allen’s fee modeling tool, and provides additional detail regarding the bases for the proposed fee schedule. Although the Office has not set forth specific proposed rule language, the proposed changes would be made to the fee tables that currently appear in 37 CFR 201.3. When it promulgates the final rule, the Office will reorganize the fee tables in that provision to make them easier to read, including by deleting the unnecessary definitions that appear in section 201.3(b).

Overall, the Office has determined that fees should increase an average of 41% to account for inflationary

¹⁸ Booz Allen Q&A at 3.

¹⁹ *Id.*

²⁰ Booz Allen Study at 2–3.

²¹ *Id.* at 7.

²² See 17 U.S.C. 708(a), (b) (permitting establishment of fees “to cover the reasonable costs incurred by the Copyright Office” for “the registration of claims, the recordation of documents, and the provision of services”).

²³ Booz Allen Study at 23–28.

²⁴ See 17 U.S.C. 708(b)(4) (requiring that fees for services specified in paragraphs (1)–(9) of subsection (a) “be fair and equitable and give due consideration to the objectives of the copyright system”).

²⁵ Office of Mgmt. and Budget, Circular No. A–25 (2017), available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-025.pdf>.

²⁶ U.S. Gov’t Accountability Office, *Federal User Fees: A Design Guide* (May 2008), available at <http://www.gao.gov/assets/210/203357.pdf>.

¹³ *Id.*

¹⁴ Booz Allen Study at 8.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 8.

¹⁷ Booz Allen Hamilton, *U.S. Copyright Office, Fee Study, Questions and Answers* (Dec. 2017), available at <https://www.copyright.gov/policy/fees2018> (“Booz Allen Q&A”).

increases and the expected cost of information technology modernization over the next several years. The Office anticipates the higher fees will decrease overall fee processing by approximately 14% at least temporarily, but that this decrease will be offset by a more appropriate level of cost recovery. In total, the Office estimates that revenues

generated by these proposed fees will be roughly \$41 million per year.

A. Registration, Recordation and Related Services

1. Basic Registrations

Section 708(a)(1) requires the payment of fees “on filing each

application under section 408 for registration of a copyright claim or for a supplementary registration, including the issuance of a certificate of registration if registration is made.” 17 U.S.C. 708(a)(1). The Office proposes the following increases to the fees for basic registration applications, to be codified in 37 CFR 201.3(a).

Basic registrations	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(1) Registration of a claim in an original work of authorship:			
Standard Application (electronic only)	55	75	90
Single Application (electronic only)	35	55	86
Paper Application	85	125	118

As the Booz Allen study noted, basic registration applications produce the highest volume of all the Office’s fee generating services; at the same time, examination of those applications is, in aggregate, the costliest activity the Office performs.²⁷ Currently, cost recovery for single and standard applications stands at 51%,²⁸ and has fallen well below the target established during the prior fee study of 71% for electronic claims and 66% for paper applications.²⁹ As explained, however, the Office cannot establish fees at a level that recovers full costs, because demand for these registration services is elastic.

While in the past, the fee for electronic applications was kept artificially low to incentivize electronic filings,³⁰ today the vast majority of registration applications are now filed electronically.³¹ The current cost of processing and examining a Standard Application (\$91) far outstrips the current fee (\$55). The same is true of the Single Application, which has a cost

(\$86) not significantly different from the Standard Application. In this context, the Office believes it is appropriate to return the fees for electronic filing to a level more commensurate with the Office’s costs, while not unduly disincentivizing the registration of copyrights.

To begin to close the shortfall, the Office is proposing to increase fees to \$75 for Standard Applications to achieve an 83% cost recovery based on current costs. In addition, the Office proposes raising the fee for the electronic Single Application, a special application intended for individual creators who file the simplest types of claims, to \$55, which achieves a 52% cost recovery based on current costs. The latter fee thus represents a significant subsidy intended for smaller creators.

Turning to the paper application, the Office believes it continues to be appropriate to differentiate between paper and electronic applications, given

the substantially higher costs of processing paper applications, and as a means of incentivizing use of the electronic system. The Office accordingly proposes a fee of \$125 for paper applications.

The Office has concluded that these proposed fees are “fair and equitable, and give due consideration to the objectives of the copyright system.” 17 U.S.C. 708(b)(4).

2. Group Registrations

In general, each registration application should be limited to a unitary “work of authorship.” Under the Copyright Act, however, the Register of Copyrights may allow groups of related works to be registered with one application and one filing fee—a procedure known as “group registration.” See 17 U.S.C. 408(c)(1). These fees are also authorized by 17 U.S.C. 708(a)(1). The Office proposes the following schedule of fees, to be codified in 37 CFR 201.3(b).

Group registrations	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(2) Group registration of contributions to periodicals	85	85	71
(3) Group registration of serials, per issue, with a minimum of 2 issues:			
(i) Electronic filing	New Fee	35	76
(ii) Paper filing (Form SE/Group)	25	70	101
(4) Group registration of newspapers/newsletters:			
(i) Electronic filing for group newspapers and group newsletters	80 (group newspapers)	95	64
(ii) Paper filing for group newsletters (Form G/DN)	New Fee (group newsletters). 80	125	88
(3) Group registration of unpublished photographs (GRUPH) (up to 750 published photographs).	New Fee	100	284
(4) Group registration of published photographs (GRPPH) (up to 750 published photographs).	³² 65 (paper)	100	284
	55 (electronic).		

²⁷ Booz Allen Study at 13.

²⁸ *Id.*

²⁹ U.S. Copyright Office, *Proposed Schedule and Analysis of Copyright Fees to Go Into Effect on or About April 1, 2014*, at 15–16 (Nov. 13, 2013), available at <https://www.copyright.gov/docs/>

[newfees/USCOFeeStudy-Nov13.pdf](#) (“2014 Fee Study”).

³⁰ 2014 Fee Study at 16 (noting that “after the launch of the eCO system, the current fee of \$35 was lowered from the then-existing fee of \$45 to incentivize electronic filings”).

³¹ See U.S. Copyright Office, *Registration Processing Times*, <https://www.copyright.gov/registration/docs/processing-times-faqs.pdf> (last visited Apr. 5, 2018).

Group registrations	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(5) Group registration of updates and revisions to photographic databases.	65 (paper) 55 (electronic)	250	³³ N/A
(6) Group registration of updates and revisions to non-photographic databases.	85	500	694
(7) Group registration of unpublished works	New Fee	85	³⁴ N/A
(8) Group registration of secure test items	New Fee	75	883

³² The paper option for group registration of published photographs was eliminated effective February 20, 2018. See 83 FR 2542 (Jan. 18, 2018).

³³ Insufficient volume to calculate cost.

³⁴ As discussed below, processing costs for this option are predicted to be equivalent to the processing cost of group registration of contributions to periodicals.

As the data above suggests, processing group registrations can be costly and time-consuming. Indeed, the Office’s cost recovery for several categories of group registrations has been quite low. For example, based on the data above, the Office currently recovers only 12% of the cost of group registration of updates and revisions to non-photographic databases through fees for that service. The high cost of processing group registrations is compounded by the fact that group registrations are the second highest volume service the Copyright Office provides according to the Booz Allen Study. Thus, the Office proposes increasing many of the group registration fees to achieve a higher rate of cost recovery. The Office understands the demand for many of these services to be relatively inelastic, especially because, on a per-work basis, the fees are relatively low. Accordingly, achieving a higher rate of recovery should not result in a significant decrease in registrations.

The Office has proposed fees that are fair and equitable, and give due consideration to the objectives of the copyright system. The Office recommends keeping the current fee for group registration of contributions to periodicals the same (\$85). The Office estimates that this service costs \$71, but maintaining the fee at \$85 allows the Office to achieve less than full cost recovery in other categories of fees.

The Office proposes adopting two fees for group registration of serials: A new fee of \$35 per issue for electronic applications and a fee of \$70 per issue for paper applications (which is an increase from the current \$25 fee for all applications). The calculated cost for electronic applications is \$76, and the cost for paper applications is \$101. The two-tiered fee structure reflects the fact that paper applications are more costly to process than electronic applications. The slightly higher fees should recover more of the costs of providing this service without greatly decreasing

demand. Charging a higher amount for paper applications will also encourage the use of the electronic application, which is more efficiently processed.³⁵

The Office also proposes somewhat higher fees for group registration of newspapers and group registration of newsletters. Currently the filing fee is \$80. The estimated cost of processing the paper applications for group registration of newsletters is \$88,³⁶ while the Office estimates that electronic applications for this service cost \$64 to process.³⁷ The Office proposes raising the fee for electronic applications for group registration of newspapers and newsletters to \$95. The \$95 fee provides sufficient cost recovery and should not result in a significant decrease in registrations. The Office proposes raising the fee for paper applications for group registration of newsletters to \$125.³⁸ This increase achieves full cost recovery and should not significantly decrease registrations.

³⁵ The Office has recently published a notice of proposed rulemaking to update the regulations governing group registration of serials; among other things, the rule would eliminate the paper registration option. 83 FR 22896 (May 17, 2018). Accordingly, if that rule is finalized prior to the adoption of a new fee schedule, the separate paper application fee would not be adopted.

³⁶ The paper application for group registration of newspapers was eliminated in a rule that became effective on March 1, 2018. See 83 FR 4144 (Jan. 30, 2018). Though the Office has insufficient data to calculate the costs of applications for group registration of newspapers, the Office estimates that the costs for this category of group registrations would be similar to those associated with group registrations of newsletters.

³⁷ The fee for electronic forms is lower because it does not include the per-transaction cost incurred by the Receipt Analysis and Control (RAC) department that is included in the paper application fee. This is because RAC’s involvement in processing electronic forms is minimal. RAC is responsible for scanning and ingesting the information in paper applications.

³⁸ The Office has recently published a notice of proposed rulemaking to update the regulations governing group registration of newsletters; among other things, the rule would eliminate the paper registration option. 83 FR 22902 (May 17, 2018). Accordingly, if that rule is finalized before the adoption of a new fee schedule, the separate paper application fee would not be adopted.

Due to the relative inelasticity of the demand for these services, the Office anticipates that the excess revenue from these fees can subsidize some of the more costly group registrations for which full cost recovery is impracticable. Indeed, the group registration option for newspapers and newsletters provides significant cost savings for publishers, who can pay one fee for group registrations rather than file multiple separate registrations per month.

The Office also proposes increased filing fees for group registration of published photographs (“GRPPH”) and group registration of unpublished photographs (“GRUPH”), both of which use the Office’s electronic registration system. These services currently are provided for a \$55 fee. The Office estimates, however, that the cost for providing each of these services is \$284. The Office accordingly proposes offering both services for \$100. The Office believes these new fees will achieve greater cost recovery while maintaining a relatively low fee on a per-work basis for photographers. Specifically, the per-photograph cost is currently \$0.07 if the applicant registers the maximum number of photographs (i.e., 750). The proposed new fee raises that cost only slightly to \$0.12 per photograph if the maximum number of works are registered.

The Office is proposing significant fee increases for the group registration options that apply to databases. The Office currently charges \$85 per application for group registration of updates and revisions to non-photographic databases, and \$65 (paper application) or \$55 (electronic application) per application for group registration of updates and revisions to photographic databases. These applications are quite costly to process, in part because there is no limit on the number of works that may be included in each submission. The Office calculates that applications for group

registration of updates and revisions to non-photographic databases cost \$694 to process. Although there was not sufficient volume to calculate the exact cost of processing applications for group registration of updates and revisions to photographic databases, the Office estimates that the cost is equivalent to that for non-photographic databases, because both permit an unlimited number of works to be registered in a single application. For example, the Office noted in its final rule for Group Registration of Photographs, 83 FR 2542 (Jan. 18, 2018), that “at least one database provider registered 57,040 photographs between 2012 and 2016.” *Id.* at 2544 n.15 (explaining that this provider filed 29 applications during this period with each containing an average of 1966 photographs). Accordingly, the Office proposes increasing the fees for both services to achieve better cost recovery.

Specifically, the Office proposes a \$500 fee for group registration of updates and revisions to non-photographic databases. This registration option can be used to register up to three months’ worth of content, which means that the per-day cost over the course of three months is only \$5.55. The Office proposes increasing the fee for group registration of updates and revisions to photographic databases to \$250. The Office also proposes several fees for new group registration options that have recently been or will soon be established through rulemakings. The Office proposes a fee of \$75 for group registration of secure test items. This service is estimated to cost \$883; however, the Office set this fee to be the same as the Standard Application, and anticipates that the cost will be covered to some degree by the secure test examination fee, discussed below. The Office has also recently proposed a new

group registration option for unpublished works,³⁹ and expects to finalize that rulemaking before the new fee schedule is finalized. The Office also is considering expanding the categories of works eligible for group registration through rulemaking in the near future. The Office expects to propose that the fee for these services be \$85, which is derived from the analogous fee for group registration of contributions to periodicals, which is expected to impose approximately similar costs.

3. Other Registration Services

The Office provides other, less commonly used registration services, as authorized by various provisions of the Copyright Act. The Office proposes the following schedule of fees for such services, to be codified in 37 CFR 201.3(b).

Other registration service	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(8) Supplementary registration:			
(i) Electronic filing	New fee	100	365
(ii) Paper filing (Form CA)	130	150	413
(9) Renewal registrations:			
(i) Form RE	100	125	148
(ii) Addendum to Form RE	100	100	67
(10) Preregistration of certain unpublished works	140	200	71
(11) Registration of vessel designs/Correction of an existing registration for a vessel design:			
(i) Form D–VH	400	500	6,528
(ii) Form DC	100	100	71
(12) Registration of mask work (Form MW)	120	150	2,176
(13) Registration of a claim in a restored copyright (Form GATT)	85	100	380
(14) Secure test examination fee (per staff member, per hour)	250	250	900
(15) Request for reconsideration (per claim):			
(i) First appeal	250	350	729
(ii) Second appeal	500	700	4,470
(16) Special handling surcharge for registration:			
(i) Expedited processing of application	800	1000	67
(ii) Fee for each non-expedited claim using the same deposit	50	50	⁴⁰ N/A
(17) Full term retention of published registration deposit:			
(i) Physical deposit	540	540	360
(ii) Electronic deposit	New Fee	220	220
(18) Request for special relief from deposit requirements	New Fee	85	78
(19) Voluntary cancellation of registration	New Fee	150	370
(20) Matching unidentified deposit to deposit ticket claim	New Fee	40	389

Several of these registration services are low volume services with a high cost per transaction, reflecting their time-consuming nature. The Office generally proposes raising such fees to achieve higher cost recovery. For example, the fee for both paper and electronic supplementary registration is currently \$130, though the cost per transaction is

\$413 for the paper form and \$365 for the electronic form.⁴¹ The Office accordingly proposes setting the fee for the paper supplementary registration application (Form CA) at \$150, and the fee for electronic supplementary registration at \$100 to achieve somewhat better cost recovery.⁴²

There were approximately 500 renewal registrations filed in FY 2016, each of which cost the Office \$148 to process. The Office accordingly proposes raising the current fee for Form RE from \$100 to \$125. The Office proposes keeping the fee for the addendum to the renewal application at \$100. Although processing an

³⁹ See 82 FR 47415 (Oct. 12, 2017).

⁴⁰ Insufficient volume to calculate costs.

⁴¹ As of July 2017, supplementary registration generally must be effectuated through the electronic

application, although for some works the paper form (Form CA) must still be filed. See 37 CFR 202.6(e)(1)–(3).

⁴² The fee for electronic forms is lower because it does not include per-transaction cost incurred by

the RAC department that is included in the Form CA fee, given that RAC’s involvement in processing electronic forms is minimal. RAC is responsible for scanning and ingesting the information in paper applications.

addendum costs the Office \$67, this is a relatively low volume service and the excess funds allow for greater overall cost recovery.

Although it costs the Office \$71 to process applications for preregistration of unpublished works, the Office proposes raising the fee for this service from \$140 to \$200 to offset the losses associated with some of the Office's other services. The likely stakeholder group affected by this increase is less price sensitive, and the works at issue are largely commercially viable. This is consistent with the Register's discretionary authority to use fee revenue to offset losses to further "the objectives of the copyright system," 17 U.S.C. 708(b)(4), as discussed above.

Registrations of vessel hull designs (Form D–VH) are relatively low volume, and cost the Office \$6,528 to process, so the Office proposes raising the fee for such a registration from \$400 to \$500, although this only achieves an 7% cost recovery. The Office proposes keeping the fee for correcting a vessel design registration (Form DC) at \$100—although it costs the Office \$71 to process—to offset some of the lost revenue. The Office spends \$2,176 to process a registration of a mask work (Form MW), so the Office proposes raising the fee from \$120 to \$150 to achieve slightly higher cost recovery. The Office will examine its processes to determine how to more efficiently process vessel hull design and mask work registrations.

For a registration of a claim in a restored copyright (Form GATT), the Office proposes raising the fee from \$85 to \$100 to better cover the \$380 cost of this service.

For the time being, the Office will maintain the secure test examination fee (per staff member per hour) at \$250, although it costs the Office \$900 per staff member per hour. The Office recently adopted an interim rule establishing a group registration option that lets applicants submit an unlimited number of secure test items,⁴³ and the Office is assessing the burdens this new procedure is having on the operations of the Registration Program. The Office may adjust this fee in a later rulemaking based on this assessment.

The Office provides an opportunity for a user to appeal a denied

registration, which is called a request for reconsideration. Because the work necessary to process these requests is more time consuming than current pricing reflects, the Office proposes raising the fee for the first request for an appeal from \$250 to \$350 per claim, to offset some of the \$729 cost associated with this service, which requires work by attorney-advisors. The second request for an appeal involves extensive work by senior attorneys at the agency, resulting in a cost to the Office of \$4,470 per appeal. Accordingly the Office proposes raising the fee for a second appeal from \$500 to \$700 per claim.

The Office set several new fees as part of this fee study. The Office is authorized to grant special relief from the registration deposit requirements in certain circumstances,⁴⁴ and the fee for such requests is set at \$85. Because this is a new fee, Booz Allen assessed the time spent on this activity per employee⁴⁵ and the number of requests per year; analyzing that data under the ABC model, Booz Allen estimated that this service costs the Office \$78. The fee therefore seeks to achieve full cost recovery. Booz Allen used this same method to calculate the cost per transaction for voluntary cancellation of registration—a process by which the Office may cancel the registration of invalid claims⁴⁶—at \$370, largely because of the involvement of senior attorneys within the Registration Program in this process. The Office proposes setting this new fee at \$150 to achieve a reasonable cost recovery for this service.

The Office also proposes a fee of \$40 per half-hour for the service of matching "deposit ticket" claims with unidentified deposits. A "deposit ticket" claim is one where the applicant submits an online application and filing fee, but is separately required to submit a physical deposit copy of the work to the Office. When sending the physical deposit copy, applicants are required to attach a system-generated shipping slip to the copy, so that the Office can quickly match the deposit copy to the application.⁴⁷ Often, however,

applicants either submit deposit copies without the shipping slip, or include multiple deposits and multiple slips in one package without attaching each slip to its respective deposit. In such cases, Copyright Office personnel expend time manually matching the unidentified deposits to the applications. Although the Office has not previously charged a fee for this service, we intend to do so with the adoption of this new fee schedule. The estimated cost for this service is \$38 per half hour, so this fee seeks to achieve full cost recovery.

The Office proposes to raise the special handling surcharge for expedited processing of a registration application from \$800 to \$1,000 per claim. The description of the fee as a "surcharge" is to make clear that it applies in addition to any other applicable fee. The actual cost to the Office for this service is estimated to be \$67, which reflects the fact that payment of the special handling surcharge simply moves the requester towards the front of the processing queue. But demand for this service is highly inelastic, so the fees collected help offset the cost of other registration services.

The Office proposes keeping the fee for full-term retention of physical published copyright deposits at \$540. This accounts for projected storage costs for the full span of the full term retention period, which is currently 75 years, but which the Office has indicated it will extend to 95 years to conform with the Copyright Term Extension Act.⁴⁸ The Office proposes establishing a new fee of \$220 for full-term retention of electronic copyright deposits, which seeks to recover the full estimated cost of such a service, \$221.

4. Recordation

The Office's other major service is recordation, which allows individuals to record various documents pertinent to ownership of copyrights. Recordation is important to the Office's mission, because it creates a public record of copyright ownership. Various provisions of the Copyright Act authorize the establishment of recordation fees. *See, e.g.*, 17 U.S.C. 708(a)(4), (6). The Office proposes the following fee schedule, to be codified at 37 CFR 201.3(c).

⁴⁴ *See* U.S. COPYRIGHT OFFICE, COMPENDIUM OF U.S. COPYRIGHT OFFICE PRACTICES, sec. 1508.8 (3d ed. 2017).

⁴⁵ These requests are reviewed by attorney advisors.

⁴⁶ COMPENDIUM (THIRD) 1807.1.

⁴⁷ *Id.* 1508.2.

⁴⁸ 82 FR 38859, 38863 n.22 (Aug. 16, 2017).

⁴³ 82 FR 52224, 52226–27 (Nov. 13, 2017).

Recordation and related services	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(1) Recordation of a document, including a notice of intention to enforce a restored copyright:			
(i) Base fee (includes 1 title):			
Paper	105	125	155
Electronic	New fee	95	131
(ii) Additional transfer (per transfer)	105	95	⁴⁹ N/A
(iii) Additional titles, paper (per group of 10 or fewer titles)	35	60	105
(iv) Additional titles, electronic: ⁵⁰			
1 to 50 additional titles	60	60 .....	.....
51 to 500 additional titles	225	225	
501 to 1,000 additional titles	390	390	
1,001 to 10,000 additional titles	555	555	
10,001 or more additional titles	5,500	5,500	
(2) Recordation of notice of termination:			
(i) Base fee (includes 1 title)	105	125	552
(ii) Additional titles (per group of 10 or fewer titles)	35	60	105
(3) Special handling surcharge for recordation of documents	550	700	92

The Office recorded 10,865 documents in Fiscal Year 2016, at an estimated cost of \$155 per document. The Office recommends raising the base recordation fee, which includes the cost of indexing one title, to \$125 to recover a projected 80% of the cost of this service.

The Office is also proposing a new fee for electronic submissions to record documents, in anticipation of the development of a new electronic recordation system at some point during the period that the new fee schedule is in place. The fee for such submissions is set at \$95, based on our current estimate of processing costs (\$131). This will achieve a 73% cost recovery. This electronic filing fee is set lower than the paper filing fee to discount the RAC costs associated with paper filings (*i.e.*, handling and transporting, scanning, data entry) that do not accrue for electronic filings. The Office may, however, reassess its costs once the system is developed and adjust the fee accordingly.⁵¹

The Office proposes reducing the per-transfer fee for additional transfers to \$95. This fee is charged when a single document involves multiple transfers or

other transactions among more than two parties. Each transaction has to be separately indexed by the recordation specialist, and so the Office charges an additional fee for each additional transaction in the document. That fee has traditionally been the same as the base fee for recordation of a document. But that base fee accounts for the costs incurred by RAC upon intake of the paper document. Because those costs are incurred only once *per document*, a lower fee is appropriate for additional transfers in that document.

When recording a document, the Office must index information about each of the copyrighted works to which the document pertains.⁵² This indexing is, to a large degree, a manual process, and the Office charges fees beyond the base fee for works in a document beyond the first one (referred to as “additional titles”) to cover these processing costs. The Office proposes increasing the fees for additional titles submitted by paper. When the works associated with the document are submitted only on paper form, they must be manually typed into the Office’s database to be indexed. This, obviously, involves significant processing costs, but the Office has traditionally kept the fee low so as to avoid discouraging use of the recordation system. In recent years, however, the Office began accepting electronic title lists that are submitted with paper documents. These are much easier for the Office to process. Although initially the Office’s fee schedule did not distinguish between

titles submitted electronically and on paper, in December 2017, the Office adopted a much lower fee structure for electronic title list, which it does not propose adjusting further here.⁵³ Accordingly the Office is comfortable increasing the fee for additional titles submitted solely on paper, to better account for the manual processing costs and as a further inducement to submitting electronic title lists. (To be clear, when a remitter submits a paper document and an electronic title list, they will pay the paper fee for the first title (\$105) and the electronic fee for the additional titles (starting at \$60 for up to the first 50 additional titles)).

The Office proposes an increase for the fee for recordation of notices of termination to \$125 (from \$105), which achieves only 23% cost recovery. This accounts for the fact that the Office charges a flat fee for this service, though some terminations require additional indexing work, such as when the notice terminates multiple transfers of ownership of the same work. The Office also engages in a more robust examination of terminations, to ensure that authors are complying with the relevant time limits set forth in the statute, and can cure any defects in a timely manner.

The special handling surcharge for recordation of documents has been raised from \$550 to \$700, which will be charged in addition to the otherwise applicable processing fee. This is consistent with special handling surcharges the Office charges for other services.

⁴⁹ Insufficient volume to calculate costs.

⁵⁰ These fees were explained and established as part of a separate fee study submitted to Congress in August 2017, and became effective in December 2017. See U.S. Copyright Office, *Proposed Schedule and Analysis of Copyright Recordation Fee to Go into Effect on or About December 18, 2017* (Aug. 18, 2017), available at <https://www.copyright.gov/policy/feestudy2017/fee-study-2017.pdf>.

⁵¹ Because this fee is for a system that is not yet in place, and for which the Office has no volume data, the Office’s current fee model, as provided on the website, does not attempt to model the effects of this fee on the Office’s overall fee receipts.

⁵² See, e.g., 17 U.S.C. 205.

⁵³ See 82 FR 52221 (Nov. 13, 2017).

5. Record Retrieval, Search, and Certification Services

Record Retrieval, Search, and Certification Services (RRC) provides copies of completed and in-process registration and recordation records,

search reports, and registration deposit materials. By the time this fee schedule goes into effect, RRC will also have taken on responsibility for providing retrieval, search, and certification services for Licensing Division records. RRC also administers the Office's

Records Reading Room and the Historic Public Records Program. The Office proposes the following fee schedule for records retrieval, search, and certification services, to be codified at 37 CFR 201.3(c).

Record retrieval, search, and certification services	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(1) Provision of an additional certificate of registration	40	55	285.
(2) Estimate of retrieval or search fee (flat fee; credited to retrieval or search fee)	200	200	⁵⁴ Varied.
(3) Retrieval and processing of Copyright Office records (per hour) (1 hour minimum for paper records; half hour minimum for electronic records, with quarter hour increments).	200	200	276.
(4) Copying fee (all media)	Varied	12	
(5) Search report prepared from official records, including Licensing Division records (per hour, 2 hour minimum).	200	200	661.
(6) Certification of copyright office records, including search reports (per hour, 1 hour minimum).	200	200	314.
(7) Litigation statement (Form LS)	New Fee	100	102.
(8) Special handling fee for records retrieval, search, and certification services (per hour, 1 hour minimum, applies in lieu of hourly fees above).	Varied	500	

Location and retrieval of records can be time-consuming, and requires specialized knowledge. In addition, as the table above indicates, the costs of the RRC's services vary greatly, largely because the complexity of each service varies. At the same time, requesters often are seeking multiple services (e.g., location and retrieval of records, creation of a search report, and certification of that report).

In general, the proposed fee schedule above is intended to be simpler and easier for the public to understand and for the Office to apply. For instance, currently the fee charged for copying of Copyright Office records varies widely based on the type of media involved (paper, audiocassette, videocassette, CD etc.). The Office above proposes simplifying the copying fee to \$12 regardless of media. Similarly, rather

than try to distinguish among these various services, the Office proposes maintaining a simpler fee structure by maintaining a \$200-per-hour fee in place for most RRC services.

The creation of an estimate itself can be costly, as it requires Office personnel to conduct a preliminary search of the Office's records. The Office proposes maintaining that fee at a flat \$200 level, which can be credited against the final search and retrieval fee.

The Office proposes raising the fee for an additional certificate of registration from \$40 to \$55 to achieve greater cost recovery; this service costs \$285 to provide. The Office also proposes setting a new fee of \$100 for litigation statements,⁵⁵ to achieve almost full cost recovery.

In addition, the Office currently charges three different special handling

fees for the different kinds of services RRC provides. The Office instead proposes adopting a standard \$500 hourly fee for special handling of records retrieval, search, and certification services, which would apply in lieu of the \$200-per-hour fees that are otherwise charged for such services. Because payment of the special handling fee simply moves the requester towards the front of the queue, the revenues from this service exceed the costs. Those excess revenues, however, help offset the cost of other services.

B. Miscellaneous Fees

The Office proposes the following miscellaneous fees, as authorized by 17 U.S.C. 708 and other provisions of the Copyright Act, to be codified at 37 CFR 201.3(e).

Miscellaneous fees	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(1) Receipt for mandatory deposit without registration (17 U.S.C. 407)	30	30	⁵⁶ N/A
(2) Notice to libraries and archives (17 U.S.C. 108(h))	50	50	⁵⁷ N/A
Each additional title	20	20	⁵⁸ N/A
(3) Designation of agent (17 U.S.C. 512(c)(2))	6	6	52
(4) Request to remove PII from online catalog:			
Initial request	130	100	⁵⁹ N/A
Reconsideration of denied request	60	60	⁶⁰ N/A
(5) Service charge for Federal Express mailing	45	45	35
(6) Service charge for delivery of documents via fax	1	1	35
(7) Overdraft of deposit account	250	285	280
(8) Dishonored replenishment check for deposit account	100	500	513
(9) Uncollectable or nonnegotiable payment	30	115	110

⁵⁴ The cost of creating an estimate per hour is roughly equivalent to the hourly cost for retrieval (\$318) and/or search (\$661), as applicable.

⁵⁵ See 37 CFR 201.2; COMPENDIUM (THIRD) 2400.

⁵⁶ Insufficient volume to calculate costs.

The Office had insufficient volume to compute a transaction cost for the following fees, and therefore recommends keeping the cost of these services at their current levels or reduce them: Receipt for mandatory deposit without registration; notice to libraries and archives under 17 U.S.C. 108(h); initial request to remove requested personally identifiable information (PII) from an online catalogue; and reconsideration of a denied request to remove PII.

Taking into account labor and costs, the Office estimates that it costs \$35 to deliver documents by fax and by Federal Express mailing. The Office proposes that the \$1 and \$45 fees for such services, respectively, remain unchanged.

The Office proposes raising the payment processing service charges to account for a near complete cost recovery for those types of charges. Thus, the Office proposes raising the fee for overdraft of a deposit account from \$250 to \$285 to account for the estimated cost of \$280. The Office proposes raising the fee for dishonored replenishment checks for deposit accounts from \$100 to \$500 to account for the \$513 cost of such service. And

the Office proposes raising the fee for uncollectable or nonnegotiable payments from \$30 to \$115 to recover the \$110 it costs the Office to address such a situation.

Finally, the Office proposes keeping the fee for designation of an agent under 17 U.S.C. 512(c)(2) at \$6, despite its \$52 cost. That higher cost figure largely reflects the cost of staff time during initial development of a new electronic designation of agent system, and the Office anticipates that the ongoing costs will be lower now that system development is largely complete.

C. Licensing Division Fees

The Licensing Division administers the various statutory licenses and related provisions, and also provides services to the Copyright Royalty Board, which oversees rate determinations and disbursements for certain statutory and compulsory licenses. Specifically, the Licensing Division administers statutory licenses for secondary transmissions by cable systems (section 111), statutory licenses for ephemeral recordings (section 112); statutory licenses for the public performance of sound recordings by means of a digital audio transmission (section 114), compulsory licenses for

making and distributing phonorecords (section 115), statutory licenses for secondary transmissions for satellite carriers (section 119), statutory licenses for secondary transmissions by satellite carriers for local retransmissions (section 122), and statutory obligation for distribution of digital audio recording devices and media (section 1003).

The Licensing Division collects fees for the filing of cable and satellite statements of account, to reimburse some of the costs of administering the cable and satellite licenses. It deducts its operating costs from the royalty fees it collects, and invests any remaining balance in interest-bearing securities with the U.S. Treasury for later distribution to copyright owners. Unlike other fees collected by the Copyright Office, the revenue from filing fees under sections 111, 119, and 122 may not exceed 50% of certain costs associated with the Licensing Division's administration of the statutory licenses under those provisions. See 17 U.S.C. 708(a).

The Office proposes the following Licensing Division fees to be codified at 37 CFR 201.3(f).

Licensing division fees	Current fees (\$)	Proposed fees (\$)	Calculated cost of service (\$)
(1) Statement of account for cable systems (17 U.S.C. 111):			
(i) Form SA1	15	20	369
(ii) Form SA2	20	30	369
(iii) Form SA3	725	1,000	612
(2) Statement of account for satellite systems (17 U.S.C. 119 or 122)	725	1,000	3,186
(3) Statement of account amendment for cable systems, satellite systems, and digital audio recording device distributors	150	50	428
(4) Recordation of a notice of intention to make and distribute phonorecords (17 U.S.C. 115)	75	75	291
Additional titles (per group of 1 to 10 titles) (paper filing)	20	20	.....
Additional titles (per group of 1 to 100 titles) (electronic filing)	10	10	.....
(5) Initial or amended notice of use of sound recordings (17 U.S.C. 112 and 114)	40	50	⁶¹ 300
(6) Recordation of certain contracts by cable television stations located outside the 48 contiguous states	50	50	⁶² N/A

For the filing of statements of account for cable systems under the section 111 statutory license, the Office has attempted to streamline the fees and improve cost recovery. The Office proposes a flat fee for paper and electric versions of Forms SA 1, 2, and 3. The fees for SA1 and SA2 recover a negligible amount of the costs associated with those forms, but the Office is proposing only modest increases because the companies that file those statements are relatively less

able to bear increases in costs. At the same time, the Office proposes that the fee for Form SA3, which tends to be filed by companies with a greater ability to bear a higher filing fee, be set above the cost associated with that Form to subsidize the other fees in this category. The Office proposes a fee increase for statements of account for satellite systems achieve a somewhat greater cost recovery.

The fee for an amended statement of account filed by cable systems, satellite

systems, and digital audio recording device distributors will be reduced to \$50. The Office notes, however, that it intends to charge that amendment fee in a wider range of circumstances. In particular, the Office does not always charge the amendment fee when Office examination uncovers an error that requires the filing of an amended statement of account; the Office plans to regularly charge that fee in the future.

The Office has proposed fees associated with section 111, 119, and

recordings. There is insufficient data to calculate the cost of an amended notice.

⁶² Insufficient volume to calculate costs.

⁵⁷ Insufficient volume to calculate costs.

⁵⁸ Insufficient volume to calculate costs.

⁵⁹ Insufficient volume to calculate costs.

⁶⁰ Insufficient volume to calculate costs.

⁶¹ This amount reflects the calculated cost for processing an initial notice of use of sound

122 licenses to remain, in the aggregate over the next five year period, below 50% of the Office's reasonable expenses to administer the cable and satellite licensing programs. Because the costs of administering these licenses are evaluated based on when the fees are identified, not when the statements of account are submitted, the estimates for these costs are to some degree uncertain. However, the Office has taken into account that the volume of cable statements of account projected to continue to decrease, as they have done for a number of years. In particular, based on the current trend line, the Office estimates that cable system filings will decrease from just over 5,000 in the most recent fiscal year to approximately 3,765 by fiscal year 2023. (Satellite filings are already fairly low, with only 9 in fiscal year 2017.) Moreover, future volume of filings may decrease more rapidly than the Office has estimated, especially if the cable industry undergoes significant consolidation. Because of this uncertainty, the Office has proposed fees for cable and satellite statements of account in a conservative manner, to ensure that, over the five-year period, revenues do not breach the 50% threshold established by statute. In particular, based on current estimates, fee recovery is estimated to be 44% in fiscal year 2019, and will decrease to 39% in fiscal year 2023. The Office will continue to monitor costs and filing volume to ensure that it complies with the statutory limit.

The Office proposes keeping the fee for section 115 notices at their current levels. As the Booz Allen Study notes, "subsequent to FY2016, the Office received a significant increase in electronic Section 115 notices with large numbers of titles, and has devoted resources to developing a new system to ingest and process these large filings."⁶³ Though the model references projections for FY 2016, the Office notes that it has received a significant increase in the numbers of additional titles in subsequent years. To be sure, the Office acknowledges that the amount of fees received from such filings significantly exceeds the costs of processing them.⁶⁴ But, as the Booz Allen Study notes, "there is significant additional added convenience that the electronic filing option provides to filers."⁶⁵ Indeed, the legal benefits obtained by licensees with the filing of section 115 notices with the Office are noteworthy—namely, the ability to obtain a statutory license to make and reproduce musical works,

without knowing the identify of any of the copyright owners of those works and without paying those copyright owners the otherwise-required royalty.⁶⁶ As a result, demand for this service appears to be relatively inelastic, and maintaining fees at the current level helps the keep registration and recordation fees relatively low. This in turn benefits copyright owners and users alike, by making it more likely that ownership of musical works (and other works) can be identified. Finally, the fee may largely be obviated by pending legislation.⁶⁷

The Office proposes raising the fee for notices under sections 112 and 114 from \$40 to \$50 to achieve greater recovery of the \$300 cost associated with such notices. The Office did not have sufficient data to evaluate the fee for recordation of certain contracts by cable television stations located outside the 48 contiguous states, so the Office proposes keeping it at \$50.

IV. Technical Amendments

The Office will adopt technical amendments as needed to conform existing regulations to the changes proposed in this notice.

Dated: May 18, 2018.

Sarang Vijay Damle,
General Counsel and Associate Register of Copyrights.

[FR Doc. 2018-11095 Filed 5-23-18; 8:45 am]

BILLING CODE 1410-30-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 25

[IB Docket No. 18-86; FCC 18-44]

Streamlining Licensing Procedures for Small Satellites

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission proposes to streamline its rules to facilitate the deployment of a class of satellites known as small satellites, which have relatively short duration missions.

⁶⁶ 17 U.S.C. 115(b)(1); *see also id.* 115(c)(1) ("To be entitled to receive royalties under a compulsory license, the copyright owner must be identified in the registration or other public records of the Copyright Office. The owner is entitled to royalties for phonorecords made and distributed after being so identified, but is not entitled to recover for any phonorecords previously made and distributed.")

⁶⁷ *See* Music Modernization Act, H.R. 5447, 115th Cong. (2018); *see also* Music Modernization Act, S.2334, 115th Cong. (2018).

DATES: Comments are due on or before July 9, 2018. Reply comments are due on or before August 7, 2018.

ADDRESSES: You may submit comments, identified by IB Docket No. 18-86, by any of the following methods:

- *Federal Communications Commission's website:* <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Merissa Velez, 202-418-0751.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), IB Docket No. 18-86; FCC 18-44, adopted and released on April 17, 2018. The full text of this document is available at https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0417/FCC-18-44A1.pdf. The full text of this document is also available for inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities, send an email to FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Comment Filing Requirements

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- *Electronic Filers.* Comments may be filed electronically using the internet by accessing the ECFS, <http://apps.fcc.gov/ecfs>.

- *Paper Filers.* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking

⁶³ Booz Allen Study at 18.

⁶⁴ *Id.*

⁶⁵ *Id.*

number. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Ex Parte Presentations

Pursuant to 47 CFR 1.1200(a), this proceeding will be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments

can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Paperwork Reduction Act

This document contains proposed new and modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Synopsis

In this Notice of Proposed Rulemaking (*NPRM*), we seek comment on proposed revisions to our rules to facilitate deployment of a class of satellites known colloquially as "small satellites." These types of satellites, which have relatively short duration missions, have been advancing scientific research and are increasingly being used for commercial endeavors such as gathering Earth observation data. The proposed rules are designed to lower the regulatory burden involved in licensing small satellites and reduce application processing times, while offering protection for critical communication links and enabling efficient use of spectrum for this dynamic sector.

Background

The impetus for this *NPRM* is to facilitate the authorization and operations of "small satellites." Although a wide variety of satellites are being designed and launched as "small satellites," the Commission has not

previously defined this category of space objects. There are a number of ways of describing small satellites. A recent International Telecommunication Union Radiocommunication (ITU-R) Report indicated that satellites weighing less than 500 kilograms (kg) are sometimes referred to as small satellites.¹ The National Aeronautics and Space Administration (NASA) has in some instances described small satellites as satellites having a mass of less than 180 kg.² The ITU-R Report focused on satellites that have a mass of less than 10 kg and identified their typical mission duration as less than three years. Such missions have been characterized in other ITU-R documents as "short duration missions."³ Other notable typical characteristics of small satellites include operation in low-Earth orbit (LEO), as well as lower power as compared with traditional satellite systems. This proceeding seeks to address this category of "small satellites" which we propose to define by seeking comment on a number of particular characteristics.

The Commission has authorized small satellites both as commercial operations under part 25 of the Commission's rules and as experimental operations—including scientific and research missions for purposes of experimentation, product development, and market trials—under part 5 of the Commission's rules. Some amateur small satellite operations have also been authorized under part 97 of the Commission's rules. Because of the increasingly commercial nature of small

¹ See International Telecommunication Union, Radiocommunication Sector (ITU-R), Characteristics, definitions and spectrum requirements of nanosatellites and picosatellites, as well as systems composed of such satellites, Report SA.2312 (Sept. 2014), <https://www.itu.int/en/ITU-R/space/Documents/R-REP-SA.2312-2014-PDF-E.pdf> (ITU-R Characteristics Report). The ITU-R Report focused on a subset of satellites that have been characterized as "nanosatellites" and "picosatellites." *Id.* at 2. Nanosatellites typically have a mass of 1–10 kg, and picosatellites typically have a mass of 0.1–1 kg. *Id.* at 3. The ITU-R Report focused on a subset of satellites that have been characterized as "nanosatellites" and "picosatellites." Nanosatellites typically have a mass of 1–10 kg, and picosatellites typically have a mass of 0.1–1 kg.

² See, e.g., NASA Ames Research Center, Small Spacecraft Technology State of the Art, NASA/TP-2015-216648/REV1 at 1 (Dec. 2015), https://www.nasa.gov/sites/default/files/atoms/files/small_spacecraft_technology_state_of_the_art_2015_tagged.pdf (NASA Small Spacecraft Technology Report) (describing small satellites as spacecraft with a mass of less than 180 kg for purposes of the Report).

³ ITU-R Resolution 659 (WRC-15), Studies to accommodate requirements in the space operation service for non-geostationary satellites with short duration missions (defining "short duration mission" as typically not lasting more than three years).

satellite missions, many satellites are not suitable for licensing under the Commission's part 5 experimental licensing process, and part 5 licensees cannot obtain interference protection for radiocommunications links. On the other hand, obtaining a part 25 regular commercial authorization for an NGSO system can be challenging for some small satellite applicants because of the costs and timelines involved, as compared to the overall scope of most small satellite enterprises. The same application and regulatory fees are currently applicable to all NGSO part 25 applicants and licensees, regardless of the specific characteristics of the system. In some instances, these fees constitute a large percentage of the cost of the small satellite system, and could even exceed the total cost of a small satellite mission. Part 25 licensees are also subject to a requirement to post an initial surety bond, which can be challenging for licensees planning small, low-cost systems. Further, under part 25, most NGSO satellite applications are processed according to a processing round procedure, which can add to application review time by the Commission and regulatory complexity for applicants. Given some of the challenges presented by the Commission's licensing process to small satellite systems and their promise as a driver of innovation, our goal in this proceeding is to develop a streamlined authorization process within part 25 that is tailored to small satellites.

Today the small satellite sector is engaged in a range of activities, from brief research-oriented satellite missions to regularly replenishing commercial satellite constellations operating over a number of years.⁴ While this *NPRM* is focused on those missions having short duration, we observe that there appears to have been growth in this sector across the full range of activities. For purposes of this rulemaking we are not proposing to consider non-geostationary orbit (NGSO) FSS constellations that include numerous satellites to be "small satellites," even if the physical size of each of those satellites could be considered small.⁵ We believe that the

⁴ These replenishing satellite systems consist of satellites that are replaced on a regular basis, as the service continues to be provided. An example of a system in this category is Planet's NGSO system.

⁵ For example, some of the planned NGSO FSS systems consist of what could be considered "minisatellites", with a typical mass between 100 kg and 500 kg. This proceeding is also not tailored to address the operations of traditional NGSO satellite constellations offering mobile-satellite service (MSS), such as those operated by Iridium LLC, Globalstar, Inc., or ORBCOMM License Corp., more traditional NGSO satellites offering remote

characteristics proposed below for small satellites applying under the streamlined process, such as an orbital lifetime of five years or less and the ability to share spectrum with existing and future operators in a particular frequency band, will differentiate small satellite systems under consideration in this *NPRM* from typical NGSO FSS, MSS, or other systems requiring full-time uninterrupted availability of assigned spectrum. We recognize that NGSO FSS systems may in part be responsible for some growth indicators discussed below, such as launch vehicle development, but to the extent possible we have sought to exclude those systems from our discussion of trends in this sector.

For much of the history of the satellite industry, economies of scale, increased capabilities of launch vehicles, and rising global demand for satellite services pushed satellite manufacturers to focus their efforts on designing larger and more powerful satellites. In the last 15 years, however, the miniaturization of components and the ability of small satellite developers to capitalize on commercial off-the-shelf equipment has enabled smaller, cheaper satellites to be built and launched into space. In 1999, engineers at California Polytechnic State University and Stanford University developed a small satellite standard known as the "CubeSat" design, with the goal to train students and expose them to real-world engineering practices and design. The CubeSat is a standardized interface consisting of an approximately 10 cm x 10 cm x 10 cm unit or "U" that can be scaled up to create CubeSats that are 3U (three units) or 12U (12 units) in size, for example. The standardized specification enables CubeSats to be fully enclosed in specially developed deployment mechanisms that can be added to launch vehicles as secondary payloads. The CubeSat specification has been widely adopted even outside the academic community, largely due to low costs and access to launch services, and satellites based on the standard constitute a large percentage of small satellites deployed in recent years. While the advantages of small satellites have ensured their continuing use by universities and research institutions, it has also encouraged the growing number of CubeSat missions that are commercial.

Commercial sector involvement in all small satellites, not just CubeSats, has increased significantly in recent years. Venture capital firms are investing in

sensing operations, or those in the Satellite Digital Audio Radio Service (SDARS), among others.

small satellite companies, such as those providing Earth imagery. According to one report, the use of small satellites for commercial purposes represents a shift from the practice before 2013, when the majority of small satellites were used for government and academic operations.

The United States continues to be the leader in the number of small satellites launched, and in the last several years the Commission has licensed several commercial earth exploration satellite service (EESS)⁶ constellations that operate using small satellites based on the CubeSat concept.⁷ These constellations, consisting of a large number of rapidly-replenishing satellites, have been licensed under part 25 of the Commission's rules. The Commission has also fielded an increasing number of applications from small satellite proponents seeking authorization under the experimental licensing process under part 5 of the Commission's rules.⁸ Particularly since 2013, the Commission has seen a marked increase in the number of unique small satellite systems seeking to be licensed. Many of these applications are still from universities or other research-oriented organizations with intended short duration missions, but a growing number of others are applications from commercial entities that may plan to transition to licensing under part 25 of the Commission's rules after completing a technology testing and demonstration phase.⁹

The Commission currently authorizes small satellites in three ways: (1) As commercial satellite operations under

⁶ The EESS is a radiocommunication service between earth stations and one or more space stations, which may include links between space stations, in which: (1) Information relating to the characteristics of the Earth and its natural phenomena, including data relating to the state of the environment, is obtained from active sensors or passive sensors on Earth satellites; (2) similar information is collected from airborne or Earth-based platforms; (3) such information may be distributed to earth stations in the system concerned; and (4) platform interrogation may be included. This service may include feeder links necessary for its operation. 47 CFR 2.1; ITU R.R. 1.51.

⁷ Operators in this category include the NGSO constellations of Planet, Spire Global, Inc. (Spire), and Terra Bella Technologies, Inc. (Terra Bella) (formerly known as Skybox Imaging, Inc.).

⁸ Proponents of more than 200 unique systems consisting of one or more satellites have applied for a license through the experimental licensing process since 2009. In 2013, recognizing the increasing number and variety of organizations seeking to participate in the launching of satellites, the Commission issued a public notice with guidance on obtaining licenses for small satellites, including small satellites seeking experimental licenses.

⁹ Planet and Spire are two examples of small satellite ventures that have been transitioned from the experimental testing phase to commercial operations.

part 25 of the Commission's rules, (2) as experimental operations under part 5 of the Commission's rules, and (3) as amateur service satellite operations under part 97 of the Commission's rules.

The Commission has licensed under the part 25 rules several NGSO constellations utilizing smaller satellites based on the CubeSat concept. While some waivers have been requested in these applications, many of the Commission's existing NGSO rules have been readily applicable to these types of systems. However, the types of NGSO constellations that have been licensed under part 25 that use smaller-sized satellites are often large commercial constellations, in some cases envisioned to include hundreds of small satellites deployed more or less continuously over an extended period. The same procedures may not be suitable for an operator launching fewer small satellites with an intended short duration mission, because of fees and those costs associated with posting a surety bond, as well as the extended timelines associated with a Commission processing round. A processing round may not be necessary for systems that do not require constant spectrum availability, since sharing may be more easily attainable with future systems seeking to use the same spectrum. Some of these factors specific to the application process in part 25 may explain why the number of part 25 licenses has not increased appreciably in recent years while the number of individual small satellites licensed by the Commission, particularly through experimental licenses, has increased.¹⁰ Additionally, some applicants have filed for licensing under the experimental licensing process and then later transitioned to part 25 commercial operations, rather than initially filing for a part 25 license. These factors suggest that some applicants could benefit from an authorization process for regular (rather than experimental) operations that utilizes a process different from the Commission's existing part 25 NGSO authorization process. Accordingly, in Section III of this *NPRM*, we propose a new approach to licensing small satellites that differs from our existing part 25 process. If adopted, this new approach could enable small satellite operators to obtain licenses for regular operation under a set of rules to be included in part 25, but through a

¹⁰ As noted *supra*, between 2009 and 2018, proponents of more than 200 unique systems consisting of one or more satellites have applied for an experimental license. Of these proposed systems, approximately 120 have been licensed.

process better suited to the shorter duration of small satellite operations.

To date, the majority of non-governmental small satellite operations in the United States have been authorized through the experimental process under part 5 of the Commission's rules on a non-interference, unprotected basis and with limited license terms. Non-interference, unprotected operations may be acceptable for some satellite operations, but for other types of operations, and particularly for satellite mission critical functions such as telemetry, tracking, and command (TT&C), it can be important that satellite links have some level of interference protection.

A variety of frequency bands have been used for, or requested for use by, the types of operations frequently thought of as "small satellite" operations,¹¹ both on a conforming and non-conforming basis with respect to the allocations in the United States Table of Frequency Allocations (U.S. Table). Frequency bands sought for use by small satellite operators for downlinks or uplinks¹² have included: 137–138 MHz, 144–146 MHz, 148–150.05 MHz, 399.9–400.05 MHz, 401–403 MHz, 435–438 MHz, 449.75–450.25 MHz, 460–470 MHz, 902–928 MHz, 2020–2025 MHz, 2025–2110 MHz, 2390–2400 MHz, 2400–2450 MHz, 5830–5850 MHz, 8025–8400 MHz, and 25.5–27 GHz. The majority of these bands have been authorized by the Commission for one or more small satellite(s) or systems, either on an experimental basis under part 5 or under part 25 of the Commission's rules. These authorizations have generally been for short duration missions and episodic uses, such that actual use of any of these bands by small satellites in any given area has been limited to a relatively small percentage of time. In some instances, use of these frequency bands has been subject to coordination with Federal users through the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) inter-agency coordination process.

Streamlined Process for Small Satellites

The Commission has found that many small satellites are launched not as part of large constellations, but as part of small-scale operations consisting of a single satellite or only a few satellites.

¹¹ As noted *supra*, we do not consider large NGSO constellations providing FSS to be "small satellites" for purposes of this *NPRM*.

¹² As discussed in more detail *infra*, small satellite operators have also sought to communicate via inter-satellite links with the Globalstar and Iridium systems in bands allocated to the MSS.

As noted, existing part 25 rules governing NGSO-like¹³ systems are not necessarily tailored to address such small-scale operations and may present challenges for small satellite applicants and licensees. We propose to establish a set of streamlined application and processing rules for commercial NGSO small satellites meeting certain criteria. As described below, it appears that satellites with the characteristics outlined in this *NPRM* could be authorized on a more streamlined basis, both from a radiofrequency (RF) interference and orbital debris mitigation perspective, than satellites that we have typically licensed under the existing part 25 rules. Accordingly, we propose an approach for authorizing this new category of satellites that we believe will make the process more accessible, decrease processing time for applications, limit regulatory burdens borne by applicants, and offer protection for critical communication links, while promoting orbital debris mitigation and efficient use of spectrum. Our objective is to develop an alternative arrangement for authorizing small satellites that is more efficient for both applicants and the Commission and that better reflects the unique nature of small satellite deployment than the existing authorization regimes.

A primary goal of this proceeding is to better tailor the Commission's regulatory process to small satellites. Currently, an application for an NGSO satellite system under part 25 of the Commission's rules requires the applicant to submit an FCC Form 312, Main Form and Schedule S, along with exhibits as described in section 25.114 of the Commission's rules.¹⁴ NGSO systems are also subject to frequency-band and service-specific requirements. NGSO satellite applications are processed according to a processing round procedure. NGSO satellites that complete the processing round procedure are subject to certain milestones for completing system deployment, and a bond requirement, as well as operational requirements that may be frequency-band or service-specific. Under the proposed streamlined small satellite process, applicants would not be subject to processing round procedures, although certain other requirements would continue to apply, as described below. Ideally, this new process would

¹³ "NGSO-like" is term used in the Commission's rules to describe systems which are either (1) NGSO satellite systems or (2) GSO mobile satellite service (MSS) satellite systems that communicate with earth stations using non-directional antennas.

¹⁴ This includes information regarding the applicant's orbital debris mitigation plan.

decrease the time spent by some NGSO applicants in submitting applications, as well as Commission staff time in processing applications, commensurate with the short mission lifetimes of many small satellites. While this proposed process would still include several of the requirements in section 25.114 of the Commission's rules, we envision that the small satellite process will be set forth in its own section of part 25 to enable small satellite applicants seeking to use this process to clearly understand the applicable procedures and technical requirements.

Under our existing rules, entities may file a petition for a declaratory ruling to access the U.S. market using a non-U.S.-licensed space station. Although we at some points use the term "license" in this *NPRM*, we anticipate that the same basic processes for obtaining authorization for small satellite operations will also be available to proponents of foreign-licensed satellites seeking U.S. market access via declaratory ruling. Accordingly, we do not propose rule changes that would limit the streamlined process to applicants seeking a U.S. license. We seek comment on this approach.

Characteristics. We propose a series of criteria that would define the types of operations able to qualify for the small satellite process. These criteria are consistent with the goals of enabling faster review of applications by the Commission in order to facilitate the deployment and operation of small satellites that can advance research missions and support services such as the provision of Earth observation data. Under these criteria, many satellites that are currently licensed through the experimental licensing process under part 5 of the Commission's rules would likely qualify as small satellites and therefore could be subject to the part 25 streamlined process proposals.

We also seek comment on whether there are other criteria not considered below that should be met by satellites applying under this streamlined process. Many proposals in this *NPRM* rely on the Commission's current understanding of the characteristics and scope of operations that generally define small satellites; for example, that a small satellite is typically designed to serve its purpose within a limited, relatively short period of time, and that these satellites have more limited frequency use characteristics than more traditional operations licensed under part 25, including use of narrower bandwidths and ability to share and not preclude other operations in a particular frequency band. Are these assumptions about the nature of small satellites—and

any others reflected in this *NPRM*—accurate? Are there any other defining traits of small satellites that we may have overlooked and should be taken into account as we define eligibility for the proposed streamlined process?

Number of Spacecraft. We propose to limit the number of spacecraft that can be deployed under a part 25 small satellite license. We propose to license no more than ten satellites under a single small satellite license and seek comment on this approach. This is generally consistent with our experience authorizing small satellites. We anticipate that many small satellite applicants intend only to launch one or a few satellites in total, and this proposal would enable those applicants to proceed in a streamlined manner. We seek comment on this approach and on whether we should consider other factors in determining the number of total satellites that may be specified in any single license under the streamlined process. We note that our proposed process is intended for a limited group of applicants whose operations are small enough in scope that it would not serve the public interest to apply certain of our standard part 25 procedures. We seek comment on what rules would be necessary to facilitate that goal, including whether it is necessary to adopt limits on the number of applications that can be filed under the proposed streamlined process by an individual small satellite operator or its affiliates.

Planned On-Orbit Lifetime. For an applicant seeking a license under the streamlined small satellite process, we propose that the applicant must certify that the total on-orbit lifetime is planned to be five years or less, including the time it takes for the satellite(s) to deorbit. The ITU has found that for nanosatellites, such as CubeSats, the typical operational lifetime is between one and three years, although operational lifetimes of five, six, or even ten years are possible for some small satellites. The ITU also recently identified three years to be typically the upper limit for what it considers to be "short duration missions." Factoring in time for the satellites to deorbit,¹⁵ and that there may be satellites launched at different times under a license, we seek comment on whether five years is an appropriate total on-orbit lifetime for

small satellites that would be eligible for the streamlined process. The five-year planned lifetime corresponds to satellite orbits at relatively low altitudes, consistent with other proposals in this *NPRM*. For example, all satellites lacking propulsion that are deployed at or below an altitude of 400 km will naturally de-orbit by atmospheric re-entry within five years. Should a small satellite that is not designed with a sufficiently short orbital lifespan to result in atmospheric re-entry within five years nevertheless be eligible if it has a capability to maneuver to a lower orbit that would ensure re-entry within five years? Applicants seeking to operate a small satellite for longer than five years would not be eligible for the streamlined process and could seek a license or market access grant under our existing part 25 NGSO procedures, which provide for longer license terms.¹⁶ We seek comment on this proposal and any other factors to consider in identifying eligible satellites based on orbital lifetime.

License Term. We propose that the license term for these satellites be five years and that the license term for the satellites covered by each small satellite license would begin once one satellite has been placed into its authorized orbit. We anticipate that most operators would launch and operate all satellites in these small constellations within a short period of time, therefore it would be appropriate to begin the license term once the first satellite has been placed into its authorized orbit. We seek comment on this proposed five-year license term and whether there are other approaches that we should consider in determining what constitutes an appropriate license term, such as limiting license terms to be proportional to the expected satellite operational lifetime. We also ask alternatively whether the license term should begin at the time of grant, given the typically shorter timeline from satellite development to launch for small satellites.

Given the possibility of seeking additional licenses under the streamlined process, it does not appear necessary or efficient to adopt rules for replacement satellites or expectation of replacement,¹⁷ or to provide for license

¹⁵ Many small satellites are deployed in LEO, where they are more susceptible to upper atmospheric perturbations, solar winds, and other factors which can impact the orbit of the satellite and affect the duration of its operations. See NOAA Space Weather Prediction Center, Geomagnetic Storms, <http://www.swpc.noaa.gov/phenomena/geomagnetic-storms>.

¹⁶ With some exceptions, licenses issued under part 25 of the Commission's rules are currently issued for a period of 15 years, although the Commission reserves the right to grant or renew station licenses for less than 15 years.

¹⁷ Part 25 of the Commission's rules currently provides for space station system replacement authorizations for non-geostationary orbit satellites.

extensions.¹⁸ Accordingly, we propose that licenses granted under the streamlined process will be valid only for the original satellite(s) launched and operated by the licensee.¹⁹ We believe that this approach is consistent with the typical technical capabilities of small satellites, which often last no more than a few years in orbit, and also reflects the limited scope of the small satellite process. The possibility of seeking additional licenses as new satellites are launched provides a mechanism to address rapid turnover in deployment and technology. We seek comment on this approach toward license extensions and replacement spacecraft.

We also recognize the possibility of commercial lunar missions or other non-Earth-orbiting missions in the future utilizing CubeSats or other small satellite designs.²⁰ We seek comment on whether the small satellite process proposed here should be available to such missions and, if so, whether certain prerequisites for the small satellite process should apply only to Earth-orbiting satellites. For example, we seek comment on whether applicants for satellites not intended to orbit the Earth could calculate anticipated mission lifetime based on anticipated operational lifetime rather than total on-orbit lifetime, and whether a different license term should be applicable to such missions. We also anticipate that the proposed certification regarding disposal of the satellite through atmospheric re-entry would need to be modified for non-Earth-orbiting satellites, as well as the certification regarding deployment orbit. We seek comment.

Maximum Spacecraft Size. We tentatively conclude that satellite size, defined either by mass or by volume, should be a criterion for qualifying small satellites for streamlined processing.²¹ We recognize that there are a great variety of technologies and designs used for small satellites and seek comment on what the maximum size for small satellites should be, particularly to avoid situations where systems of satellites that would be more

appropriately licensed under the standard part 25 procedures seek to gain some advantage by applying through the small satellite streamlined process described below. We propose a maximum mass of 180 kg for any satellite that would be authorized under the streamlined process. NASA has used a maximum mass of 180 kg as one demarcation for the category of small satellites, which can encompass a variety of spacecraft, and we believe this upper mass should be sufficient to include typical small satellite designs, given the types of applications we have received to date, while allowing for flexibility to accommodate evolving satellite designs. In addition, we anticipate that this maximum mass would preclude systems that are not small satellites from applying under this streamlined process. We seek comment on this proposed limit. Would a greater maximum mass (e.g., 500 kg) or a smaller maximum mass be appropriate for characterizing small satellites? Do other proposed criteria, such as the proposed zero reentry casualty risk criteria discussed below, effectively preclude larger satellites?

Deployment Orbit and Maneuverability. We propose to require that applicants filing under the new proposed process certify that their proposed satellite will comply with one of several options regarding the deployment orbit and/or maneuverability of the satellite. First, if the applicant intends to deploy the satellite(s) at an orbit below the orbit of the International Space Station (ISS), which is at an altitude of approximately 400 km, the applicant would certify that its satellite will be deployed at that lower-orbit location. Second, if the applicant intends that its satellite(s) will be deployed from the ISS itself, or from a vehicle while that vehicle is docked with the ISS, the applicant would certify that its satellite will be deployed in this manner.²² Although the ISS is currently the only continuously occupied manned spacecraft in LEO, we recognize that China currently operates a spacecraft in LEO below the ISS that is periodically manned, and that other long-term manned spacecraft have been considered for operation in LEO as well. In the event that any such manned spacecraft are located at altitudes below where an applicant intends to operate a small satellite, we propose that the applicant must describe in narrative form the design and operational strategies it will use to avoid collision

with manned spacecraft.²³ Such strategies could include use of propulsion, reliance on orbits not occupied by manned spacecraft, coordination efforts with manned spacecraft, or other reasonable means of avoiding collision. We seek comment on these proposals.

Deployment of satellites lacking maneuvering capabilities above the ISS, to orbits from which they will eventually transit through the ISS altitude band, increase the likelihood that the ISS will need to conduct avoidance maneuvers, potentially disrupting ISS operations. For that reason, deployment of satellites without propulsion capabilities above the ISS may not be appropriate for streamlined consideration. We propose as a third option, however, to authorize small satellites under the streamlined process to deploy at altitudes above the ISS if they certify that the satellite(s) have sufficient propulsion capabilities to perform collision avoidance maneuvers and deorbit within the license term proposed above. While many small satellites to date have not been equipped with onboard propulsion systems, new technologies are being developed that could provide a means for actively maneuvering.²⁴ We tentatively conclude that more limited maneuvering capabilities, such as those relying primarily on drag, would be insufficient to support deployment at higher altitudes under the streamlined small satellite process, as these methods will likely require closer Commission review, and seek comment on this tentative conclusion. We also seek comment on whether there are any other factors that we should consider in specifying criteria related to orbits under this streamlined process.

Operational Debris and Collision Risk. Under our current rules, we require part 25 applicants to state that the satellite operator has assessed and limited the amount of debris released in a planned manner during normal operations. Because the release of operational debris may require closer scrutiny and be inconsistent with a streamlined process, we tentatively conclude that the streamlined process should be limited to satellites that

¹⁸ Part 25 of the Commission's rules generally permit licensees to file for license extensions for space stations as license modifications, subject to the requirements of section 25.117.

¹⁹ Additionally, we do not anticipate that in-orbit spares would be authorized under a small satellite license.

²⁰ Development of these types of small satellite missions for non-commercial, scientific purposes has been ongoing.

²¹ We also propose to specify a minimum size for satellites authorized under this streamlined process, as discussed *infra*. The proposal specifying a minimum size is relevant to trackability of the satellites, and so is discussed in that context.

²² Such spacecraft have similarly shorter orbital lifetimes.

²³ An *ex parte* filing recommended that we consider future manned spacecraft and their likely orbits, and require that satellites have a maneuvering capability that is tested and demonstrated. See Alistair Funge, *ex parte* filing, IB Docket No. 18-86 (filed Apr. 3, 2018).

²⁴ For example, NASA has found that recent improvements in the efficiency of electric propulsion systems and miniaturization of chemical propulsion systems have opened the door to small satellites with significantly greater maneuverability than was previously possible.

release no operational debris in a planned manner during their mission lifetime. As the release of operational debris is extremely rare among all FCC-licensed satellites, including small satellites, we do not consider this limit as unduly constraining on the availability of the streamlined process. We therefore propose that small satellite applicants must certify that their satellite(s) will release no operational debris, and we seek comment on this proposal. Under current part 25 requirements, applicants must also include a statement that the satellite operator has assessed and limited the probability of accidental explosions, including those resulting from conversion of energy sources on board the spacecraft into energy that fragments the spacecraft. We propose to retain this requirement for the streamlined process in the form of a certification of compliance. We seek comment on whether a simple statement to this effect is appropriate, or whether there may be circumstances in which a more detailed disclosure and review is appropriate, for example for spacecraft that have propulsion systems or pressure vessels. Regarding risk of collision, we propose that applicants certify that the probability of each satellite's risk of collision with large objects is less than 0.001, which is consistent with technical guidance developed by NASA for its space missions. We seek comment on whether the 0.001 metric is appropriate for satellites licensed in accordance with the streamlined process, or if a more stringent standard for collision risk may be appropriate, given that multiple satellites that may be deployed. We further inquire into whether an applicant's certification will be sufficient to address collision risk and debris issues, or whether we should seek additional information from satellite applicants under the streamlined process and if so what types of information would be necessary. Alternatively, we ask whether such a certification is necessary given the other eligibility criteria for the streamlined process, such as limiting orbital altitude or requiring propulsion capability.

Trackability. We propose that all applicants seeking to be licensed under the streamlined small satellite process also certify that their satellites will be no smaller than 10 cm x 10 cm x 10 cm to ensure that the satellite will be trackable as a space object.²⁵ This size

is consistent with the CubeSat specification. We note that while there may be methods for improving tracking of smaller objects, such as reflectors or transponders, these methods may require closer scrutiny and detailed analysis, and such analysis may be inconsistent with a streamlined process. We further propose that the applicant would also be required to certify that the satellite will include a unique telemetry marker allowing it to be readily distinguished from other satellites or space objects. We believe these certifications will help ensure that satellite operators will be able to assist entities that track space objects to more easily identify and distinguish between the small satellites utilizing the streamlined process and other space objects. We seek comment on these proposals.

Casualty Risk. We propose that applicants certify that their satellite(s) will be disposed of through atmospheric re-entry following completion of the mission. Under our current satellite authorization rules, including those that apply to experimental and amateur missions, applicants planning disposal of satellites through atmospheric re-entry must provide a statement assessing casualty risk, with an estimate of whether portions of the spacecraft will survive re-entry and reach the surface of the Earth, as well as an estimate of the resulting probability of human casualty. If a statement indicates a risk of human casualty, the spacecraft could result in a future claim being presented to the United States under the relevant United Nations Outer Space Treaties. In light of the casualty risk, it may be necessary to consider satellite modifications that could reduce the risk to zero, or insurance and liability arrangements. We tentatively conclude that consideration of such arrangements, which is likely to involve detailed factual inquiry and potentially complicated legal and financial arrangements, is not consistent with the proposed streamlined process. Therefore, we propose that any small satellite applicant seeking to file under the streamlined process certify that it has conducted a casualty risk assessment using the NASA Debris Assessment Software (DAS) or another higher fidelity model, and that the assessment resulted in a human casualty risk of zero. We seek comment on this proposal.

filings, Alba Orbital stated that satellites with a size under a 10 cm cube can be tracked and asked that satellites with a size of 5 cm or greater be included in the streamlined process. See Alba Orbital, *ex parte* filing, IB Docket No. 18–86 (filed Apr. 2, 2018).

Cessation of Emissions. ITU Radio Regulation No. 22.1 requires that space stations be fitted with devices to ensure immediate cessation of their radio emissions by telecommand, whenever such cessation is required under the radio regulations. Section 25.207 of the Commission's rules requires that space stations be capable of ceasing radio emissions by the use of appropriate devices (battery life, timing devices, ground command, etc.) that will ensure definite cessation of emissions.²⁶ For the small satellite streamlined process, we propose that small satellites have the ability to cease transmissions by way of command (rather than by other potential means), to ensure the reliability of the satellite's ability to cease transmissions instantaneously. We propose that the applicant would need to certify that the satellite has the ability to receive command signals and cease transmissions as a result of a command. We seek comment on this approach. As part of this approach, we seek comment on whether we should require that satellites employ a "passively safe" system, *i.e.*, the satellite cannot transmit unless it is actively commanded to transmit via a command, and will cease transmission unless within view of a ground station.²⁷

Small Satellite Application Processing. Under the Commission's current regulatory approach, decisions on NGSO-like satellite applications are made using processing round procedures. The Commission adopted this approach for NGSO-like satellite systems because of the possibility of otherwise unreasonably limiting additional market entry if licenses were granted on a first-come, first-served basis. For NGSO-like satellite systems, the Commission had envisioned that grant to one satellite system operator to provide service in a particular frequency band segment would preclude other satellite system operators from providing service in that frequency band.

The Commission has granted several waivers of the processing round rules for NGSO satellites, including small satellites, operating in the EESS. For these small satellites, the Commission has relied on the applicants'

²⁶ 47 CFR 25.207. While section 25.207 applies to part 25 licensees, a similar requirement applies to experimental licensees under part 5 of the Commission's rule. See 47 CFR 5.107 (requiring that licensee maintain control of the transmitter authorized under its license, including the ability to terminate transmissions in the event of interference).

²⁷ See ITU-R SA.2312-0 at 7 (describing a passively-safe system whereby the satellite is actively commanded to transmit only when in view of an associated earth station).

²⁵ See Space-track.org, Documentation—Frequently Asked Questions, <https://www.space-track.org/documentation/#/faq>, ("10 centimeter diameter" or "softball size" is the typical minimum size object that current sensors can track and the JSpOC maintains in the catalog). In an *ex parte*

demonstrations that they can avoid interference events through means such as scheduling of transmissions, and would not preclude future entrants from using the same spectrum. For example, where a satellite operates with a limited number of earth stations for purposes of downlinking sensor data during relatively short periods of time, it may be possible for such a satellite system to accommodate future entrants utilizing the same frequency bands. The spectrum demands of such systems differ substantially from the requirements for full-time system availability that characterize the NGSO-like systems provided for by the processing round rule.

We propose that applications qualifying for the streamlined small satellite process be exempt from processing round procedures. Instead, each applicant under the streamlined small satellite process would be required to (a) certify that operations of its satellite will not interfere with those of existing operators, (b) certify that it will not unreasonably preclude future operators from utilizing the assigned frequency band(s), and (c) provide a brief narrative description illustrating the methods by which future operators will not be unreasonably precluded. Such methods could include the sharing of ephemeris data to avoid RF interference events,²⁸ use of directional antennas, limiting operations to certain times throughout the day, limiting earth stations operating with the system to certain defined geographic locations, or some combination of these and other means that could be used to accommodate sharing in the assigned frequency band(s). Regardless of the methods used, the Commission would make an assessment of the description provided to ensure that operators do not preclude others from operating in the band and thereby limit the risk of spectrum warehousing by licensees. This approach also differs from the first-come, first-served queue used for GSO-like satellites, in that an earlier filed and granted application would not provide a basis for dismissing a later-filed request. We seek comment on this proposal. Applications would be processed in accordance with our existing procedures in other respects.²⁹ We also seek comment on the certification and

description requirements, and on the appropriate indicia for sharing.

Although there would be no processing round under our proposed licensing approach, small satellite operators licensed pursuant to the streamlined process would still typically receive interference protections in accordance with the relevant service allocation in the U.S. Table of Allocations. For example, small satellite applicants seeking to operate EESS systems in frequency bands with a secondary EESS allocation will be authorized on a secondary basis. In bands where part 25 licensees are authorized pursuant to a processing round, however, the Commission anticipates that small satellites authorized on a streamlined basis would be subject to some limitations on a frequency-band specific basis, including, in appropriate circumstances, that operations are on a non-interference, unprotected basis with respect to those part 25 systems. We seek comment on this proposed approach to interference protection.

For typical NGSO FSS, MSS, or other operations requiring full-time uninterrupted availability of assigned spectrum, the ability to share spectrum with all existing and future operations is more limited or nonexistent because of the complexities of these systems. We tentatively conclude that the required indicia of sharing would not be present in these instances, and that such operations are more appropriately addressed for authorization under existing part 25 procedures, including processing rounds. We recognize, however, that not all FSS and MSS operations require full time spectrum availability. In these instances, where the other criteria are satisfied, authorization under the proposed streamlined small satellite process might be appropriate. We seek comment on these tentative conclusions. In determining whether an application is acceptable for filing within the streamlined small satellite process, we propose to rely on the applicant's certification that it can reasonably share with existing and future operators, as described above, in addition to the other criteria we set forth in this *NPRM*. We propose to subsequently evaluate the applicant's narrative description of sharing methods, however, particularly in the event that any comments or other pleadings address the applicant's ability to share with other operators. Under such an approach, we would dismiss an application without prejudice if we find that the applicant has failed to demonstrate that the proposed operations will not unduly limit other

operations in the band. In such case, the applicant could refile the application as an NGSO-like application in accordance with the requirements of the Commission's processing round procedures. We seek comment on this approach. Aside from the sharing certification and procedures discussed above, we ask whether additional mechanisms would be necessary to prevent authorized small satellite operations in a particular frequency band from having an aggregate interference footprint that is inconsistent with use by other existing or planned services.

Consistent with the above tentative conclusion that small satellites will not preclude others from operating in the band, we further propose to exempt small satellites from the limitations on unbuilt NGSO-like systems contained in section 25.159 of the Commission's rules.³⁰ We seek comment on this proposal.

Application Requirements. We propose that the FCC Form 312 and Schedule S would continue to serve as the basis for applications under the streamlined small satellite process.³¹ These forms include basic legal and technical information that provides Commission staff with information about the proposed operations.³²

In lieu of the narrative demonstrations required by the existing part 25 rules, we propose that applicants may instead provide the various certifications described above as the qualifying criteria for the streamlined small satellite process.³³ The certifications should ease the burden on applicants of completing a part 25 application. Applicants under the proposed streamlined small satellite process would still need to provide some

³⁰ 47 CFR 25.159(b). This rule states that if applicants with an application for one NGSO-like satellite system license on file with the Commission in a particular frequency band, or one licensed-but-unbuilt NGSO-like satellite system in a particular frequency band, will not be permitted to apply for another NGSO-like satellite system license in that frequency band.

³¹ The FCC Form 312, Main Form and Schedule S form the foundation for all space station license authorizations. See 47 CFR 25.114(a).

³² The Schedule S software is available electronically on the Commission's website. See FCC Schedule S System, <https://enterpriseefiling.fcc.gov/schedules/>. Applicants are advised to use the software when submitting information to ensure that it is appropriately included in IBFS. See FCC, Specific Instructions for Schedule S (April 2016), <https://enterpriseefiling.fcc.gov/schedules/resources/Instructions%20for%20Schedule%20S%20vApr2016.pdf>.

³³ This certification would be somewhat analogous in form to the Commission's rules on the relocation of GSO space stations. See 47 CFR 25.118(e)(5).

²⁸ Ephemeris data give the orbital parameters of satellites at different times. In the *NGSO FSS R&O*, the Commission extended the existing requirement regarding the maintenance of ephemeris data in section 25.271(e) of the Commission's rules to NGSO FSS operations generally.

²⁹ See, e.g., 47 CFR 25.112, 25.151 (acceptability for filing and public notice procedures).

information in narrative form, such as how their operations will not preclude future operators in the assigned bands, but we do not envision that these additional narrative requirements will be unduly burdensome or undermine the objectives of this *NPRM*. We seek comment on the proposed changes. We also seek comment on whether there are additional application requirements or revisions to application requirements that should be considered for the streamlined small satellite process.

Revised Bond Requirement. Under the Commission's part 25 rules, most NGSO licensees or recipients of market access must have on file a surety bond. A bond of \$1 million must be filed at 30 days following grant and the amount of the bond that must be on file steadily escalates, with the maximum bond being \$5 million. The surety bond requires payment in the event that the licensee either fails to meet certain milestones, or surrenders the license before meeting certain milestones for the operation of its system, specifically, launching 50 percent of the maximum number of satellites authorized for service, placing them in their assigned orbits, and operating them in accordance with the station authorization no later than six years after the grant of the authorization.³⁴ Once the Commission determines that the milestone has been satisfied, the authorized entity will be relieved of its bond obligation. The Commission established these requirements to deter warehousing by satellite operators before a proposed satellite has been launched and begun operations and to deter speculative satellite applications.³⁵

We propose a change to the bond requirement normally applicable to NGSO satellites authorized under part 25. Specifically, we propose a one-year "grace period" during which small satellites that qualify for the streamlined process as outlined in this *NPRM* would not have to post a bond. This grace period would begin 30 days after the license is granted, since that is typically when a licensee must post a bond. We

seek comment generally on this proposal.

This grace period may be warranted for two reasons. First, most small satellite operators have a comparatively short window between filing of their application and deployment of their satellites. Applicants for small satellite short-duration missions frequently deploy and begin operations with their satellites within one year or less of obtaining a Commission license. In these instances, once satellites are authorized, there is little opportunity for the applicant to warehouse spectrum that it does not intend to use. Second, as described above, we propose that the estimated on-orbit lifetime of the individual satellites that may be authorized will be five years or less, and that licenses granted under the streamlined process may not be renewed or extended. Thus, to the extent that the satellite is authorized to operate in a particular frequency band, the licensee is unlikely to preclude the availability of resources to competitors or discourage innovation during this short amount of time. Furthermore, the limitations we propose to place on the applicant's license term, including the start of the five-year license term at launch of the first satellite, discussed *supra*, support this approach as well. We seek comment on these rationales for postponing the bond requirements for small satellites that could be authorized under the streamlined small satellite process proposed in this *NPRM*. Are there any other considerations that the Commission should take into account when establishing the grace period?

Following the one-year grace period, if the authorized satellite(s) have not yet been deployed, we propose that operators could still launch and operate their satellites subject to the bond and milestone requirements applicable to NGSO satellites, provided that the satellite(s) can still meet the criteria for the small satellite process, including deorbit within the five-year license term (which we have proposed would begin when the first satellite is placed into its authorized orbit). Under this proposal, the escalating bond would need to be filed with the Commission, at the amount that would be applicable for a part 25 NGSO satellite one year after the license has been issued. We seek comment on this approach, and ask whether alternatively we should develop a different bond amount or a more or less rigorous approach to milestones for satellites licensed under the streamlined small satellite process.

In addition, we propose that grantees failing to begin operations during the

one-year grace period, because of launch delays, for example, may surrender their license to avoid the bond requirement. Further, we suggest that grantees launching and operating one or more satellites within the one-year grace period, but failing to launch and operate 50 percent of their authorized satellites within that period, may choose to either be subject to the standard NGSO bond and milestone requirements or, in the case of licenses that specify multiple satellites, accept an automatic reduction in the number of authorized satellites to the number actually in orbit as of the close of the grace period. This proposal would not preclude the filing of a new application for additional satellites. We seek comment on these suggested outcomes.

Technical Rules. Our part 25 rules contain technical requirements governing the operations of both satellites and earth stations. These rules specify, among other things, out-of-band emission limits, frequency tolerances, and power limits.³⁶ We propose that existing generally applicable technical rules in part 25 also be applicable to small satellites authorized under the streamlined process. We seek comment on this proposal. In addition, we note that many of the part 25 technical rules such as out-of-band emission and power limits are in place to avoid interference occurring to other stations. The interference environment in which a small satellite will operate will be a function of the frequency band in which it operates. Consequently, we recognize that the technical requirements for small satellites may need to be adjusted for the different bands and we seek comment on some additional technical requirements later in this *NPRM* in connection with the discussion of small satellite operations in particular frequency bands.³⁷

Frequency Considerations for Small Satellites

In this section, we address a number of issues relevant to frequency selection for small satellite systems generally having the characteristics described above.³⁸

³⁴ 47 CFR 25.164(b)(1). There is also a nine-year build out milestone for NGSO systems, requiring that the licensee or market access recipient have its full system launched and operational by nine years after grant or accept a reduction in its authorized satellites to the number launched and operational at that time, but this milestone is not tied to the surety bond. Because we propose a five year on-orbit lifetime, we do not believe this milestone would be relevant for small satellites authorized under the streamlined process. *Id.* at 25.164(b)(2).

³⁵ Warehousing occurs when an entity holds exclusive authorization or priority for spectrum use or an orbital position, but is unable or unwilling to deploy its authorized satellite system in a timely manner.

³⁶ See, e.g., 47 CFR 25.202(d), (e), (f), 25.204.

³⁷ See, e.g., *infra* (discussion of possible service rules, including out-of-band emission limits, related to small satellite operations in the 1610.6–1613.8 MHz band).

³⁸ Consistent with a resolution adopted at WRC-15, the ITU-R is currently studying the spectrum requirements for TT&C for NGSO satellites with short duration missions, assessing the suitability of existing international allocations to the space operation service below 1 GHz, and may consider possible new allocations or an upgrade of the existing allocations to the space operation service within the frequency ranges 150.05–174 MHz and

Scope of Frequency Use. We seek comment on the specific frequency use characteristics of small satellites that would be authorized under the proposed small satellite process. With respect to bands that are currently shared among services, we do not expect that small satellite operations would displace existing or planned non-satellite operations in a given frequency band. We seek comment on whether small satellites should be required to make any additional demonstrations, either for all bands or in specific bands, about their ability to share with non-satellite services. This could include, for example, demonstrating the ability to avoid interfering with incumbent non-satellite operators. We also seek comment on whether small satellites authorized under the streamlined process should be required to protect other services and accept interference from other services in all instances where they are operating in frequency bands that are shared with non-satellite services. Alternatively, we seek comment on whether these small satellites should be afforded interference protection that is consistent with the relevant satellite allocation in a particular frequency band (e.g., primary or secondary with respect to other allocated services).

The current part 25 rules include a list of frequency bands available for particular types of services, but indicate that operations can be authorized in other bands allocated for satellite services. In order to assist small satellite operators in identifying possible frequency bands for use, we seek comment on including a non-exclusive list of frequencies in section 25.202 of the Commission's rules. We seek comment on the types of bands that should be specified in any such rule. We also seek comment on an alternative proposal to omit a specific list and consider applications on a case-by-case basis, bearing in mind the relevant frequency allocations. As a third alternative, we seek comment on whether the proposed process should be limited to specific frequency bands. We also seek comment on the type and quantity of spectrum that will be needed for small satellites to operate. Commenters should include data, analysis, and engineering studies on the expected demand for small satellites. We request that commenters address

their need to access specific bands, bearing in mind the case of bands that have other allocations and services.

In addition to the sharing characteristics described above, we anticipate that the actual amount of spectrum used by any particular small satellite will be small, generally no more than a few megahertz and in some cases only a few tens-of-kilohertz, and RF output power will be low. Notably, the ITU has found that for a short duration missions (three years or less) operating on frequencies below 1 GHz, a typical small satellite space segment mission uses a bandwidth of less than 100 kilohertz, a non-directional type antenna with a gain under 3 dBi, and RF output power of 1 W. For small satellites operating on frequencies between 1 and 3 GHz, the ITU found generally a wider bandwidth of less than 7.5 megahertz is used, with non-directional antennae gain under 10 dBi, and an RF output power of less than 1 W. These technical characteristics, such as low power and low bandwidth, are generally consistent with the small satellites granted experimental licenses by the Commission, and are also consistent with the type of operations we envision being authorized pursuant to the streamlined small satellite process described in this *NPRM*. We understand that in some instances other uses may be anticipated, for example, where data downlinks require larger bandwidths, and so we also seek comment on whether modifications to the proposals discussed in this section would need to be made to accommodate these other types of operations. We also seek comment on the extent to which larger bandwidth transmissions could be conducted via inter-satellite links or alternatives such as optical links.

In the discussion above, we sought comment on whether the existing part 25 technical rules should apply to small satellites. Here we also ask whether particular service rules, on a band-specific basis, may be needed to ensure protection of incumbent users. For example, geographic isolation of small satellite earth stations, power level restrictions on transmissions to and from small satellites, temporal restrictions on small satellite communications with earth stations, antenna specifications or other limitations on satellite design parameters, and/or other technical requirements may enable protection of incumbent operations, depending on the RF environment in each band.

Compatibility and Sharing with Federal Users. The U.S. Table is divided into the Federal Table of Frequency Allocations and the non-Federal Table

of Frequency Allocations. Some bands are allocated to both Federal and non-Federal uses. In addition, some footnotes to the U.S. Table specify that use of a particular band by non-Federal users is subject to successful coordination with Federal users. An established set of procedures guides the interaction between the FCC and NTIA in developing regulations for services in shared bands, and for authorizing frequency use by Federal agencies and Commission licensees.³⁹ Under the Memorandum of Understanding (MOU) between NTIA and the Commission, the Commission and NTIA give notice to each other of "all proposed actions that could potentially cause interference" to non-Federal and Federal operations, respectively."

In discussing the compatibility of small satellites with other operations, however, we note that a number of the frequency bands where small satellites have been authorized, and where there are non-Federal allocations for services such as EESS and space operations,⁴⁰ are shared with Federal users. Small satellite operations in these bands must be compatible with Federal uses. We seek comment on any rules that could be adopted by the Commission specific to these frequency bands that would better enable small satellite operators to consider, in advance of coordination, whether they may be able to operate in these bands while still protecting Federal operations. Examples of such rules could include traditional approaches requiring geographic isolation of non-Federal earth stations from Federal earth stations or other sites, or approaches such as permitting a satellite to transmit only when it is receiving uplink communications from certain pre-coordinated earth station sites.⁴¹ These examples would not necessarily replace the need to coordinate with Federal systems on a case-by-case basis, but we seek comment on whether these approaches or cooperative arrangements, public-private partnerships, scientific research programs, or other hybrid Federal/non-Federal arrangements could help streamline sharing. How would the establishment of certain service rules or other requirements on a band-specific

³⁹ For example, the NTIA Manual describes technical requirements for Federal radio services.

⁴⁰ The space operation service is a radiocommunication service concerned exclusively with the operation of spacecraft, in particular space tracking, space telemetry, and space telecommand.

⁴¹ This approach could be consistent with our proposal that small satellites authorized under the streamlined process have implemented a passively-safe system whereby the satellite is actively commanded to transmit by command originating from the ground.

400.15–420 MHz. ITU WRC–15, Resolution 659. See WRC–15 Final Acts, Resolution COM6/19 (WRC–15), available at <http://www.itu.int/pub/R-ACT-WRC.12-2015/en>. While we recognize these ongoing efforts at the ITU, we do not limit our consideration to bands identified in the WRC–15 resolution, or to the space operation service.

basis help to facilitate compatibility among separate systems and development of new types of shared and efficient uses of space and spectrum resources? We seek comment on these issues and on whether and how such rules and requirements may vary depending on the specific frequency bands being considered.

Small Satellite Operations as an Application of the MSS. We believe that it may be appropriate to permit small satellite operations in selected bands allocated to the MSS, where the characteristics of the small satellite operations, as described in this *NPRM*, would limit any potential for interference into existing MSS operations, and would ensure that the small satellite operations would have less potential for interference to either in-band or adjacent band services than operations that would typically be considered in the MSS. As discussed *infra*, this proposal corresponds to allocations to the MSS (Earth-to-space) in the 149.9–150.05 MHz and 1610.6–1613.8 MHz frequency bands. Accordingly, in these specific instances, our proposal would be to add a use footnote to the U.S. Table stating that small satellites authorized under the new process in section 25.122 of the Commission's rules may be considered an application of the MSS. In connection with this proposal, we seek comment on whether such operations should in all cases be on a non-interference, unprotected basis, or whether the operations may have status in the frequency band, provided that the satellites operate consistent with any limitations on the MSS allocations and have demonstrated compliance with the small satellite process in section 25.122.

Discussion of New Small Satellite Operations in Select Bands

In this section, we highlight frequency bands with existing non-Federal frequency allocations for space operations or other satellite services (e.g., MSS) in the U.S. Table that we believe may accommodate small satellite operations in addition to the services that have been authorized in the frequency bands to date. For the frequency bands under consideration, we seek comment on potential service rules or limitations that could be placed on operations in these bands in order to better facilitate coordination and sharing with incumbent operations. In some instances, we also seek comment on proposing additional service allocations.

137–138 MHz and 148–150.05 MHz. The 137–138 MHz band is allocated for downlinks in Federal and non-Federal

portions of the U.S. Table on a co-primary basis to the space operation service (space-to-Earth), meteorological satellite service (space-to-Earth), and the space research service (space-to-Earth). Several sub-bands within the 137–138 MHz band are also allocated to the MSS (space-to-Earth), either on a co-primary or secondary basis, in the Federal and non-Federal Tables, but are limited to non-voice, non-geostationary (NVNG) satellite systems.⁴² The 148–150.05 MHz band is allocated for uplinks to the MSS (Earth-to-space) on a primary basis in the Federal and non-Federal Tables, also limited to NVNG satellite systems.⁴³ The 148–149.9 MHz frequency band is also allocated by footnote to the space operation service (Earth-to-space) on a co-primary basis in the Federal and non-Federal Tables, subject to agreement obtained under No. 9.21 of the ITU Radio Regulations, limited to bandwidths not exceeding 25 kilohertz for any individual transmission, and to the fixed service (FS) and mobile service (MS) on a co-primary basis for Federal use. The 149.9–150.05 MHz band is also allocated to the radionavigation-satellite service (RNSS) on a co-primary basis in the Federal and non-Federal Tables. Under an international footnote, MSS operations in the 149.9–150.05 MHz band must be coordinated under No. 9.11A of the ITU R.R., and use of the band by the MSS shall not constrain the development and use of the band by the radionavigation satellite-service.

The 137–138 MHz and 148–150.05 MHz bands were the subject of a processing round and rulemaking in 1997 and 1998, which resulted in the grant of several licenses for the provision of MSS in these bands. Of the initial licensees, only one, ORBCOMM License Corp. (ORBCOMM), remains licensed to provide commercial NVNG MSS in the 137–138 MHz or 148–150.05 MHz bands. In 2008, ORBCOMM was granted a modification of its license for an NVNG MSS system to construct, launch, and operate additional satellites capable of operating in the 137–138

⁴² MSS operations in the 137–138 MHz band are also subject to coordination under ITU R.R. No. 9.11A. Under the Commission's rules, stations of a secondary service shall not cause harmful interference to and cannot claim protection from harmful interference from stations of primary service to which frequencies are already assigned or to which frequencies may be assigned at a later date, but can claim protection from harmful interference from stations of the same or other secondary service(s) to which frequencies may be assigned at a later date.

⁴³ MSS operations in the 148–149.9 MHz band must be coordinated under No. 9.11A of the ITU R.R., and the use of the band by the MSS shall not constrain the use and development of the band by the fixed, mobile, and space operation services.

MHz and 148–150.05 MHz frequency bands. ORBCOMM subsequently received another modification of its license in 2016.⁴⁴ Considering all the various modifications to its license, ORBCOMM is specifically authorized to operate in certain sub-bands. ORBCOMM was also granted authority to operate throughout the 137–138 MHz and 148–150.05 MHz frequency bands until commencement of operations by another U.S.-licensed NVNG MSS system, consistent with the spectrum sharing plan adopted by the Commission in a 1997 order establishing rules and policies for the licensing and operation of satellite systems in the NVNG MSS.⁴⁵ To date, no other NVNG MSS systems have operated in these frequency bands, although a handful of experimental small satellites have proposed operations in these frequency bands.

In light of the existing frequency allocation for space operation downlinks in the 137–138 MHz band, and the allocation for space operation uplinks the 148–149.9 MHz band in accordance with international footnote 5.218, we seek comment on use of these bands for small satellite operations. Additionally, we propose to permit small satellite uplinks in the 149.9–150.05 MHz frequency band as an application of the MSS. The ORBCOMM system is currently operating in portions, if not all, of these frequency bands. As these frequency bands were originally considered for use by multiple satellite systems, we request comment generally on whether, and if so, how, small satellite space operations could share this spectrum while protecting ORBCOMM's existing and future MSS operations. As part of this proposal, we consider whether small satellites could utilize spectrum in those frequency bands where ORBCOMM has been authorized to operate pending commencement of operations by another U.S.-licensed NVNG MSS system (i.e., the individual sub-bands within the 137–138 MHz and 148–150.05 MHz frequency bands that were not specifically identified in

⁴⁴ In addition to a discrete set of frequency bands granted to ORBCOMM for use on a primary basis in 2008, ORBCOMM was subsequently granted authorization for a 50 kilohertz downlink centered at 137.4 MHz and a feeder link centered at 150.025 MHz.

⁴⁵ The Little LEO satellite service uses constellations of low-earth orbiting (LEO) satellites to provide commercial radiolocation and two-way data messaging services. Operating at altitudes much lower than those in geostationary orbits, Little LEO satellites are typically deployed in constellations so that as one satellite moves out of view of a terrestrial station, another satellite will come over the horizon to maintain coverage.

ORBCOMM's license or subsequent modifications to its license). We seek comment on this proposal.

In addition, we note the additional requirements applicable to these frequency bands. We note that operations in the downlink band, 137–138 MHz, in the MSS are subject to a number of service rules to effectuate coordination with NOAA. We seek comment on whether any of these service rules should be similarly applied to potential operations by small satellites in this frequency band. The uplink band, 148–150.05 MHz, is subject to coordination, to the extent specified in the U.S. Table and/or International Table, under Nos. 9.11A and 9.21 of the ITU Radio Regulations.⁴⁶ We seek comment on whether these coordination requirements will significantly impede use of this band by small satellites for short duration missions.⁴⁷

1610.6–1613.8 MHz. The 1610.6–1613.8 MHz frequency band is allocated for Federal and non-Federal use on a co-primary basis to the MSS (Earth-to-space), the aeronautical radionavigation service, the radiodetermination-satellite service (Earth-to-space), and the radio astronomy service (RAS) on a co-primary basis. This band is part of what is known as the “Big LEO” spectrum.⁴⁸ In the United States, the 1610–1626.5 MHz frequency band is currently divided between the time division multiple access (TDMA) MSS system operated by Iridium Constellation LLC (Iridium) with service links in both directions and the code division multiple access (CDMA) MSS system operated by Globalstar Inc. (Globalstar). Currently, Globalstar is authorized to operate at 1610–1617.775 MHz on an exclusive basis. In accordance with the non-Federal portion of the U.S. Table, the lower portion of the spectrum, at 1610.6–1613.8 MHz is also used by RAS

receivers. Globalstar's operations in this band must protect RAS sites in the United States.

We seek comment on whether small satellites could operate in this band as an application of the MSS under the existing uplink allocation. These would be small satellite Earth-to-space links operating independently of the Globalstar system.⁴⁹ We tentatively conclude that this band offers spectrum for small satellites to use, provided that the small satellite uplink operations can protect the existing MSS operations, as well as RAS operations. To these ends, we believe that service rules would be appropriately applied to any small satellites seeking to operate in these bands as an application of the MSS. We seek comment on what service rules would be necessary to protect MSS and RAS operations. For example, small satellites seeking to operate in this band could demonstrate that they are not within certain exclusion zones related to United States RAS sites, such as those identified in section 25.213. Earth stations transmitting in these bands for any system could be limited in number and be specifically identified in the application materials for applicants seeking to operate in this band. Small satellite operations in the band could be required to observe out of band emissions limits in section 25.216 to protect the radionavigation satellite service (RNSS). Moreover, we could require that all earth stations operating with a small satellite system have directional antennas and that the system must have the ability to avoid in-line interference events to the existing operators in the band, primarily through operations at higher latitudes. We seek comment on these proposals. We also seek comment on whether authorization should be limited to communications with U.S. earth stations or if other limitations should be adopted. We seek further comment on the potential impact of small satellite operations in this band to existing or planned operations in adjacent or nearby bands, including to Iridium's operations in the adjacent band above,⁵⁰ and to RNSS systems operating below 1610 MHz. We seek comment on whether application of the existing out of band emissions limits in section 25.216 of the Commission's rules would be sufficient to protect these systems from harmful interference.

Use of MSS and FSS Frequency Bands for Inter-Satellite Links with Small Satellites. The Commission's rules and the ITU Radio Regulations define “inter-satellite service” as a radiocommunication service providing links between satellites. Section 25.279(a) of the Commission's rules states that space stations may use frequencies in the inter-satellite service as indicated in section 2.106, and other frequencies where inter-satellite links are part of the service definition. For example, the definition of FSS states that in some cases FSS may include satellite-to-satellite links, which may also be operated in the inter-satellite service. The definition of MSS likewise includes radiocommunication service “between space stations used by this service,” thereby permitting frequencies allocated to MSS to be used for inter-satellite links. For service allocations in some frequency bands, the Table of Frequency Allocations specifies a directional limitation on operations.⁵¹ For example, an allocation for FSS may be limited by parenthetical to the space-to-Earth direction. In that instance, inter-satellite communications would not be in accordance with the Table of Allocations.⁵² Where a parenthetical to the FSS allocation specified “space-to-space” communications, the operation of inter-satellite links would be in accordance with the allocation, subject to any other limitations.

In the MSS, Globalstar has operated several experimental inter-satellite links with small satellites. The small satellites use Globalstar equipment developed for earth station operations to transmit and receive data by means of the Globalstar system, including Globalstar satellites and ground infrastructure. The experimental communications have taken place on frequencies currently authorized to Globalstar for MSS, typically in the 1615–1617.75 MHz or 2483.5–2495 MHz bands. Iridium has similarly been authorized on an experimental basis to utilize its MSS satellites to communicate with small satellites equipped with Iridium user terminals in spectrum authorized for use by Iridium, including in the 1618.725–1626.5 MHz band. In filings for experimental authorizations, Iridium and Globalstar acknowledge that their part 25 authorizations currently do not

⁴⁶ As noted, MSS operations in the 148–149.9 MHz band are subject to coordination under No. 9.11A of the ITU R.R., 47 CFR 2.106, international footnote 5.219, and pursuant to an international footnote, MSS operations in the 149.9–150.05 MHz band are subject to coordination under No. 9.11A of the ITU R.R., 47 CFR 2.106, international footnote 5.220 (not in U.S. Table). Stations operating in the space operation service in the 148–149.9 MHz band are subject to agreement obtained under No. 9.21 of the ITU R.R., 47 CFR 2.106, international footnote 5.218.

⁴⁷ See ITU R.R. No. 9.21. We note that in Resolution 659 (WRC-15) relating to suitable allocations for the space operation service for short duration missions, as discussed *infra*, the ITU-R recognized that allocations where No. 9.21 applies are not suitable for use by short duration missions.

⁴⁸ The Commission has previously classified some satellites operating in LEO as Big LEOs or Little LEOs. Big LEOs provide voice and data communications above 1 GHz, while Little LEOs provide data communications below 1 GHz.

⁴⁹ Operations of small satellites using the Globalstar system are addressed *infra*.

⁵⁰ Iridium and Globalstar share 0.95 megahertz of spectrum at 1617.775–1618.725 MHz. Iridium has an exclusive assignment of MSS spectrum in the 1618.725–1626.5 MHz band.

⁵¹ ITU R.R. No. 5.49 (“In the case where there is a parenthetical addition to an allocation in the Table, that service allocation is restricted to the type of operation so indicated.”)

⁵² While not in conformance with the International Table, space stations at both ends of the inter-satellite link would still be subject to applicable notification requirements under the Radio Regulations.

cover these types of space-to-space communications. The frequency bands that have been used for inter-satellite communications between small satellites and the Iridium and Globalstar system do not include an allocation for space-to-space operations in the MSS. Therefore, these operations to date, licensed under the experimental process, have not been in conformance with the Table of Frequency Allocations.

We tentatively conclude that it would serve the public interest to develop an allocation for space-to-space operations in the MSS in the frequency bands that have been used for communications with the Globalstar and Iridium systems. There are a number of benefits to inter-satellite operations, given the capabilities and existing infrastructure of these MSS systems and the ability of small satellite operators to obtain components needed to communicate with these systems. We believe that encouraging relay operations using Iridium, Globalstar, or other systems can alleviate some of the difficulties faced by small satellite operators in identifying frequencies for Earth-to-space and space-to-Earth links and building or seeking out ground station infrastructure. We seek comment on these tentative conclusions. In addition, given the interest in similar relay communications with satellites operating in the FSS, we ask whether there are other frequency bands that may be appropriate to identify for facilitating inter-satellite communications between satellites operating in the FSS and small satellites. Alternatively, we ask whether there is a definitional change we could develop and propose for MSS, FSS, or ISS that would enable broader change at the ITU for future accommodation of these services within existing allocations. We also seek comment on whether there are additional requirements, for example, technical requirements, that could be adopted to facilitate the use of MSS or FSS frequency bands for inter-satellite links without creating potential interference to other operations.

Additionally, we seek comment on providing for the authorization of inter-satellite service links in the frequency bands that have been used for communications with the Globalstar and Iridium systems through a footnote to the U.S. Table. We also seek comment on the bands within the MSS allocations currently used by Globalstar and Iridium, such as 1613.8–1626.5 MHz and 2483.5–2495 MHz, that would be appropriate for this proposal. We recognize, for example, that frequency

bands such as 1610–1613.8 MHz may not be appropriate for such operations, in order to ensure protection of radio astronomy installations.

Fees. We note two important matters related to our statutory fees.⁵³

Application Fees. With respect to the one-time application processing fee, the Commission's fee schedule is set forth in section 8 of the Act. The fee schedule includes a category for "Low-Earth Orbit Satellite Systems," which the Commission has interpreted to mean NGSO space stations. The Commission's International and Satellite Services Fee Filing Guide describes an NGSO space station as: "NGSO space stations orbit the earth in non-geostationary orbits," and the associated one-time processing fee for authority to deploy and operate these space stations is \$454,705.00. Because we expect most small satellites would use low-earth orbits, we would expect them to fall into this current application fee category.

Recently, Congress passed the Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, or the RAY BAUM'S Act of 2018, which authorized the Commission to "by rule amend the schedule of application fees . . . so that the schedule reflects the . . . addition of new categories of applications."⁵⁴ Such application fees should "recover the costs of the Commission to process applications."⁵⁵ Given our expectation that small satellite applications will take less time and fewer Commission resources to process than a typical NGSO system, we propose to establish a new application fee for small satellite applications well below the application fee of \$454,705 for Low-Earth Orbit Satellite Systems—specifically we estimate a fee of \$30,000 would likely recover the costs to the Commission to process these applications.⁵⁶ We anticipate that processing a small satellite application may require comparable Commission resources to processing an application for a modification of an NGSO system, for which the application fee is

⁵³ Applicants for U.S. market access do not currently incur application or regulatory fees. *See, e.g., Procedures for Assessment and Collection of Regulatory Fees*, 28 FCC Rcd 7790, 7809, para. 48 (2013) ("Despite the regulatory benefits provided by the Commission to non-U.S. licensed satellite systems serving the United States they do not incur the regulatory fees (or application fees) paid by U.S.-licensed satellite systems.").

⁵⁴ Consolidated Appropriations Act, 2018, 115th Cong., Division P, section 102 (amending section 8(c) of the Act).

⁵⁵ *Id.* (amending section 8(a) of the Act).

⁵⁶ We note that the effective date of this statutory change is October 1, 2018, and we make clear that we are not proposing to make any changes to our application fees before that date. *Id.* (section 103 of the Act, effective date).

currently \$32,480. Modification applications typically do not require review of a full set of data, but only those aspects of the operations that are changing, and frequently do not require a processing round. This more limited review is less resource intensive, and similarly, we expect that review of satellite application filed under the proposed streamlined process would be more limited given the streamlined application and lack of processing rounds. We seek comment on this application-fee proposal, as well as whether a higher or lower fee would be appropriate. We further seek comment on the costs and benefits of this proposal. We also note that the Commission will be developing an accounting system to track the costs of applications, including small satellite applications,⁵⁷ and we expect that our experience actually processing these new applications will eventually inform the appropriate application fee.

Regulatory Fees. The second fee-related matter concerns annual regulatory fees for small satellites. Entities authorized to operate NGSO systems under part 25 currently must pay an annual regulatory fee which, for fiscal year 2017, was \$135,350.00 per operational system. As a general matter, the Commission does not entertain issues about specific parts of the regulatory fee schedule apart from its annual review of the overall regulatory fee schedule, given the interdependency of the fees charged across individual categories.⁵⁸ Accordingly, any comments regarding regulatory fees, as applicable to small satellites, should be filed in the proceedings we open for conducting the annual review of such fees.⁵⁹

⁵⁷ *Id.* (adding section 9A(f) to the Act).

⁵⁸ The Commission annually reviews the regulatory fee schedule, proposes changes to the schedule to reflect changes in the amount of its appropriation, and proposes increases or decreases to the schedule of regulatory fees. The Commission allocates the total amount to be collected among the various regulatory fee categories. Thus, a change in the regulatory fee schedule applicable to one category may affect the regulatory fees applicable to other categories.

⁵⁹ Academic researchers from the Samuelson-Glushko Technology Law & Policy Clinic filed an *ex parte* letter stating that absent changes, the annual regulatory fee of \$135,350 currently assessed to NGSO systems would effectively prevent universities seeking to deploy small satellite systems from utilizing the proposed licensing procedures, and asking that we seek comment on the regulatory fee in this NPRM. *See* Letter from Blake Reid, Director, et al., Samuelson-Glushko Technology Law & Policy Clinic to Jose Albuquerque, Chief, Satellite Division, International Bureau, FCC, IB Docket No. 18–86 (filed Apr. 9, 2018). Given the interdependency of the fees charged across individual categories, comments regarding regulatory fees should be filed in the proceedings for annual review of those fees, and

Conclusion

Small satellites represent a dynamic sector in the satellite industry. Our goal is to encourage innovation in this realm by developing processes that can accommodate new types of missions while still ensuring that operators do not experience harmful interference and that the operations are in the public interest. Accordingly, we seek comment on these proposals.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *NPRM*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines specified in the *NPRM* for comments. The Commission will send a copy of this *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

This *NPRM* seeks comment on several proposals relating to the Commission's rules and policies related to small satellites. The rules proposed in this *NPRM* will accommodate authorization under part 25 of the Commission's rules of satellites that until now have been licensed through the experimental licensing process in part 5 of the Commission's rules and have not been able to provide full commercial service, or have been required to file for a regular part 25 NGSO authorization. Adoption of the proposed changes would modify 47 CFR part 25 of the Commission's rules to make small satellite authorization more accessible, limit regulatory costs borne by applicants, shorten application processing times, and offer protection for critical communication links, while promoting efficient use of spectrum.

B. Legal Basis

The proposed action is authorized under sections 4(i), 7, 8, 301, 303, 308 and 309 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157, 158, 301, 303, 308, 309.

there are no limitations that would hinder development of the record in those proceedings.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and, where feasible, an estimate of, the number of small entities that may be affected the proposed rules, if adopted. The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. A "small business concern" is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

Satellite Telecommunications and All Other Telecommunications

The rules proposed in this *NPRM* would affect some providers of satellite telecommunications services, if adopted. Satellite telecommunications service providers include satellite and earth station operators. Since 2007, the SBA has recognized two census categories for satellite telecommunications firms: "Satellite Telecommunications" and "All Other Telecommunications." Under both categories, a business is considered small if it had \$32.5 million or less in average annual receipts.

The first category of Satellite Telecommunications "comprises establishments primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications." For this category, Census Bureau data for 2012 show that there were a total of 333 satellite telecommunications firms that operated for the entire year. Of this total, 299 firms had annual receipts of under \$25 million, and 12 firms had receipts of \$25 million to \$49,999,999.

The second category of Other Telecommunications is comprised of entities "primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting

telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry." For this category, Census Bureau data for 2012 show that there were a total of 1,442 firms that operated for the entire year. Of this total, 1,415 firms had annual receipts of under \$25 million. We anticipate that some of these "Other Telecommunications firms," which are small entities, are earth station applicants/licensees, but since we do not propose changes to our licensing rules specific to earth station, we do not anticipate that these entities would be affected if our proposed rule changes are adopted.

We anticipate that our proposed rule changes may have an impact on space station applicants and licensees. While traditionally space station applicants and licensees only rarely qualified under the definition of a small entity, the small satellite applicants and licensees that are contemplated by this *NPRM* may qualify as small entities that would be affected by our proposed actions.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

This *NPRM* seeks comments and proposed several rule changes that will affect small satellite authorization procedures, recordkeeping, and other compliance requirements for space station operators. Many of the proposed changes, as described below, would decrease the burden in various regards for entities that plan to launch or operate satellites that may be colloquially referred to as "small satellites."

First, this *NPRM* proposes to simplify application requirements by tailoring a section specifically for small satellites or small satellite constellations meeting certain characteristics, such as low total number of satellites, short mission duration, and low altitude orbit. These proposals include some documentation requirements consistent with those already established for an applicant under part 25 of the Commission's rules. We propose that some of the informational requirements, however, may be completed by a certification rather than narrative description, which we believe will lessen the burden on these small satellite applicants.

Second, this *NPRM* proposes to identify frequencies which may be useful for small satellites. This portion of the *NPRM* should not increase any

requirements with respect to small entities, but instead, is designed to help small entities apply for satellite licenses.

Third, this NPRM proposes to decrease the application fees applicable to small satellites to \$30,000.

In sum, this NPRM seeks to make obtaining authorization of small satellites more accessible, limit regulatory costs borne by applicants, shorten application processing times, and encourage the protection of communications links, while enabling efficient use of spectrum.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rules for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”

This NPRM seeks comment from all interested parties. The Commission is aware that some of the proposals under consideration may impact small entities. Small entities are encouraged to bring to the Commission’s attention any specific concerns they may have with the proposals outlined in this NPRM.

The Commission expects to consider any economic impact on small entities, as identified in comments filed in response to this NPRM, in reaching its final conclusions and taking action in this proceeding.

In this NPRM, the Commission considers rule revisions to reflect changes and advances in the satellite industry. This NPRM proposes to eliminate some information filing requirements. We propose that applicants may provide certifications in lieu of narrative information. In addition, we propose that applicants be exempt from the bond requirement for a certain period of time, and that applications for small satellites will not be subject to the processing round procedures. These proposals are designed to lower the regulatory burden involved in licensing small satellites and reduce application processing times, thereby lessening the burden of

compliance on small entities with more limited resources than larger entities. Additionally, the NPRM proposes to decrease the application fee for small satellite applicants.

The proposed streamlined process is optional, so a small satellite applicant could still choose to apply under the Commission’s existing part 5 or part 25 rules. The proposed changes, however, would facilitate authorization of small satellites under part 25 of the Commission’s rules. These changes could support smaller entities who aim to develop and launch a small satellite or a small satellite constellation.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

List of Subjects

47 CFR Part 2

Radio, Table of Frequency Allocations.

47 CFR Part 25

Communications equipment, Earth stations, Radio, Reporting and recordkeeping requirements, Satellites.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 parts 2 and 25 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

- 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

- 2. Amend § 2.106, the Table of Frequency Allocations, under “United States (US) Footnotes,” by adding, in numerical order, footnote USXXX to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

USXXX In the bands 149.9–150.05 MHz and 1610.6–1613.8 MHz, small satellites as authorized under 47 CFR 25.122 operate as an application of the mobile-satellite service (Earth-to-space).

* * * * *

PART 25—SATELLITE COMMUNICATIONS

- 3. The authority citation for part 25 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 310, 319, 332, 605, and 721 unless otherwise noted.

- 4. Amend § 25.113 by revising paragraph (i) to read as follows:

§ 25.113 Station construction, deployment approval, and operation of spare satellites.

* * * * *

(i) An operator of NGSO space stations under a blanket license granted by the Commission, except for those authorized pursuant to the application process in § 25.122, need not apply for license modification to deploy and operate technically identical replacement satellites in an authorized orbit within the term of the system authorization. However, the licensee must notify the Commission of the intended launch at least 30 days in advance and certify that its operation of the additional space station(s) will not increase the number of space stations providing service above the maximum number specified in the license.

- 5. Amend § 25.114 by revising introductory paragraph (d) to read as follows:

§ 25.114 Applications for space station authorizations.

* * * * *

(d) The following information in narrative form shall be contained in each application, except NGSO space station applications filed pursuant to § 25.122:

* * * * *

- 6. Amend § 25.117 by revising paragraph (d)(1) to read as follows:

§ 25.117 Modification of station license.

* * * * *

(d)(1) Except as set forth in § 25.118(e) and (f), applications for modifications of space station authorizations shall be filed in accordance with § 25.114 and/or § 25.122, as applicable, but only those items of information listed in § 25.114 and/or § 25.122 that change need to be submitted, provided the applicant certifies that the remaining information has not changed.

* * * * *

- 7. Amend § 25.121 by revising paragraphs (a)(1) and adding paragraph (a)(3) to read as follows:

§ 25.121 License term and renewals.

(a) * * *

(1) Except for licenses for DBS space stations, SDARS space stations and terrestrial repeaters, 17/24 GHz BSS space stations licensed as broadcast facilities, and licenses for which the application was filed pursuant to § 25.122, licenses for facilities governed

by this part will be issued for a period of 15 years.

* * * * *

(3) Licenses for which the application was filed pursuant to § 25.122 will be issued for a period of 5 years, without the possibility of extension or replacement authorization.

* * * * *

■ 8. Add § 25.122 to read as follows:

§ 25.122 Applications for streamlined small satellite authorization.

(a) This Section shall only apply to applicants for NGSO satellite systems that are able to certify compliance with the certifications set forth in paragraph (c) of this section. For applicants seeking to be authorized under this section, a comprehensive proposal for Commission evaluation must be submitted for each satellite in the proposed NGSO satellite system on FCC Form 312, Main Form and Schedule S, as described in § 25.114(a) through (c), together with the certifications described in paragraph (c) of this section and the narrative requirements described in paragraph (d) of this section.

(b) Applications for NGSO satellite systems may be filed under this section, provided that the total number of space stations in the system is ten or fewer.

(1) To the extent that space stations in the satellite system will be technically-identical, the applicant may submit an application for blanket-licensed space stations.

(2) Where the space stations in the satellite system are not technically-identical, the applicant must certify that each type of space station satisfies the criteria in paragraph (c) of this section, and submit technical information for each type of space station.

(c) Certifications under this section. Applicants filing for licenses under the streamlined procedure described in this section must include with their applications certifications that the following criteria will be met for all space stations to be operated under the license:

(1) The space station(s) will operate only in non-geostationary orbit;

(2) The total on-orbit lifetime is planned to be five years or less for the system;

(3) The space station(s):

(i) Will be deployed at an orbital altitude of 400 km or below;

(ii) Will be deployed from the International Space Station, or a vehicle docked with the International Space Station; or

(iii) Will maintain a propulsion system and have the ability to make collision avoidance maneuvers at any

time the space station is located above an altitude of 400 km.

(4) The space station(s) will be identifiable by unique markers distinguishing it from other space stations or space objects;

(5) The space station(s) will release no operational debris;

(6) No debris will be generated in an accidental explosion resulting from the conversion of energy sources on board the space station into energy that fragments the spacecraft;

(7) The probability of a collision between each space station and any other large object during the orbital lifetime of the space station is less than 0.001.

(8) The space station(s) will be disposed of post-mission through atmospheric re-entry. The probability of human casualty from portions of the spacecraft surviving re-entry and reaching the surface of the Earth is zero based on reasonable calculations;

(9) Operation of the space station(s) will not cause harmful interference to space stations currently authorized under this part and operating in the requested frequency band(s) consistent with the U.S. Table of Frequency Allocations. Operations will not unreasonably preclude future entrants from utilizing the requested frequency band(s);

(10) The space station(s) will not transmit unless it receives a command originating from the ground to do so and can be commanded by command originating from the ground to cease transmissions;

(11) Each space station will have physical dimensions greater than 10 cm x 10 cm x 10 cm; and

(12) Each space station will have a mass of 180 kg or less.

(d) Other application information. The following information in narrative form shall be contained in each application:

(1) An overall description of system facilities, operations, and services and an explanation of how uplink frequency bands would be connected to downlink frequency bands;

(2) Public interest considerations in support of grant;

(3) A description of means by which requested spectrum could be shared with both current and future operators, (e.g., how ephemeris data will be shared, antenna design, earth station geographic locations) thereby not unreasonably precluding other operations in the requested frequency band(s);

(4) For space stations with any means of maneuverability, including both active and passive means, a description

of the design and operation of maneuverability and de-orbit systems; and

(5) If at the time of application any manned spacecraft is located at or below the deployment orbital altitude of the space station seeking a license, a description of the design and operational strategies that will be used to avoid in-orbit collision with such manned spacecraft.

■ 9. Amend § 25.156 by revising paragraph (d)(1) to read as follows:

§ 25.156 Consideration of applications.

* * * * *

(d)(1) Applications for NGSO-like satellite operation will be considered pursuant to the procedures set forth in § 25.157, except as provided in § 25.157(b) or § 25.157(i), as appropriate.

* * * * *

■ 10. Amend § 25.157 by revising paragraph (a), and adding paragraph (i) to read as follows:

§ 25.157 Consideration of applications for NGSO-like satellite operation.

(a) This section specifies the procedures for considering license applications for “NGSO-like” satellite operation, except as provided in paragraphs (b) and (i) of this section. For purposes of this section, the term “NGSO-like satellite operation” means:

(1) Operation of any NGSO satellite system, and

(2) Operation of a GSO MSS satellite to communicate with earth stations with non-directional antennas.

* * * * *

(i) For consideration of license applications filed pursuant to the procedures described in § 25.122, the application will be processed and granted in accordance with §§ 25.150 through 25.156, taking into consideration the information provided by the applicant under § 25.122(d)(3), but without a processing round as described in this section and without a queue as described in § 25.158.

■ 11. Amend § 25.159 revising paragraph (b) to read as follows:

§ 25.159 Limits on pending applications and unbuild satellite systems.

* * * * *

(b) Applicants with an application for one NGSO-like satellite system license on file with the Commission in a particular frequency band, or one licensed-but-unbuilt NGSO-like satellite system in a particular frequency band, will not be permitted to apply for another NGSO-like satellite system license in that frequency band, except

for applicants filing pursuant to § 25.122.

* * * * *

■ 12. Amend § 25.165 by revising paragraphs (a) and (e), and adding paragraph (h) to read as follows:

§ 25.165 Surety bonds.

(a) For all space station licenses issued after September 20, 2004, other than licenses for DBS space stations, SDARS space stations, space stations licensed under the process outlined in section 25.122, and replacement space stations as defined in paragraph (e) of this section, the licensee must post a bond within 30 days of the grant of its license. Failure to post a bond will render the license null and void automatically.

* * * * *

(e) A replacement space station is one that:

(1) Is authorized to operate at an orbital location within ±0.15° of the assigned location of a GSO space station to be replaced or is authorized for NGSO operation and will replace an existing NGSO space station in its authorized orbit, except for space stations authorized under section 25.122;

(2) Is authorized to operate in the same frequency bands, and with the same coverage area as the space station to be replaced; and

(3) Is scheduled to be launched so that it will be brought into use at approximately the same time, but no later than, as the existing space station is retired.

* * * * *

(h) Licensees of space stations under the process outlined in § 25.122 need not post a bond unless the space station is not launched, orbiting, and operational, as described in § 25.164, within a period of one year plus 30 days following grant of license. If the space station is not operational following the one years plus 30 days period, then the licensee must file a bond in accordance with paragraph (a)(1) of this Section, and be subject to the requirements of paragraphs (b), (c), and (g) of this section.

* * * * *

■ 13. Amend § 25.217 by revising paragraph (b)(1) and adding paragraph (b)(4) to read as follows:

§ 25.217 Default service rules.

* * * * *

(b)(1) For all NGSO-like satellite licenses, except as specified in paragraph (b)(4), for which the application was filed pursuant to the procedures set forth in § 25.157 after August 27, 2003, authorizing operations in a frequency band for which the Commission has not adopted frequency band-specific service rules at the time the license is granted, the licensee will be required to comply with the following technical requirements, notwithstanding the frequency bands specified in these rule provisions: §§ 25.143(b)(2)(ii) (except NGSO FSS systems) and (iii), 25.204(e), and 25.210(f) and (i).

* * * * *

(4) For all small satellite licensees, for which the application was filed pursuant to § 25.122, authorizing operations in a frequency band for which the Commission has not adopted frequency-band specific service rules at the time the license is granted, the licensee will not be required to comply with the technical requirements specified in this section.

* * * * *

[FR Doc. 2018-10943 Filed 5-23-18; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[Docket No. FWS-HQ-MB-2014-0067; FF09M29000-156-FXMB1232090BPPP0]

Migratory Bird Permits; Programmatic Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Announcement.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), inform the public that we are no longer considering preparation of a programmatic environmental impact statement (PEIS) pursuant to the National Environmental Policy Act to evaluate the potential environmental impacts of a proposed rule to authorize incidental take of migratory birds under the Migratory Bird Treaty Act.

DATES: As of May 24, 2018, no further action will be taken in regard to the notice of intent to prepare a PEIS that was published in the **Federal Register** on May 26, 2015 (80 FR 30032).

ADDRESSES: The notice of intent and the comments received can be viewed online at www.regulations.gov in Docket No. FWS-HQ-MB-2014-0067.

FOR FURTHER INFORMATION CONTACT: Ken Richkus, Deputy Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, VA 22041-3803, telephone 703-358-1780.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 2015, the Service published in the **Federal Register** a notice of intent (80 FR 30032) to prepare a programmatic environmental impact statement (PEIS) pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321-4347). The purpose of the PEIS was to evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703-711). The Service was considering rulemaking to address various approaches to regulating incidental take of migratory birds. The regulations would also have provided protection for entities that had taken efforts to reduce incidental take by promoting implementation of appropriate conservation measures to avoid or reduce avian mortality.

Announcement

Due to issuance of the December 22, 2017, DOI Solicitor Opinion (M-37050), the actions contemplated are superseded, and we are no longer pursuing action on the PEIS as announced in the notice of intent that was published in the **Federal Register** on May 26, 2015 (80 FR 30032). We publish this document under the authorities of NEPA and the MBTA.

Dated: May 16, 2018.

James W. Kurth,

Deputy Director for U.S. Fish and Wildlife Service, Exercising the Authority of the Director for U.S. Fish and Wildlife Service.

[FR Doc. 2018-11147 Filed 5-23-18; 8:45 am]

BILLING CODE 4310-55-P

Notices

Federal Register

Vol. 83, No. 101

Thursday, May 24, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

May 21, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by June 25, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food Safety and Inspection Service

Title: Public Health Inspection System.

OMB Control Number: 0583-0153.

Summary of Collection: The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et. seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et. seq.*), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031). These statutes mandate that FSIS protect the public by ensuring that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

Need and Use of the Information: FSIS uses a Web-based system that supports FSIS inspection operations and facilitates industry members' application for inspection, export, and import of meat, poultry, and egg products. Industry members use FSIS forms in the Public Health Information System (PHIS). Industry is able to submit some of these forms through a series of screens in PHIS; other forms are available in PHIS only as electronic forms. Paper forms will also be available to firms that do not wish to use PHIS. To submit information through PHIS, firms' employees will need to register for a USDA eAuthentication account with Level 2 access.

Description of Respondents: Business or other for-profit.

Number of Respondents: 6,242.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 115,117.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018-11094 Filed 5-23-18; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Notice of Continued Suspension of Supervision Fee Assessment Under the United States Grain Standards Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice

SUMMARY: The Department of Agriculture (USDA), Agricultural Marketing Service (AMS) has determined that the suspension of the assessment of fees for supervision of official inspection and weighing services performed by delegated States and/or designated agencies under the United States Grain Standards Act (USGSA) will continue through June 30, 2019.

DATES: This notice is applicable beginning July 1, 2018, and remains applicable for one year.

FOR FURTHER INFORMATION CONTACT: Denise Ruggles, USDA-AMS-FGIS-ODA; Telephone: (816) 659-8406; Email: Denise.M.Ruggles@ams.usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720-2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: The Agriculture Reauthorizations Act of 2015, Public Law 114-54, amended the USGSA (7 U.S.C. 71-87k) to require AMS to adjust fees for the supervision of official grain inspection and weighing in order to maintain an operating reserve of not less than 3 and not more than 6 months (7 U.S.C. 79(j)(4)).

The Grain Inspection, Packers and Stockyard Administration (GIPSA) published a notification of the suspension of supervision fee assessment on June 12, 2017, which became effective on July 1, 2017 (82 FR 26843). The realignment of offices within the U.S. Department of Agriculture authorized by the Secretary's Memorandum dated November 14, 2017, eliminates GIPSA as a standalone agency. The grain inspection activities formerly part of GIPSA are now organized under AMS.

In order to maintain an operating reserve not less than 3 and not more than 6 months, AMS reviewed the operating reserve at the end of fiscal year 2017. The supervision of official inspection and weighing program-

operating reserve at the end of fiscal year 2017 was \$6,950,142, which continues to exceed 6 months by a significant margin.

Accordingly, AMS is issuing this notice to announce the suspension of the fee for supervision of official inspection and weighing services of domestic grain and land carriers to Canada and Mexico performed by delegated States and/or designated agencies. According to the regulations under the USGSA, AMS may suspend any provision of the regulations in emergencies or other circumstances, which would not impair the objectives of the USGSA (7 CFR 800.2). AMS has determined that suspending supervision fees will not impair the objectives of the USGSA because the operating reserve for supervision services is sufficient to maintain the service without additional funds.

AMS will continue the suspension of the assessment fee of \$0.011 per metric ton on domestic shipments officially inspected and/or weighed, including land carrier shipments to Canada and Mexico, performed by delegated States and/or designated agencies on or after July 1, 2018 (7 CFR 800.71 Schedule B). These fees will remain suspended for one year, at which time AMS will reassess the operating reserve for supervision of official agency inspection and weighing.

Dated: May 18, 2018.

Greg Ibach,

Under Secretary, Marketing and Regulatory Programs.

[FR Doc. 2018-11086 Filed 5-23-18; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Uinta-Wasatch-Cache Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Uinta-Wasatch-Cache Resource Advisory Committee (RAC) will meet in South Jordan, Utah. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: [http://](http://www.fs.usda.gov/main/uwcnf/workingtogether/advisorycommittees)

www.fs.usda.gov/main/uwcnf/workingtogether/advisorycommittees.

DATES: The meeting will be held on June 19, 2018, from 6:00 p.m.–8:30 p.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Uinta-Wasatch-Cache Forest Service Office, Room #314, 857 West South Jordan Parkway, South Jordan, Utah. The meeting will also be available via teleconference. For anyone who would like to attend via teleconference, please visit the website listed in the **SUMMARY** section or contact the person listed under the **FOR INFORMATION CONTACT** section.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received on the website listed in the **SUMMARY** section.

FOR FURTHER INFORMATION CONTACT: Loyal Clark, RAC Coordinator, by phone at 801-999-2113 or via email at lfclark@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and recommend project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by June 8, 2018, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Loyal Clark, RAC Coordinator, Uinta-Wasatch-Cache National Forest, 857 West South Jordan Parkway, South Jordan, Utah 84095; by email to lfclark@fs.fed.us, or via facsimile to 801-253-8118.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings,

please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 9, 2018.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018-11089 Filed 5-23-18; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Hood-Willamette Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Hood-Willamette Resource Advisory Committee (RAC) will meet in Salem Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/main/willamette/workingtogether/advisorycommittees>.

DATES: The meeting will be held on the following dates: June 6, 2018, at 10:00 a.m., and June 7, 2018, at 9:30 a.m.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Keizer Community Center, Claggett Room, 930 Chemawa Road Northeast, Keizer, Oregon.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Willamette National Forest Headquarters, 2106 Pierce Parkway, Springfield, Oregon. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Jennifer Lippert, RAC Coordinator, by phone at 541-225-6440 or via email at jlippert@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce all the RAC members to one another;
2. Review the rules and regulations surrounding the Secure Rural School Title II process and Charter; and
3. Make recommendations on 27 new or modified recreation fee proposals submitted by the Columbia River Gorge National Scenic Area (1 proposal) and the Willamette National Forest (26 proposals).

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by May 30, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Jennifer Lippert, RAC Coordinator, 3106 Pierce Parkway, Suite D, Springfield, Oregon 97477; by email to jlippert@fs.fed.us, or via facsimile to 541-225-6224.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: May 9, 2018.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018-11088 Filed 5-23-18; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.
Title: School District Review Program.
OMB Control Number: 0607-0987.
Form Number(s): NA.
Type of Request: Regular submission.
Number of Respondents: 51.
Estimated Number of Respondents: Annotation Phase: 51.
Verification Phase: 51.
Estimated Time per Response: Annotation Phase: 30 hours.
Verification Phase: 10 hours.
Estimated Burden Hours: Annotation Phase: 1,530 hours.
Verification Phase: 510 hours.
Estimated Total Burden Hours: 2,040 hours.

Needs and Uses: The School District Review Program (SDRP) is one of many voluntary geographic partnership programs at the U.S. Census Bureau. The SDRP collects school district information and boundaries to update the Census Bureau's geographic database of addresses, streets, and boundaries on an annual basis. The Census Bureau uses its geographic database to tie demographic data from surveys and the decennial census to locations and areas, such as cities, school districts, and counties. To tabulate statistics by localities, the Census Bureau must have accurate addresses and boundaries.

The boundaries collected in SDRP and other geographic programs will create census blocks, which are the building blocks for all Census Bureau geographic boundaries. Legal, administrative, and statistical geographies are all used to define block boundaries. While the geographic programs differ in requirements, time frame, and participants, SDRP and the other geographic programs all follow the same basic process:

1. The Census Bureau invites eligible participants to take part in the program. For SDRP, the Census Bureau invites the following state officials: Title I coordinators and mapping coordinators. The Title 1 Coordinator designates the mapping coordinator for the SDRP.

2. If they elect to join the program, the state officials receive a copy of the school district boundaries that the Census Bureau has on file. The Census Bureau also provides SDRP participants with free customized mapping software to facilitate their work.

3. Participants review the boundaries in the Census Bureau-provided digital maps and update them if needed. For SDRP, the state government participants reach out to contacts in school districts across their state to collect updates. State officials will provide the Census Bureau with updates as well as corrections to the federal Local

Education Agency (LEA) identification numbers, school district boundaries, school names, grade ranges, and levels for which each school district is financially responsible.

4. Participants return their updates to the Census Bureau. In the SDRP, this is known as the Annotation Phase.

5. The Census Bureau updates its geographic database with boundary updates from participants.

6. The Census Bureau creates maps from its geographic database and sends them to participants for final review. In the SDRP, this is known as the Verification Phase.

7. The Census Bureau uses the newly updated and verified boundaries to tabulate statistics, in particular the Small Area Income and Poverty Estimates (SAIPE) Program's estimates of the number of families with children, aged 5 through 17, in poverty for each school district for the U.S. Department of Education. The U.S. Department of Education uses these estimates to allocate more than \$14 billion in Title I funding annually. These Census Bureau estimates are the basis of the Title I allocation for each school district. The SDRP is of vital importance for each state's allocation of funds under Title I of the Elementary and Secondary Education Act (ESEA) as amended by Every Student Succeeds Act of 2015, Public Law 114-95.

The National Center for Education Statistics (NCES) sponsors the SDRP. The NCES identifies a Title I coordinator for each state and the District of Columbia, and the Census Bureau works with the Title I coordinator on identifying a mapping coordinator in each state to work with the Census Bureau to implement this work. The mapping coordinator collects updates from local school districts, state education officials, county planners, and state data centers, and ensures that submissions are completed within the SDRP's time frame.

The SDRP encompasses Type 1 and Type 2 school districts as defined by the NCES. Type 1 is a local school district that is not a component of a supervisory union. Type 2 is a local school district component of a supervisory union sharing a superintendent and administrative services with other local school districts.

The SDRP consists of two phases—the Annotation Phase and the Verification Phase—described below:

Annotation Phase

In the Annotation Phase, mapping coordinators gather school district updates from school district superintendents and other state officials

and use Census Bureau-provided materials to review and update school district boundaries, names, codes, and geographic relationships. The Census Bureau provides mapping coordinators with school district listings, spatial data in Esri shapefile format, blank submission logs, and Geographic Update Partnership Software (GUPS). The school district listings consist of school district inventories, school names, levels, grade ranges, and other data about school districts within their state. If the mapping coordinator has non-spatial updates (e.g., name changes, simple consolidations, simple dissolutions, and others), the mapping coordinator updates the Census Bureau-provided submission log with those changes. If a mapping coordinator needs to perform spatial updates to a school district boundary, the mapping coordinator uses Census Bureau-provided GUPS and spatial data to make updates. GUPS, SDRP version, is a Census Bureau-created, user-friendly, free digital mapping tool for mapping coordinators. It contains all the functionality necessary for mapping coordinators to spatially make and validate their school district updates. Once mapping coordinators have reviewed and updated the school district information for their state, the mapping coordinator sends it to the Census Bureau, using Secure Web Incoming Module, a web portal for uploading SDRP submissions. The Census Bureau will update the MAF/TIGER database with the updates sent by the mapping coordinator.

Verification Phase

In the Verification Phase, the Census Bureau sends mapping coordinators newly created listings and digital files, and mapping coordinators use the SDRP verification module in GUPS to review these files and verify that the Census Bureau correctly captured their submitted information. The mapping coordinator can tag the area of issue and send the information to the Census Bureau to make corrections if the Census Bureau did not incorporate their boundary changes or other updates correctly.

Affected Public: All fifty states and the District of Columbia.

Frequency: Annual.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 16, 141, and 193.

NCES Legal Authority: Title I, Part A of the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act of 2015, Public Law (Pub. L.) 114–95.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–11100 Filed 5–23–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Institute of Standards and Technology, U.S. Department of Commerce.

Title: Proposed Information Collection; Comment Request; Safety and Health Data: Health Unit Information Collection.

OMB Control Number: 0693–XXXX.

Form Number(s): None.

Type of Request: Regular submission, new information collection.

Number of Respondents: 1,000.

Average Hours per Response: 10 minutes per response.

Burden Hours: 166 hours.

Needs and Uses: The National Institute of Standards and Technology (NIST) is a unique federal campus which hosts daily a range of non-federal individuals. Non-federal individuals may include NIST Associates, volunteers, students, and visitors. In order to provide these individuals with proper health care and health documentation, NIST is pursuing approval of three health unit forms.

Affected Public: Some Associates, volunteers, and visitors to NIST.

Frequency: As needed.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to OIRA_Submission@omb.eop.gov or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–11172 Filed 5–23–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–32–2018]

Foreign-Trade Zone (FTZ) 230—Piedmont Triad Area, North Carolina; Notification of Proposed Production Activity Deere-Hitachi Construction Machinery Corp. (Forestry Machinery, and Forestry Machinery and Hydraulic Excavator Frames/Booms/Arms) Kernersville, North Carolina

Deere-Hitachi Construction Machinery Corp. (DHCMC) submitted a notification of proposed production activity to the FTZ Board for its facility in Kernersville, North Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 11, 2018.

DHCMC already has authority to produce finished and unfinished hydraulic excavators within Sites 30 and 32 of FTZ 230. The current request would add forestry machinery, forestry machinery frames/booms/arms, and hydraulic excavator frames/booms/arms to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt DHCMC from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, DHCMC would be able to choose the duty rates during customs entry procedures that apply to: Main frames for hydraulic excavators; track frames for hydraulic excavators; booms for hydraulic excavators; arms for hydraulic excavators; forestry machinery; main frames for forestry machinery; track frames for forestry machinery; booms for forestry machinery; and, arms for forestry machinery (duty-free). DHCMC would be able to avoid duty on foreign-status components which become scrap/waste.

Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Plastic hoses; decals; plastic O-rings/seals; rubber hoses not reinforced or otherwise combined with other materials, with fittings; rubber hoses reinforced or otherwise combined only with textile materials; rubber hoses reinforced or otherwise combined with other material; endless transmission belts of trapezoidal cross section (V-belts), other than V-ribbed, of an outside circumference exceeding 60 cm but not exceeding 180 cm; endless transmission belts of trapezoidal cross section (V-belts and belting); rubber floor mats; rubber O-rings/seals; rubber bushings; rubber caps; rubber trim; rubber isolators; steel socket bolts; steel eye bolts; steel SEMS bolts; steel U-bolts; steel screws; steel SEMS screws; steel nuts; steel U-nuts; steel screws that act as nuts; steel spring washers; retainer steel washers; disc steel washers; spacer steel washers; steel washers; steel coppers; steel cotter pins; steel pins; steel stoppers; steel track springs; steel rings; steel holders; steel spacers; steel clamps; steel plugs; steel clips; steel caps; steel bands; steel tool boxes; steel catches; steel latches; steel locks; engines; steel hydraulic cylinders; steel hydraulic motors; adapters for hydraulic cylinders and motors; steel hydraulic cylinder and motor parts (couplings; elbows; pipes; reducers; and, tees); hydraulic fluid power pumps; compressors; air conditioner hoses; air conditioner condensers; fuel/oil filters; receiver-dryer used in air conditioning systems; air filters; filter floats; filter screens; steel forestry machinery parts (arms; booms; anchors; bands; shaped, welded boss attachments; brackets; cabs; caps; cases; center joints; coolers; covers; ducts; fuel coolers; guides; intercoolers; links; manifolds; oil coolers; pins; exhaust pipes; air pipes; water pipes; fuel pipes; plates; thrust plates; radiators; rings; upper rollers; lower rollers; shrouds; shims; stays; stoppers; urea tanks; water tanks; trays; and, shoes for the tracks); other forestry machinery parts (decomposition tubes; floats of steel and rubber; handles of PC/ABS alloy; iron levers; roll over protection service plates; textile seat belts); control valves; ball valves; solenoid valves; manifold blocks; plain metal bushings; steel bushings; pulleys; swing bearings; gaskets made of metal sheeting; horns/alarms; sensors, such as thermistors; battery relays; electrical switches; sockets; controllers; wire harness; temperature sensors; pressure

sensors; and, electric lighters (duty rate ranges from duty-free to 8.5%).

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 July 3, 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 Juanita Chen at juanita.chen@trade.gov or 202-482-1378.

Dated: May 18, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018-11136 Filed 5-23-18; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Application Forms for Membership on a National Marine Sanctuary Advisory Council.

OMB Control Number: 0648-0397.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 520.

Average Hours per Response: One hour.

Burden Hours: 520.

Needs and Uses: This request is for a revision and extension of a currently approved information collection.

Section 315 of the National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1445a) allows the Secretary of Commerce to establish one or more advisory councils to provide advice to the Secretary regarding the designation and management of national marine sanctuaries. Executive Order 13178 similarly established a Coral Reef

Ecosystem Reserve Council pursuant to the NMSA for the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. Councils are individually chartered for each site to meet its specific needs. Once an advisory council has been chartered, a sanctuary superintendent starts a process to recruit members for that council by providing notice to the public and requesting interested parties to apply for the available seat(s) (*e.g.*, Research, Education) and position(s) (*i.e.*, council member or alternate). The information obtained through this application process will be used to determine the qualifications of the applicant for membership on the advisory council.

Two application forms are currently associated with this information collection: (a) National Marine Sanctuary Advisory Council Application form; and (b) National Marine Sanctuary Advisory Council Youth Seat Application form. These application forms are currently being revised to ensure consistency between forms, as well as clarify the information and supplemental materials to be submitted by applicants. Application form instructions will specify requirements imposed upon the agency when reviewing applicants as potential council members or alternates, including the need to assess potential conflicts of interest (or other issues) and the applicant's status as a federally registered lobbyist. Specific questions posed to applicants will be reordered, reworded and, at times, condensed to improve the organization of applicant responses and, thereby, simplify the applicant review process.

Affected Public: Individuals or households; business or other for-profit organizations; not-for-profit institutions; state, local or tribal government, federal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395-5806.

Dated: May 21, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018-11116 Filed 5-23-18; 8:45 am]

BILLING CODE 3510-NK-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Socio-Economic Survey of Hired Captains and Crew in New England and Mid-Atlantic Commercial Fisheries.

OMB Control Number: 0648–0636.

Form Number(s): None.

Type of Request: Regular (reinstatement with changes of a previously approved information collection).

Number of Respondents: 452.

Average Hours per Response: 20 minutes.

Burden Hours: 151.

Needs and Uses: Abstract.

This request is for a reinstatement with change of a previously approved collection.

The NOAA Fisheries, Northeast Fisheries Science Center, Social Science Branch (SSB) seeks to conduct surveys to provide for the ongoing collection of social and economic data related to the fishing industry in the New England and Mid-Atlantic States. The purpose of this survey is to assess the current social and economic conditions of commercial fishing crews for which little is known. The proposed survey is as a follow-up to a baseline study conducted in 2011/2012. The intent of the proposed study is to assess how and why commercial crew working conditions may have changed since the initial 2011/2012 assessment. Data needed for this assessment support fishery performance measures developed by the SSB, which include information on financial viability, distributional outcomes, stewardship, governance, and well-being. Data to be collected include demographic information on crew, wage calculations systems, individual and community well-being, fishing practices, job satisfaction, job opportunities, and attitudes toward fisheries management.

The National Environmental Policy Act (NEPA) and Magnuson-Stevens Conservation and Management Act (MSA) both contain requirements for considering the social and economic impacts of fishery management

decisions. There is a need to understand how such fishery management policies and programs will affect the social and economic characteristics of those involved in the commercial fishing industry. To help meet these requirements of NEPA and MSA, the SSB will collect data on an ongoing basis to track how socio-economic characteristics of fisheries are changing over time and the impact of fishery management policies and programs implemented in New England and the Mid-Atlantic regions.

Affected Public: Business or other for-profit organizations.

Frequency: Every three–five years.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395–5806.

Dated: May 21, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–11115 Filed 5–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE**Office of the Secretary****Charter Renewal of Department of Defense Federal Advisory Committees**

AGENCY: Department of Defense.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Board of Visitors for the Western Hemisphere Institute for Security Cooperation (“the Board”).

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: The Board’s charter is being renewed pursuant to 10 U.S.C. 2166(e)(1) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a). The Board’s charter and contact information for the Board’s Designated Federal Officer (DFO) can be found at <http://www.facadatabase.gov/>.

The Board provides the Secretary of Defense and the Deputy Secretary of

Defense, through the Secretary of the Army, independent advice and recommendations on matters pertaining to the operations and management of the Western Hemisphere Institute for Security Cooperation (“the Institute”). The Board shall (a) Inquire into the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Institute; other matters relating to the Institute that the Board decides to consider; and any other matter that the Secretary of Defense determines appropriate (10 U.S.C. 2166(e)(4)(A)); (b) Review the curriculum to determine whether it complies with applicable U.S. laws and regulations, is consistent with U.S. policy goals toward Latin America and the Caribbean, and adheres to current U.S. doctrine (10 U.S.C. 2166(e)(4)(B)(i)–(iii)); and (c) Determine whether the instruction under the curriculum of the Institute appropriately emphasizes human rights, the rule of law, due process, civilian control of the military and the role of the military in a democratic society (10 U.S.C. 2166(d)(1)(e)(4)(B)(iv)).

The Board will be composed 14 members, 6 of whom are designated by the Secretary of Defense including, to the extent practicable, persons from academia, religious institutions, and human rights communities. The Secretary of Defense will also affirm the appointments, designated in statute, of the senior military officer responsible for training and doctrine in the U.S. Army (or designee) and the Commanders of the Combatant Commands with geographic responsibility for the Western Hemisphere (U.S. Northern Command and the U.S. Southern Command) (or the designees of those officers). The Board will also be composed of: (a) Two Members of the Senate (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them); (b) Two Members of the House of Representatives (the Chair and Ranking Member of the Armed Services Committee or a designee of either of them); and (c) One person designated by the Secretary of State (10 U.S.C. 2166(e)(1)). All members of the Board are appointed to provide advice on behalf of the Government on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest. Except for reimbursement of official Board-related travel and per diem, Board members serve without compensation.

The public or interested organizations may submit written statements to the Board membership about the Board’s mission and functions. Written

statements may be submitted at any time or in response to the stated agenda of planned meeting of the Board. All written statements shall be submitted to the DFO for the Board, and this individual will ensure that the written statements are provided to the membership for their consideration.

Dated: May 21, 2018.

Shelly Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-11130 Filed 5-23-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF DEFENSE

Reserve Forces Policy Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Reserve Forces Policy Board (RFPB) will take place.

DATES: The RFPB will hold a meeting on Wednesday, June 6, 2018 from 8:40 a.m. to 3:00 p.m. The portion of the meeting from 8:40 a.m. to 12:30 p.m. will be closed to the public. The portion of the meeting from 1:15 p.m. to 3:00 p.m. will be open to the public.

ADDRESSES: The RFPB meeting address is the Pentagon, Room 3E863, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Alexander Sabol, (703) 681-0577 (Voice), 703-681-0002 (Facsimile), *Alexander.J.Sabol.Civ@Mail.Mil* (Email). Mailing address is Reserve Forces Policy Board, 5113 Leesburg Pike, Suite 601, Falls Church, VA 22041. Website: <http://rfpb.defense.gov/>. The most up-to-date changes to the meeting agenda can be found on the website.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the Reserve Forces Policy Board was unable to provide public notification required by 41 CFR 102-3.150(a) concerning the meeting on June 6, 2018, of the Reserve Forces Policy Board. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102-3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

Purpose of the Meeting: The purpose of the meeting is to obtain, review, and evaluate information related to strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the Reserve Components.

Agenda: The RFPB will hold a meeting from 8:40 a.m. to 3:00 p.m. The portion of the meeting from 8:40 a.m. to 12:30 p.m. will be closed to the public and will consist of remarks to the RFPB from following invited speakers: The Performing the Duties of the Under Secretary of Defense for Personnel and Readiness will discuss the readiness of the force, personnel system reforms, and future strategies for Reserve Component use given the new National Military Strategy challenges in a constrained fiscal environment; the Vice Chief, National Guard Bureau will discuss the implications of the new National Defense Strategy on the National Guard and risks associated with meeting current and emerging threats while continuing to meet homeland defense requirements; the Chief of the Cyber Warfare Branch of the National Guard Bureau will discuss the USCYBERCOM's training and certification program of the Air National Guard's Cyber Mission Force Teams; the Secretary of the Army will discuss the Army's posture and progress on meeting the recommendations from the Report of the National Commission on the Future of the Army and plans to adapt the Total Army to meet the future challenges of the new National Defense Strategy and the integration of the Reserve Components' forces within the strategy; and the Director of the Air National Guard will discuss the priorities of the Air Guard, the Air Force Reserve Commission initiatives, and the Air Guard's challenges to balance force structure, pilot shortages, readiness and modernization while supporting the new National Defense Strategy. The portion of the meeting from 1:15 p.m. to 3:00 p.m. will be open to the public and will consist of briefings from the following: The Chair of the RFPB's Subcommittee on Supporting and Sustaining Reserve Component Personnel will provide an update to the RFPB for its consideration on the subcommittee's review and proposed recommendation to the Secretary of Defense concerning the DoD's Integrated

Pay and Personnel System as it pertains to the Reserve Components; the Subcommittee on Ensuring a Ready, Capable, Available, and Sustainable Operational Reserve will provide an update to the RFPB for its consideration on the subcommittee's review and proposed recommendation to the Secretary of Defense concerning the DoD's "Operational Reserve" definition; and the Chair of the RFPB's Subcommittee on Enhancing DoD's Role in the Homeland will provide an update to the RFPB for its consideration on the subcommittee's review and proposed recommendations to the Secretary of Defense concerning the authority to use the National Guard in their Title 32 status for domestic and Homeland Security operations.

Meeting Accessibility: Pursuant to section 10(a)(1) of the FACA and 41 CFR 102-3.140 through 102-3.165, and subject to the availability of space, the meeting is open to the public from 1:15 p.m. to 3:00 p.m. Seating is on a first-come, first-served basis. All members of the public who wish to attend the public meeting must contact Mr. Alex Sabol, the Designated Federal Officer, not later than 12:00 p.m. on Tuesday, June 5, 2018, as listed in the **FOR FURTHER INFORMATION CONTACT** section to make arrangements for a Pentagon escort, if necessary. Public attendees requiring escort should arrive at the Pentagon Metro Entrance at 12:45 p.m. to provide sufficient time to complete security screening to attend the beginning of the Open Meeting at 1:15 p.m. on June 6. To complete the security screening, please be prepared to present two forms of identification. One must be a picture identification card. In accordance with section 10(d) of the FACA, 5 U.S.C. 552b(c), and 41 CFR 102-3.155, the DoD has determined that the portion of this meeting scheduled to occur from 8:40 a.m. to 12:30 p.m. will be closed to the public. Specifically, the Under Secretary of Defense (Personnel and Readiness), in coordination with the Department of Defense FACA Attorney, has determined in writing that this portion of the meeting will be closed to the public because it is likely to disclose classified matters covered by 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to section 10(a)(3) of the FACA and 41 CFR 102-3.105(j) and 102-3.140, interested persons may submit written statements to the RFPB about its approved agenda or at any time on the RFPB's mission. Written statements should be submitted to the RFPB's Designated Federal Officer at the address, email, or facsimile number listed in the **FOR FURTHER INFORMATION CONTACT** section. If

statements pertain to a specific topic being discussed at the planned meeting, then these statements must be submitted no later than five (5) business days prior to the meeting in question. Written statements received after this date may not be provided to or considered by the RFPB until its next meeting. The Designated Federal Officer will review all timely submitted written statements and provide copies to all the RFPB members before the meeting that is the subject of this notice. Please note that since the RFPB operates under the provisions of the FACA, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the RFPB's website.

Dated: May 18, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018-11078 Filed 5-23-18; 8:45 am]

BILLING CODE 5001-06-P

DEPARTMENT OF EDUCATION

Applications for New Awards; Language Resource Centers Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education is issuing a notice inviting applications for fiscal year (FY) 2018 for the Language Resource Centers (LRC) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.229A.

DATES:

Applications Available: May 24, 2018.

Deadline for Transmittal of Applications: June 25, 2018.

Deadline for Intergovernmental Review: August 22, 2018.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.

FOR FURTHER INFORMATION CONTACT:

Carolyn Collins, U.S. Department of Education, 400 Maryland Avenue SW, Room 258-40, Washington, DC 20202. Telephone: (202) 453-7854. Email: carolyn.collins@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay

Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Language Resource Centers (LRC) Program provides grants to institutions of higher education (IHEs) or consortia of IHEs for establishing, strengthening, and operating centers that serve as resources for improving the Nation's capacity for teaching and learning foreign languages through teacher training, research, materials development, assessment, and dissemination projects.

Priorities: This notice includes two competitive preference priorities. In accordance with 34 CFR 75.105(b)(2)(ii), Competitive Preference Priority 1 is from 34 CFR 669.22(a)(2). Competitive Preference Priority 2 is from the notice of final priorities for this program published in the **Federal Register** on June 6, 2014 (79 FR 32651) (the NFP).

Competitive Preference Priorities: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, these priorities are competitive preference priorities. Under 34 CFR 75.105(c)(2)(i), we award up to an additional five points depending on how well the application meets Competitive Preference Priority 1, and up to an additional five points depending on how well the application meets Competitive Preference Priority 2. An applicant may receive a total of up to 10 additional points under the competitive preference priorities.

These priorities are:

Competitive Preference Priority 1: Applications that Propose Activities with a Significant Focus on Less Commonly Taught Languages (LCTLs) (up to 5 points).

Background: Under 34 CFR 669.22(a)(2), the Department may establish a priority for specific foreign languages for study or materials development. For Competitive Preference Priority 1, we took into consideration the findings in the recent Modern Language Association of America (MLA) survey¹ of fall 2016 undergraduate and graduate enrollments in language courses at 2,547 postsecondary institutions in the United States. Of 1,417,921 total enrollments, the three most-studied modern foreign languages included Spanish with

712,240 enrollments or 50 percent; French with 175,667 enrollments or 12 percent; and German with 80,594 enrollments or 6 percent. Together, these three languages represented 968,501 or 68 percent of enrollments. Other languages, with 34,830 enrollments, constituted 25 percent of enrollments for the same period.

The findings in the MLA survey are consistent with the definition of "Less Commonly Taught Languages" used by the Center for Advanced Research on Language Acquisition (CARLA).² CARLA defines LCTLs as "all of the world's languages except English, French, German, and Spanish."

Priority: Applications that propose activities with a significant focus on the teaching and learning of any modern foreign languages except French, German, and Spanish.

Competitive Preference Priority 2: Collaboration with Minority-Serving Institutions (MSIs) or community colleges (up to 5 points).

Applications that propose significant and sustained collaborative activities with one or more Minority-Serving Institutions (MSIs) (as defined in this notice) and/or with one or more community colleges (as defined in this notice).

These activities must be designed to incorporate foreign languages into the curriculum at the MSI(s) or community college(s), and to improve foreign language instruction at the MSI(s) or community college(s). If an applicant institution is an MSI or a community college (as defined in this notice), that institution can meet the intent of this priority by proposing intra-campus collaborative activities instead of, or in addition to, collaborative activities with other MSIs and/or community colleges. For the purpose of this priority:

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent) or master's, professional, or other advanced degrees.

Minority-Serving Institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the HEA.

¹ Modern Language Association of America, "Enrollments in Languages Other Than English in United States Institutions of Higher Education, Summer 2016 and Fall 2016: Preliminary Report" (February, 2018) (p 13).

² Center for Advanced Research on Language Acquisition, University of Minnesota. www.carla.umn.edu.

Note: The institutions designated eligible under title III and title V may be viewed at: www2.ed.gov/about/offices/list/ope/ides/eligibility.html.

Program Authority: 20 U.S.C. 1123.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474. (d) 34 CFR parts 655 and 669. (e) The NFP.

Note: The regulations in 34 CFR part 86 apply to IHEs only.

Areas of National Need: In accordance with section 601(c) of the HEA, 20 U.S.C. 1121(c), the Secretary consulted with a wide range of Federal agencies and received recommendations regarding national need for expertise in foreign language and world regions. These agencies' recommendations may be viewed at: www2.ed.gov/about/offices/list/ope/iegps/index.html.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: \$2,746,768.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2019 from the list of unfunded applications from this competition.

Estimated Range of Awards:

\$130,000–\$197,000 per year.

Estimated Average Size of Awards:

\$171,000 per year.

Estimated Number of Awards: 16.

Note: The Department is not bound by any estimates in this notice. The estimated range and average size of awards are based on a single 12-month budget period.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* IHEs or consortia of IHEs.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* Under 34 CFR 75.708(b) and (c), a grantee under this competition may award subgrants—to directly carry out project activities

described in its application—to the following types of entities: IHEs, non-profit organizations, professional organizations, or businesses. The grantee may award subgrants to entities it has identified in an approved application or that it selects through competition under procedures established by the grantee.

4. *Other:* (a) *Reasonable and Necessary Costs:* Applicants must ensure that all costs included in the proposed budget are reasonable and necessary to meet the goals and objectives of the proposed project. Any costs determined by the Secretary to be unreasonable or unnecessary will be removed from the final approved budget.

(b) *Audits:* (i) A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 CFR part 200. (2 CFR 200.501(a))

(ii) A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503 (Relation to Other Audit Requirements), but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO). (2 CFR 200.501(d)).

IV. Application and Submission Information

1. Application Submission

Instructions: For information on how to submit an application please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on February 12, 2018 (83 FR 6003) and available at www.gpo.gov/fdsys/pkg/FR-2018-02-12/pdf/2018-02558.pdf.

2. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

3. *Funding Restrictions:* We specify unallowable costs in 34 CFR 669.30. We reference additional regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

4. *Recommended Page Limit:* The application narrative (Part III of the application) is where you, the applicant,

address the priorities, selection criteria, and application requirements that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative to no more than 50 pages and (2) use the following standards:

- A "page" is 8.5" × 11", on one side only, with 1" margins at the top, bottom, and both sides.

- Double space (no more than three lines per vertical inch) all text in the application narrative, *except* titles, headings, footnotes, quotations, references, and captions. Charts, tables, figures, and graphs in the application narrative may be single spaced and will count toward the recommended page limit.

- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10 point font in charts, tables, figures, and graphs.

- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The recommended page limit does not apply to Part I, the Application for Federal Assistance face sheet (SF 424); the supplemental SF 424 form; Part II, Budget Information—Non-Construction Programs (ED 524); Part IV, the assurances, certifications, and the response to section 427 of the General Education Provisions Act; the table of contents; the one-page project abstract; the appendices; or the line item budget. However, the recommended page limit does apply to all of the application narrative section.

5. *Award Basis:* In determining whether to approve a grant award and the amount of such award, the Department will take into consideration, among other things, the applicant's performance and use of funds under a previous or existing award under any Department program (34 CFR 75.217(d)(3)(ii) and 75.233(b)). In assessing the applicant's performance and use of funds under a previous or existing award, the Secretary will consider, among other things, the outcomes the applicant has achieved and the results of any Departmental grant monitoring, including the applicant's progress in remedying any deficiencies identified in such monitoring.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 655.31 and 669.21, and are as follows. The maximum possible total score an application can receive for addressing the criteria is 100 points.

(a) *Plan of Operation* (up to 15 points).

The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

The Secretary looks for information that shows—

(1) High quality in the design of the project;

(2) An effective plan of management that ensures proper and efficient administration of the project;

(3) A clear description of how the objectives of the project relate to the purpose of the program;

(4) The way the applicant plans to use its resources and personnel to achieve each objective; and

(5) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as—

(i) Members of racial or ethnic minority groups;

(ii) Women; and

(iii) Handicapped persons.

(b) *Quality of Key Personnel* (up to 10 points).

The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(1) The Secretary looks for information that shows—

(a) The qualifications of the project director (if one is to be used);

(b) The qualifications of each of the other key personnel to be used in the project. In the case of faculty, the qualifications of the faculty and the degree to which that faculty is directly involved in the actual teaching and supervision of students; and

(c) The time that each person referred to in paragraphs (b)(1)(a) and (b) of this section plans to commit to the project; and

(d) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(2) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and Cost-Effectiveness* (up to 10 points).

The Secretary reviews each application for information that shows

that the project has an adequate budget and is cost effective.

The Secretary looks for information that shows—

(1) The budget for the project is adequate to support the project activities; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation Plan* (up to 20 points). The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of Resources* (up to 5 points).

The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

The Secretary looks for information that shows—

(1) Other than library, facilities that the applicant plans to use are adequate (language laboratory, museums, etc.); and

(2) The equipment and supplies that the applicant plans to use are adequate.

(f) *Need and Potential Impact* (up to 20 points).

The Secretary reviews each application to determine—

(1) The extent to which the proposed materials or activities are needed in the foreign languages on which the project focuses;

(2) The extent to which the proposed materials may be used throughout the United States; and

(3) The extent to which the proposed work or activity may contribute significantly to strengthening, expanding, or improving programs of foreign language study in the United States.

(g) *Likelihood of Achieving Results* (up to 10 points).

The Secretary reviews each application to determine—

(1) The quality of the outlined methods and procedures for preparing the materials; and

(2) The extent to which plans for carrying out activities are practicable and can be expected to produce the anticipated results.

(h) *Description of Final Form of Results* (up to 10 points).

The Secretary reviews each application to determine the degree of specificity and the appropriateness of the description of the expected results from the project.

2. *Review and Selection Process*: We remind potential applicants that in

reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions*: Consistent with 2 CFR 200.205, before awarding grants under this program the Department conducts a review of the risks posed by applicants. Under 2 CFR 3474.10, the Secretary may impose specific conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System*: If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently \$150,000), under 2 CFR 200.205(a)(2) we must make a judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds \$10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually.

Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed \$10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current

performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

Performance reports for the LRC Program must be submitted electronically into the office of International and Foreign Language (IFLE) web-based reporting system, International Resource Information System (IRIS). For information about IRIS and to view the reporting instructions, please go to www.ed.gov/fund/grant/apply/appforms/appforms.html.

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. If a grantee is provided additional funding for this purpose, the Secretary establishes a data collection period.

5. *Performance Measures:* Under the Government Performance and Results Act of 1993, the following measures will be used to evaluate the success of the LRC Program:

(a) Percentage of LRC products or activities judged to be successful by LRC customers with respect to quality, usefulness and relevance.

(b) Percentage of LRC products judged to be successful by an independent expert review panel with respect to quality, usefulness and relevance.

(c) Cost per LRC project that increased the number of training programs for K–16 instructors of LCTLs (efficiency measure).

The information provided by grantees in their performance reports submitted via the IRIS reporting system will be the source of data for these measures. Reporting screens for institutions can be viewed at: <http://iris.ed.gov/iris/pdfs/LRC.pdf>.

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable

to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., Braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: May 21, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the Duties of Assistant Secretary, Office of Planning, Evaluation, and Policy Development, Delegated the Duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–11187 Filed 5–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0060]

Agency Information Collection Activities; Comment Request; Temporary Expansion of Public Service Loan Forgiveness (TE–PSLF)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is requesting the Office of Management and Budget (OMB) to conduct an emergency review of a new information collection.

DATES: Approval by the OMB has been requested by May 21, 2018. A regular clearance process is also hereby being initiated. Interested persons are invited to submit comments on or before July 23, 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–0060. 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 Beth Grebeldinger, 202–377–4018.

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: Temporary Expansion of Public Service Loan Forgiveness (TE–PSLF).

OMB Control Number: 1845—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 10,899.

Total Estimated Number of Annual Burden Hours: 4,380.

Abstract: This is a request for an emergency clearance to enable FSA to ensure that the required operational changes can be implemented to allow for the benefits to be available to federal student loan borrowers as well as to remain in compliance with the statutory requirements.

Section 315 of Title III, Division H in the Consolidated Appropriations Act, 2018, (Pub. L. 115–141) included a provision for ED to implement “. . . a simple method for borrowers to apply for loan cancellation . . .” under a temporary expansion of the PSLF program. The Consolidated Appropriations Act, 2018, required ED to implement an application process within 60 days of enactment. To meet that requirement, we are requesting emergency clearance by May 21, 2018. We are also requesting the initiation of the full clearance review to allow for public comment on the process.

ED is requesting a new collection to be used to obtain information from federal student loan borrowers to make a determination of their eligibility for participation in the loan forgiveness mandated by the new appropriations law. This loan forgiveness is only available to Direct Loan borrowers who otherwise qualify for Public Service Loan Forgiveness (PSLF) and meet other new requirements.

Additional Information: An emergency clearance approval for the use of the system is described below due to the following conditions:

- This is a request for an emergency clearance to enable FSA to ensure that the required operational changes can be implemented to allow for the benefits to be available to federal student loan borrowers as well as to remain in compliance with the statutory requirements.

Dated: May 21, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–11109 Filed 5–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Extension of Deadlines for Transmittal of Applications; Hurricane Education Recovery

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice; extension of deadlines.

SUMMARY: On April 25, 2018, the U.S. Department of Education (Department) published in the **Federal Register** a notice announcing the availability of funds and application deadlines for the Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) and the Assistance for Homeless Children and Youth programs under Division B, Subdivision 1, Title VIII, “Hurricane Education Recovery,” of Public Law 115–123, the “Bipartisan Budget Act of 2018.” This notice extends the original May 25, 2018 deadlines for State educational agency (SEA) transmittal of both applications to June 4, 2018. In addition, this notice extends the original May 15, 2018 deadline for local educational agencies (LEAs) to submit applications to SEAs under the Emergency Impact Aid program to May 25, 2018.

DATES: Deadline for Transmittal of SEA Application for the Emergency Impact Aid program: June 4, 2018. SEAs must submit any application amendments affecting allocations under the Emergency Impact Aid program to the Department no later than July 20, 2018.

Deadline for Transmittal of SEA Application for the Homeless Children and Youth program: June 4, 2018.

Deadline for LEAs to submit applications to SEAs under the Emergency Impact Aid program: May 25, 2018. An SEA may establish additional reasonable deadlines to collect necessary revisions from LEAs, Bureau of Indian Education schools, and non-public schools, to facilitate submission of SEA final application amendments by July 20, 2018.

Deadline for LEAs to submit applications to SEAs under the Assistance for Homeless Children and Youth program: There is no statutory deadline for LEA applications under this program. Each eligible SEA will set a reasonable deadline for the submission of LEA applications.

FOR FURTHER INFORMATION CONTACT: For additional information on the Emergency Impact Aid program, please contact Francisco Ramirez. Telephone (202) 260–1541. Email: K12EmergencyImpactAid@ed.gov. For additional information on the Assistance for Homeless Children and

Youth program, please contact Peter Eldridge. Telephone (202) 260–2514. Email: HurricaneHomeless@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 25, 2018, we published in the **Federal Register** (83 FR 18015) a notice announcing availability of funds and application deadlines for the Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) and the Assistance for Homeless Children and Youth programs under Division B, Subdivision 1, Title VIII, “Hurricane Education Recovery,” of Public Law 115–123, the “Bipartisan Budget Act of 2018.” This notice extends the deadlines for transmittal of both applications. In addition, this notice clarifies and extends the deadline for SEAs to submit application amendments affecting allocations under the Emergency Impact Aid program, including any updated enrollment data generally for any quarter and any previously unreported fourth quarter data for the 2017–18 school year. Further, this notice clarifies that SEAs may establish additional reasonable deadlines to collect any necessary revisions from LEAs, Bureau of Indian Education schools, and non-public schools for any final application amendments. If an SEA is ready to submit its initial Emergency Impact Aid application by the original May 25 deadline, it may still do so, as the Department plans to begin reviewing applications as soon as they are received and to process payments on a rolling basis. Except as detailed in this notice, all other requirements and conditions stated in the notice announcing availability of funds remain the same.

Additional information about the Emergency Impact Aid and the Assistance for Homeless Children and Youth programs is available on the Department’s website at www.ed.gov/disasterrelief.

Exemption from Rulemaking: These programs are exempt from the rulemaking requirements in section 437 of the General Education Provisions Act (GEPA) (20 U.S.C. 1232) and section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), as established in Division B, Subdivision 1, Title VIII, “Hurricane Education Recovery” paragraph (6), of Public Law 115–123, the “Bipartisan Budget Act of 2018.” 132 Stat. 98.

Program Authority: Division B, Subdivision 1, Title VIII of Public Law

115–123, the “Bipartisan Budget Act of 2018.”

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (e.g., Braille, large print, audiotope, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: www.gpo.gov/fdsys. At this site you can view this document, as well as all other documents published by this Department in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free through a link at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Jason Botel,

Principal Deputy Assistant Secretary Delegated the Authority to Perform the Functions and Duties of Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2018–11181 Filed 5–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0032]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; U.S. Department of Education Grant Performance Report Form (ED 524B)

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before June 25, 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–0032. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, 202–245–6110.

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: U.S. Department of Education Grant Performance Report Form (ED 524B).

OMB Control Number: 1894–0003.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 5,300.

Total Estimated Number of Annual Burden Hours: 121,900.

Abstract: The ED 524B form and instructions are used in order for grantees to meet Department of Education (ED) deadline dates for submission of performance reports for ED discretionary grant programs. Recipients of multi-year discretionary grants must submit an annual performance report for each year funding has been approved in order to receive a continuation award. The annual performance report should demonstrate whether substantial progress has been made toward meeting the approved goals and objectives of the project. ED program offices may also require recipients of “forward funded” grants that are awarded funds for their entire multi-year project up-front in a single grant award to submit the ED 524B on an annual basis. In addition, ED program offices may also require recipients to use the ED 524B to submit their final performance reports to demonstrate project success, impact and outcomes. In both the annual and final performance reports, grantees are required to provide data on established performance measures for the grant program (e.g., Government Performance and Results Act measures) and on project performance measures that were included in the grantee’s approved grant application. The ED 524B also contains a number of questions related to project financial data such as Federal and non-Federal expenditures and indirect cost information. Performance reporting requirements are found in 34 CFR 74.51, 75.118, 75.253, 75.590 and 80.40 of the Education Department General Administrative Regulations.

The 524B is being revised to collect additional information to sufficiently monitor states on data security requirements for grant programs.

Dated: May 21, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–11105 Filed 5–23–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–121–000]

Notice of Revised Schedule for Environmental Review of the Fields Point Liquefaction Project, National Grid LNG, LLC

May 18, 2018.

This notice identifies the Federal Energy Regulatory Commission staff’s revised schedule for the completion of the environmental assessment (EA) for National Grid LNG, LLC’s (National Grid) Fields Point Liquefaction Project. The original notice of schedule, issued on September 15, 2017, identified March 30, 2018, as the EA issuance date. Due to staff’s request for supplemental engineering information that was recently filed by National Grid, staff has revised the schedule for issuance of the EA.

Schedule for Environmental Review

Issuance of EA—June 25, 2018
90-Day Federal Authorization Decision
Deadline—September 23, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the project’s progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the project is available from the Commission’s Office of External Affairs at (866) 208–FERC or on the FERC website (www.ferc.gov). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (i.e., CP16–121), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission,

such as orders, notices, and rule makings.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11177 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–115–000]

Notice of Filing: Startrans IO, LLC

Take notice that on May 14, 2018, Startrans IO, L.L.C. submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11154 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–26–000]

Notice of Schedule for Environmental Review of the Lambertville East Expansion Project: Texas Eastern Transmission, LP

May 18, 2018.

On December 7, 2017, Texas Eastern Transmission, LP (Texas Eastern) filed an application in Docket No. CP18–26–000 requesting a Certificate of Public Convenience and Necessity pursuant to sections 7(b) and 7(c) of the Natural Gas Act to abandon, construct, and operate certain natural gas pipeline facilities at its existing Lambertville Compressor Station in Hunterdon County, New Jersey. The proposed project is known as the Lambertville East Expansion Project (Project), and would provide about 60 million cubic feet of natural gas per day of incremental pipeline transportation service to existing city gates in New Jersey.

On December 20, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—July 24, 2018
90-day Federal Authorization Decision
Deadline—October 22, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Texas Eastern proposes to abandon by removal two 5,000 horsepower natural gas-fired turbine compressor units and appurtenant facilities, and replace these units with two new 8,600 horsepower natural gas-fired turbine compressor

units and appurtenant facilities at its existing Lambertville Compressor Station in Hunterdon County, New Jersey. In addition to the incremental pipeline transportation service, the Project is also proposed to comply with new air emissions regulations under the New Jersey Reasonably Achievable Control Technology program.

Background

On January 10, 2018, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Lambertville East Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the U.S. Environmental Protection Agency (EPA), the Township of West Amwell, and seven residents. The EPA commented that the EA should include a full discussion of purpose and need of the Project; an evaluation of alternatives; a general conformity applicability analysis; and an analysis of cumulative, indirect, and secondary impacts, and environmental justice. The Township of West Amwell expressed Project concerns about increases in toxic air emissions and pollutants and impacts on residents from construction and operation of the compressor station. The seven residents also expressed Project concerns about the following:

- Impacts on air quality, nearby high consequence areas, and health;
- compressor type and size;
- effects on local communities, nearby properties, and property rights and values;
- direct harm to commercial, cultural, and historical interests and open space;
- water quality impacts;
- contaminated groundwater and soil;
- traffic impacts;
- impacts on tourism; and
- effects on quality of life.

All substantive comments will be addressed in the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (www.ferc.gov). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (*i.e.*, CP18–26), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11178 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–68–000; EL18–69–000]

Notice of Filing: Transource Maryland, LLC; Transource Pennsylvania, LLC

Take notice that on May 10, 2018, Transource Maryland, LLC and Transource Pennsylvania, LLC submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission,

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on May 31, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11158 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1652–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization: AL Mesquite Marketing, LLC

This is a supplemental notice in the above-referenced proceeding of AL Mesquite Marketing, LLC’s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant’s request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is June 7, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access

who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission’s eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission’s Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11174 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–119–000]

Tucson Electric Power Company; Notice of Filing

Take notice that on May 14, 2018, Tucson Electric Power Company (Tucson Electric) submitted a response to the March 15, 2018 Show Cause Order.¹ Also, on May 15, 2018 Tucson Electric submit an errata to the May 14, 2018 response.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11165 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–67–000]

Notice of Filing: San Diego Gas & Electric Company

Take notice that on May 14, 2018, San Diego Gas & Electric Company submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11157 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–71–000]

UNS Electric, Inc.; Notice of Filing

Take notice that on May 14, 2018, UNS Electric, Inc. submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11159 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–108–000]

Pacific Gas and Electric Company; Notice of Filing

Take notice that on May 14, 2018, Pacific Gas and Electric Company submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11162 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–75–000]

Avista Corporation; Notice of Filing

Take notice that on May 14, 2018, Avista Corporation submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11168 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–107–000]

Notice of Filing: Orange and Rockland Utilities, Inc.

May 18, 2018.

Take notice that on May 14, 2018, Orange and Rockland Utilities, Inc. submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies

of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11161 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–104–000]

Northwestern Corporation; Notice of Filing

May 18, 2018.

Take notice that on May 14, 2018, Northwestern Corporation submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission,

888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11160 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–89–000]

Consolidated Edison Company of New York, Inc.; Notice of Filing

Take notice that on May 14, 2018, Consolidated Edison Company of New York, Inc. submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11170 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL18–93–000]

Deseret Generation & Transmission Co-Operative, Inc.; Notice of Filing

Take notice that on May 14, 2018, Deseret Generation & Transmission Co-operative, Inc. submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the

“eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11151 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG18–90–000.
Applicants: Rio Bravo Windpower, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Rio Bravo Windpower, LLC.

Filed Date: 5/17/18.

Accession Number: 20180517–5071.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: EG18–91–000.

Applicants: Minco Wind IV, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Minco Wind IV, LLC.

Filed Date: 5/17/18.

Accession Number: 20180517–5108.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: EG18–92–000.

Applicants: Minco Wind V, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Minco Wind V, LLC.

Filed Date: 5/17/18.

Accession Number: 20180517–5113.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: EG18–93–000.

Applicants: Lorenzo Wind, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Lorenzo Wind, LLC.

Filed Date: 5/17/18.

Accession Number: 20180517–5114.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: EG18–94–000.

Applicants: Wildcat Ranch Wind Project, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Wildcat Ranch Wind Project, LLC.

Filed Date: 5/17/18.

Accession Number: 20180517–5115.

Comments Due: 5 p.m. ET 6/7/18.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–1652–000.

Applicants: AL Mesquite Marketing, LLC.

Description: Baseline eTariff Filing: Market Based Rate Application to be effective 12/31/9998.

Filed Date: 5/17/18.

Accession Number: 20180517–5086.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: ER18–1653–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended LGIA Mojave Solar, LLC Mojave Solar & Mojave Solar C5 Project to be effective 5/18/2018.

Filed Date: 5/17/18.

Accession Number: 20180517–5123.

Comments Due: 5 p.m. ET 6/7/18.

Docket Numbers: ER18–1654–000.

Applicants: Duke Energy Carolinas, LLC.

Description: § 205(d) Rate Filing: DEC–NC 102 Project Amended and Restated ASOA to be effective 7/18/2018.

Filed Date: 5/18/18.

Accession Number: 20180518–5024.

Comments Due: 5 p.m. ET 6/8/18.

The filings are accessible in the Commission’s eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission’s Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 18, 2018.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2018–11138 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. EL18–91–000]

Notice of Filing: DATC Path 15, LLC

Take notice that on May 10, 2018, DATC Path 15, LLC submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on May 31, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11150 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. EL18–66–000]

Notice of Filing: Citizen Sunrise
Transmission LLC

Take notice that on May 14, 2018, Citizen Sunrise Transmission LLC submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11156 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. CP18–483–000]

Notice of Request Under Blanket
Authorization: WBI Energy
Transmission, Inc.

May 18, 2018.

Take notice that on May 10, 2018, WBI Energy Transmission, Inc. (WBI Energy), 1250 West Century Avenue, Bismarck, North Dakota 58503, filed a prior notice application pursuant to sections 157.205(b), and 157.208(f)(2) of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and WBI Energy's blanket certificate issued in Docket No. CP82–487–000. WBI Energy requests authorization to increase the maximum allowable operating pressure (MAOP) of its 6-inch-diameter Garland to Powell Lateral located in Park and Big Horn Counties, WY from the Garland Transfer Station to Valve No. 3. The increase in the MAOP on this portion of pipeline is required to meet an increase in capacity to the Powell, WY town border station requested by Montana Dakota Utilities Co., all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Lori Myerchin, Manager, Regulatory Affairs, WBI Energy Transmission, Inc., 1250 West Century Avenue, Bismarck, North Dakota 58503 or phone (701) 530–1563 or by email lori.myerchin@wbienergy.com.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time

for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11179 Filed 5-23-18; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18-118-000]

Trans Bay Cable LLC; Notice of Filing

Take notice that on May 14, 2018, Trans Bay Cable LLC submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11155 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18-95-000]

El Paso Electric Company; Notice of Filing

Take notice that on May 14, 2018, El Paso Electric Company submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11152 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

DEPARTMENT OF ENERGY**Federal Energy Regulatory
Commission****[Docket No. EL18–98–000]****Notice of Filing: Florida Power & Light
Company**

Take notice that on May 14, 2018, Florida Power & Light Company submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018–11153 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

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: CP07–44–009.
Applicants: Southeast Supply Header, LLC.

Description: Abbreviated Application for Amendment to Certificate of Public Convenience and Necessity and Request for Expedited Treatment of Southeast Supply Header, LLC, et al.

Filed Date: 5/17/18.

Accession Number: 20180517–5068.

Comments Due: 5 p.m. ET 5/31/18.

Docket Numbers: RP18–820–000.

Applicants: Rockies Express Pipeline LLC.

Description: Penalty Charge Reconciliation Filing of Rockies Express Pipeline LLC.

Filed Date: 5/15/18.

Accession Number: 20180515–5385.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–821–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: § 4(d) Rate Filing—List of Non-Conforming Service Agreements (Dalton Cartersville refile) to be effective 6/1/2018.

Filed Date: 5/17/18.

Accession Number: 20180517–5035.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–822–000.

Applicants: Kern River Gas Transmission Company.

Description: § 4(d) Rate Filing: 2018 Westport Delivery Meter to be effective 6/16/2018.

Filed Date: 5/17/18.

Accession Number: 20180517–5037.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–823–000.

Applicants: Spire Storage West LLC.

Description: Compliance filing Notice of Non-Material Change in Circumstances (Compliance Dkt. No. CP11–24).

Filed Date: 5/17/18.

Accession Number: 20180517–5053.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–824–000.

Applicants: Spire Storage West LLC.

Description: § 4(d) Rate Filing: Name Change Tariff Filing to be effective 6/18/2018.

Filed Date: 5/17/18.

Accession Number: 20180517–5100.

Comments Due: 5 p.m. ET 5/29/18.

Docket Numbers: RP18–825–000.
Applicants: Enable Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate Filing—May 2018 CERC 1001019 & 1007980 to be effective 5/17/2018.

Filed Date: 5/17/18.

Accession Number: 20180517–5124.

Comments Due: 5 p.m. ET 5/29/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: May 18, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–11139 Filed 5–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY**Federal Energy Regulatory
Commission****[Docket No. EL18–113–000]****Smoky Mountain Transmission LLC;
Notice of Filing**

Take notice that on May 14, 2018, Smoky Mountain Transmission LLC submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11164 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18-79-000]

Cheyenne Light, Fuel and Power Company; Notice of Filing

Take notice that on April 30, 2018, Cheyenne Light, Fuel and Power Company submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion

to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the “eFiling” link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the “eLibrary” link and is available for review in the Commission’s Public Reference Room in Washington, DC. There is an “eSubscription” link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on May 21, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11169 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15-550-000; CP15-551-001]

Notice of Revised Schedule for Environmental Review of the Calcasieu Pass Project: Venture Global Calcasieu Pass, LLC; Transcameron Pipeline, LLC

May 18, 2018.

This notice identifies the Federal Energy Regulatory Commission staff’s revised schedule for the completion of the environmental impact statement (EIS) for Venture Global Calcasieu Pass, LLC and TransCameron Pipeline, LLC’s Calcasieu Pass Project. The first notice of schedule, issued on November 29, 2017, identified July 3, 2018 as the final EIS issuance date. Due to staff’s recent request for supplemental engineering information, staff has revised the schedule for issuance of the final EIS based on an issuance of the draft EIS in June 2018. The forecasted schedule for both the draft and final EIS is based upon Global Calcasieu Pass, LLC and TransCameron Pipeline, LLC providing complete and timely responses to any

future data requests. In addition, the schedule assumes that the cooperating agencies will provide input on their areas of responsibility on a timely basis.

Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS—October 26, 2018

90-Day Federal Authorization Decision Deadline—January 24, 2019

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project’s progress.

Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to www.ferc.gov/docs-filing/esubscription.asp.

Additional information about the Project is available from the Commission’s

Office of External Affairs at (866) 208-FERC or on the FERC website (www.ferc.gov). Using the “eLibrary” link, select “General Search” from the eLibrary menu, enter the selected date range and “Docket Number” excluding the last three digits (*i.e.*, CP15-550 or CP15-551), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at FERCOnlineSupport@ferc.gov. The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Kimberly D. Bose,
Secretary.

[FR Doc. 2018-11167 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18-109-000]

Notice of Filing: Portland General Electric Company

Take notice that on May 14, 2018, Portland General Electric Company

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

submitted a response to the March 15, 2018 Show Cause Order.¹

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the "eFiling" link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at <http://www.ferc.gov>, using the "eLibrary" link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an "eSubscription" link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Comment Date: 5:00 p.m. Eastern time on June 4, 2018.

Dated: May 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018-11163 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2103-006]

Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests: TCAI Incorporated; Waneta Holdings (US) Inc.

On May 2, 2018, TCAI Incorporated (transferor) and Waneta Holdings (US) Inc. (transferee) filed an application for the transfer of license of the Cedar Creek Project No. 2103. The project is located on Cedar Creek in Stevens County, Washington, and partially occupies Federal lands managed by the U.S. Department of Interior's Bureau of Land Management.

The applicants seek Commission approval to transfer the license for the Cedar Creek Project from the transferor to the transferee.

Applicants Contact: For transferor: Mr. Phil Pesek, Vice president General Counsel & Secretary, TCAI Incorporated, 501 North Riverpoint Blvd., Suite 300, Spokane, WA 99202, Phone: 509-623-4544, Email: Phil.Pesek@teck.com and Ms. Pamela J. Anderson, Perkins Coie LLP, 10885 NE 4th Street, Suite 700, Bellevue, WA 98004-5579, Phone: 425-635-1417, Email: PJAnderson@perkinscoie.com.

For transferee: Ms. Amy McCallion, Corporate Secretary, British Columbia Hydro and Power Authority, 13th Floor, 333 Dunsmuir St., Vancouver, B.C. V6B 5R3, Canada, Phone: 604-623-4234, Email: amy.mccallion@bchydro.com, Mr. David R. Poe, Bracewell LLP, 2001 M Street NW, Suite 900, Washington, DC 20006, Phone: 202-828-5800, Email: dave.poe@bracewell.com, and Ms. Jessica W. Miller, Bracewell LLP, 2300 Congress Ave., Suite 2300, Austin, TX 78701, Phone: 512-494-3606, Email: jessica.miller@bracewell.com.

FERC Contact: Patricia W. Gillis, (202) 502-8735, patricia.gillis@ferc.gov.

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/eComment.asp>. You must include your name and contact information at the end of your comments. For assistance,

please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P-2103-006.

Dated: May 18, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018-11176 Filed 5-23-18; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2018-0174; FRL-9978-21]

Advance Notice of Public Meeting; Technical Issues—Formaldehyde Emission Standards for Composite Wood Products

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's plan for a public meeting regarding technical issues in the Formaldehyde Emission Standards for Composite Wood Products Final Rule published on December 12, 2016. The meeting will inform EPA's potential development of a proposed rule to address these technical issues and to further align the rule requirements with the California Air Resources Board (CARB) Airborne Toxic Control Measures (ATCM) Phase II program. The primary audience for this public meeting is Third Party Certifiers (TPCs) and panel producers who contract with TPCs to certify composite wood products under the December 12, 2016 final rule; however, this meeting is open to the public.

DATES: The meeting will be held on June 28, 2018 from 1:00 p.m. EDT to 4:00 p.m. EDT. EPA will accept questions from the public in advance of the meeting, and will address these questions during the meeting as time allows, if such questions are received by June 22, 2018.

Members of the public who register to speak at the meeting may make comments and may ask additional questions. Online requests to participate in the meeting must be received on or before June 8, 2018. On-site registration will be permitted, but seating and speaking priority will be given to those who pre-register by the deadline. See Unit III.B. for information on public participation in the meeting.

¹ *Alcoa Power Generation, Inc.—Long Sault Division, et al.*, 162 FERC ¶ 61,224 (2018) (Show Cause Order).

To request accommodation of a disability, please contact the meeting logistics or registration person listed under **FOR FURTHER INFORMATION CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at the U.S. EPA William Jefferson Clinton East Building, Room 4225, 1201 Constitution Avenue NW, Washington, DC 20004.

To participate in the *Technical Issues Meeting; Formaldehyde Emission Standards for Composite Wood Products* on June 28, 2018 (identified by docket ID number EPA-HQ-OPPT-2018-0174) you may register online (preferred) or in person at the meeting. To register online, go to <https://www.eventbrite.com/e/us-epa-technical-issues-formaldehyde-emission-standards-for-composite-wood-products-public-tickets-44550791617>. Written comments, identified by the docket ID number EPA-HQ-OPPT-2018-0174 can be submitted by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

The comment period for this public meeting will open on May 24, 2018 and close July 28, 2018. The docket will remain open to receive comments and materials until this date. When submitting comments to the docket, please be as specific as possible, and please include any supporting data or other information.

Additional instructions on commenting or visiting the docket, along with more information about dockets in general is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information about the Technical Issues Meeting; Formaldehyde Emission Standards for Composite Wood Products meeting contact: Todd Coleman, National Programs Chemical Division (7404T),

Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-1208; email address: coleman.todd@epa.gov.

For meeting logistics or registration contact: Eva Cappuccilli, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-4688; email address: cappuccilli.eva@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This public meeting is primarily directed to the TPCs and panel producers who contract with TPCs to certify composite wood products under the Formaldehyde Emission Standards for Composite Wood Products final rule. Many of the technical issues that the Agency is considering are directly related to the third-party certification testing requirements for regulated composite wood products. In general, fabricators, distributors and retailers who are affected by the Formaldehyde Emission Standards for Composite Wood Products final rule may also be interested in this meeting. Since stakeholders other than TPCs may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in the issues to be discussed at the public meeting. Additionally, while the Agency seeks to focus the public meeting on technical issues already raised to the Agency, we are aware there may be other technical issues of interest to stakeholders and have provided an opportunity under III. Meeting for comments to be provided to the Agency in advance of the public meeting, during oral comment at the meeting if time permits, or during the public comment period after the meeting.

B. How can I get copies of this document and other related information?

The docket for this notice, identified by docket identification (ID) number EPA-HQ-OPPT-2018-0174, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency

Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

II. Background

The Formaldehyde Emission Standards for Composite Wood Products final rule published on December 12, 2016 (81 FR 89674) and became effective March 21, 2017 (82 FR 14324). Since publication of the final rule, EPA received letters and other feedback from industry stakeholders, including the Composite Panel Association, Hardwood Plywood Veneer Association, Kitchen Cabinet Manufacturers Association, and various TPCs requesting that EPA provide clarification and possibly amend certain provisions of the December 12, 2016 final rule to further align this rule with the CARB ATCM Phase II program. The Agency has already taken other actions to amend the rule to address other issues, including allowing early labeling of compliant composite wood products (*see* 82 FR 31922), extending the compliance dates in the December 12, 2016 final rule (*see* 82 FR 44533), and updating several voluntary consensus standard versions as well as the equivalence provisions between the ASTM E-1333 and ASTM D-6007 chamber (*see* 82 FR 5340). Based on the discussion at the public meeting and other input sent to the Agency during the public comment period, the Agency may consider proposing additional technical amendments to clarify the rule requirements or further align EPA's regulation with the CARB ATCM Phase II program.

The general nature of the issues raised by stakeholders, which are reflected on the meeting agenda included in the docket for this meeting, surround the testing and certification of composite wood products under the final rule, including correlation of test methods, equivalence of test methods, treatment of test data, and sampling requirements under EPA's final rule. The Agency is also aware there is interest from stakeholders in obtaining further guidance on how one can petition the Agency for additional exemptions for laminated products from the definition of "hardwood plywood" as allowed under § 770.4(b) of the December 12,

2016 final rule. The Agency intends to address this issue separately, potentially in a future public workshop.

The public meeting on the technical issues is meant to enable the Agency to receive broad input from all TPCs and other interested stakeholders, request further public comment, data, or related information on these and any related rule provisions that can help improve consistency with CARB's regulation, improve clarity in the rule where needed, and help improve overall implementation of the rule.

III. Meeting

A. Remote Access

The meeting will be accessible remotely for registered participants. Registered participants will receive information on how to connect to the meeting prior to its start.

B. Public Participation at the Meeting

Attendees and participants may register to attend the *Technical Issues; Formaldehyde Emission Standards for Composite Wood Products* meeting and provide oral comments and ask questions on the day of the meeting, using one of the registration methods described under **ADDRESSES**. Participants who want to provide oral comments or to ask questions during the meeting must be registered as a speaker. The Agency is most interested in receiving comments or questions on the specific technical issues outlined on the meeting agenda, which would include timing and ways to implement any changes should the agency decide to propose additional technical amendments; however, comments or questions can also be provided on other technical rule provisions that can help improve consistency with CARB's regulation, improve clarity in the rule, and help improve overall implementation of the rule. The meeting agenda and stakeholder letters referenced in Unit II are available in the docket and on EPA's website in advance of the meeting. A registered speaker is encouraged to focus on issues directly relevant to the meeting's subject matter, initially discussed under II. Background of this notice. Each speaker will be allowed a reasonable amount of time to provide relevant oral comments and ask questions. The Agency requests that speakers limit their comments and questions to five minutes in order to allow other participants a chance to speak as well. If time allows, the Agency will offer more time at the conclusion of the meeting for speakers to make additional comments or present relevant material that they may not have been

able to provide in their initial five-minute segment. To accommodate as many registered speakers as possible, speakers may present oral comments and questions only, without visual aids or written material. Persons must register to speak using the registration methods described under **ADDRESSES**. Persons registered to speak (as well as others) may submit written materials to the dockets as described under **ADDRESSES**. An agenda for the meeting and supporting materials are available in the docket for this notice and on EPA's website at www.epa.gov/formaldehyde. Additionally, EPA will accept questions from the public in advance of the meeting, and address these questions during the meeting as time allows, if such questions are received by June 22, 2018. Questions should be submitted to the technical contact for this meeting listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

IV. How can I request to participate in this meeting?

A. Registration

To attend the meeting in person or to receive remote access, you must register online no later than June 22, 2018, using one of the methods described under **ADDRESSES**. While on-site registration will be available, seating will be on a first-come, first-served basis, with priority given to early registrants, until room capacity is reached. For registrants not able to attend in person, the meeting will also provide remote access capabilities; registered participants will be provided information on how to connect to the meeting prior to its start, using the email address that participants use to register for this meeting.

B. Required Registration Information

Attendees and participants may register to attend as observers or to speak if planning to offer oral comments. To register for the meeting online, you must provide your full name, organization or affiliation, and contact information.

Authority: Section 601 of TSCA, 15 U.S.C. 2697.

Dated: May 18, 2018.

Louise P. Wise,

Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2018-11195 Filed 5-23-18; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2017-0720; FRL-9976-80]

Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's draft human health and ecological risk assessments for the registration review of acephate, biobor, diflubenzuron, prohexadione calcium, pyridaben, thiobencarb, and zinc borate. It also announces the availability of EPA's draft human health risk assessment for the registration review of flumethrin.

DATES: Comments must be received on or before July 23, 2018.

ADDRESSES: Submit your comments, to the docket identification (ID) number for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: For pesticide specific information contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general questions on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (703) 308-8015; email address: friedman.dana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your

comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed comprehensive draft human health and/or ecological risk assessments for all pesticides listed in the Table in Unit IV. After reviewing comments received during the public comment period, EPA may issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments and may request public input on risk mitigation before

completing a proposed registration review decision for the pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in the following table, and opens a 60-day public comment period on the risk assessments.

TABLE—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
Acephate, Case 0042	EPA-HQ-OPP-2008-0915	Julie Javier, javier.julie@epa.gov , (703) 347-0790.
Biobor, Case 3029	EPA-HQ-OPP-2008-0453	Megan Snyderman, snyderman.megan@epa.gov , (703) 347-0671.
Diflufenzuron, Case 0144	EPA-HQ-OPP-2012-0714	Marianne Mannix, mannix.marianne@epa.gov , (703) 347-0275.
Flumethrin (human health only), Case 7456	EPA-HQ-OPP-2016-0031	Mark Baldwin, baldwin.mark@epa.gov , (703) 308-0504.
Prohexadione calcium, Case 7030	EPA-HQ-OPP-2012-0870	Moana Appleyard, appleyard.moana@epa.gov , (703) 308-8175.
Pyridaben, Case 7417	EPA-HQ-OPP-2010-0214	Julie Javier, javier.julie@epa.gov , (703) 347-0790.
Thiobencarb, Case 2665	EPA-HQ-OPP-2011-0932	R. David Jones, jones.rdavid@epa.gov , (703) 305-6725.
Zinc Borate, Case 5025	EPA-HQ-OPP-2007-0675	Stephen Savage, savage.stephen@epa.gov , (703)-347-0345.

Pursuant to 40 CFR 155.53(c), EPA is providing an opportunity, through this notice of availability, for interested parties to provide comments and input concerning the Agency's draft human

health and/or ecological risk assessments for the pesticides listed in the Table in Unit IV. For flumethrin, the ecological assessment was previously published for comment along with the

Preliminary Work Plan in the **Federal Register** on November 3, 2016 (81 FR 76578; FRL-9953-06); EPA is now publishing the single chemical human health risk assessment for flumethrin.

The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Information submission requirements. Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted at a later date.

- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audio-graphic or video-graphic record. Written material may be submitted in paper or electronic form.

- Submitters must clearly identify the source of any submitted data or information.

- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

Authority: 7 U.S.C. 136 *et seq.*

Dated: April 18, 2018.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division,
Office of Pesticide Programs.

[FR Doc. 2018-11196 Filed 5-23-18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2017-0750; FRL-9976-84]

Registration Review Proposed Interim Decisions for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for the following pesticides: Acibenzolar, *Aspergillus flavus*, Asulam, *Bacillus licheniformis*, Chloroxylenol, Coumaphos, Dried fermentation solids and Dolubles of *Myrothecium verrucaria*, EPTC (S-Ethyl dipropylthiocarbamate), Ethylene, Fenhexamid, Fludioxonil, Formic acid, Methyl nonyl ketone, N⁶-Benzyladenine, Niclosamide, Potassium silicate, Propamocarb hydrochloride, Putrescent whole egg solids, Sodium carbonate, and TFM (3-trifluoromethyl-4-nitrophenol).

DATES: Comments must be received on or before July 23, 2018.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number EPA-HQ-OPP-2017-0750 for the specific pesticide of interest provided in the Table in Unit IV, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.

Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

For general information on the registration review program, contact:

Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (703) 347-8827; email address: friedman.dana@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the Table in Unit IV.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through www.regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

II. Background

Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed proposed interim

decisions for all pesticides listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

III. Authority

EPA is conducting its registration review of the chemicals listed in the Table in Unit IV pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C.

Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human

dietary risk from residues that result from the use of a pesticide in or on food.

IV. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions. For fenhexamid, niclosamide, and TFM, this notice also opens a comment period on the ecological and human health risk assessments.

Registration review case name and number	Docket ID No.	Chemical review manager and contact information
Acibenzolar-S-methyl, Case 7031 <i>Aspergillus flavus</i> , Case 6008	EPA-HQ-OPP-2013-0755 EPA-HQ-OPP-2015-0281	Leigh Rimmer, rimmer.leigh@epa.gov , 703-347-0553. Alex Boukedes, boukedes.alexandra@epa.gov , 703-347-0305.
Asulam, Case 0265	EPA-HQ-OPP-2010-0783	Caitlin Newcamp, newcamp.caitlin@epa.gov , 703-347-0325.
<i>Bacillus licheniformis</i> , Case 6014	EPA-HQ-OPP-2014-0184	Daniel Schoeff, schoeff.daniel@epa.gov , 703-347-0143.
Chloroxylenol, Case 3045	EPA-HQ-OPP-2009-0010	Rachel Ricciardi, ricciardi.rachel@epa.gov , 703-347-0465.
Coumaphos, Case 0018	EPA-HQ-OPP-2008-0023	Margaret Hathaway, hathaway.margaret@epa.gov , 703-305-5076.
Dried Fermentation Solids and Solubles of <i>Myrothecium verrucaria</i> , Case 6051.	EPA-HQ-OPP-2013-053	Cody Kendrick, kendrick.cody@epa.gov , 703-347-0468.
EPTC (S-Ethyl dipropylthiocarbamate), Case 0064	EPA-HQ-OPP-2012-0720	Patricia Biggio, biggio.patricia@epa.gov , 703-347-0547.
Ethylene, Case 3071	EPA-HQ-OPP-2009-0877	Chris Pfeifer, pfeifer.chris@epa.gov , 703-308-0031.
Fenhexamid, Case 7027	EPA-HQ-OPP-2013-0187	Susan Bartow, bartow.susan@epa.gov , 703-603-0065.
Fludioxonil, Case 7017	EPA-HQ-OPP-2010-1067	Patricia Biggio, biggio.patricia@epa.gov , 703-347-0547.
Formic Acid, Case 6073	EPA-HQ-OPP-2014-0105	Cody Kendrick, kendrick.cody@epa.gov , 703-347-0468.
Methyl Nonyl Ketone, Case 3094	EPA-HQ-OPP-2012-0125	Daniel Schoeff, schoeff.daniel@epa.gov , 703-347-0143.
N ⁶ -Benzyladenine, Case 2040	EPA-HQ-OPP-2011-0190	Alex Boukedes, boukedes.alexandra@epa.gov , 703-347-0305.
Niclosamide, Case 2455	EPA-HQ-OPP-2013-0137	R. David Jones, jones.rdavid@epa.gov , 703-305-6725.
Potassium Silicate, Case 6204	EPA-HQ-OPP-2017-0329	Chris Pfeifer, pfeifer.chris@epa.gov , 703-308-0031.
Propamocarb Hydrochloride, Case 3124	EPA-HQ-OPP-2011-0662	Christina Scheltema, scheltema.christina@epa.gov , 703-308-2201.
Putrescent Whole Egg Solids, Case 4079	EPA-HQ-OPP-2010-0726	Chris Pfeifer, pfeifer.Chris@epa.gov , 703-308-0031.
Sodium Carbonate, Case 4066	EPA-HQ-OPP-2012-0809	SanYvette Williams, williams.sanyvette@epa.gov , 703-305-7702.
TFM (3-trifluoromethyl-4-nitrophenol), Case 7471	EPA-HQ-OPP-2013-0137	R. David Jones, jones.rdavid@epa.gov , 703-305-6725.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit IV, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are

supported by the rationales included in those documents. Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in the table in Unit IV.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be

received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the Table in Unit IV. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a "Response to Comments Memorandum" in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: <http://www.epa.gov/pesticide-reevaluation>.

Authority: 7 U.S.C. 136 *et seq.*

Dated: May 14, 2018.

Yu-Ting Guilaran,

Director, Pesticide Re-Evaluation Division,
Office of Pesticide Programs.

[FR Doc. 2018-11193 Filed 5-23-18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2017-0715; FRL-9977-48]

Certain New Chemical Substances; Receipt and Status Information for January 2018

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to make information publicly available and to publish information in the **Federal Register** pertaining to submissions under TSCA Section 5, including notice of receipt of a Premanufacture notice (PMN), Significant New Use Notice (SNUN) or Microbial Commercial Activity Notice (MCAN), including an amended notice or test information; an exemption application under Biotech exemption; an application for a test marketing exemption (TME), both pending and/or concluded; a notice of commencement (NOC) of manufacture (including import) for new chemical substances; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review. This document covers the period from January 1, 2018 to January 31, 2018.

DATES: Comments identified by the specific case number provided in this document must be received on or before June 25, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0715, and the specific case number for the chemical substance related to your comment, by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI)

or other information whose disclosure is restricted by statute.

- **Mail:** Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- **Hand Delivery:** To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Information Management Division (MC 7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-8593; email address: rahai.jim@epa.gov.

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. What action is the Agency taking?

This document provides the receipt and status reports for the period from January 1, 2018 to January 31, 2018. The Agency is providing notice of receipt of PMNs, SNUNs and MCANs (including amended notices and test information); an exemption application under 40 CFR part 725 (Biotech exemption); TMEs, both pending and/or concluded; NOCs to manufacture a new chemical substance; and a periodic status report on new chemical substances that are currently under EPA review or have recently concluded review.

EPA is also providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

B. What is the Agency's authority for taking this action?

Under the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, a chemical substance may be either an "existing" chemical substance or a "new" chemical substance. Any chemical substance that is not on EPA's TSCA Inventory of Chemical Substances (TSCA Inventory) is classified as a "new chemical substance," while a chemical substance that is listed on the TSCA Inventory is classified as an "existing chemical substance." (See TSCA section 3(11).) For more information about the TSCA Inventory go to: <https://www.epa.gov/tsca-inventory>.

Any person who intends to manufacture (including import) a new chemical substance for a non-exempt commercial purpose, or to manufacture or process a chemical substance in a non-exempt manner for a use that EPA has determined is a significant new use, is required by TSCA section 5 to provide EPA with a PMN, MCAN or SNUN, as appropriate, before initiating the activity. EPA will review the notice, make a risk determination on the chemical substance or significant new use, and take appropriate action as described in TSCA section 5(a)(3).

TSCA section 5(h)(1) authorizes EPA to allow persons, upon application and under appropriate restrictions, to manufacture or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a)(2), for "test marketing" purposes, upon a showing that the manufacture, processing, distribution in commerce, use, and disposal of the chemical will not present an unreasonable risk of injury to health or the environment. This is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: <http://www.epa.gov/oppt/newchems>.

Under TSCA sections 5 and 8 and EPA regulations, EPA is required to publish in the **Federal Register** certain information, including notice of receipt of a PMN/SNUN/MCAN (including amended notices and test information); an exemption application under 40 CFR part 725 (biotech exemption); an application for a TME, both pending and concluded; NOCs to manufacture a new chemical substance; and a periodic status report on the new chemical substances that are currently under EPA review or have recently concluded review.

C. Does this action apply to me?

This action provides information that is directed to the public in general.

D. Does this action have any incremental economic impacts or paperwork burdens?

No.

E. What should I consider as I prepare my comments for EPA?

1. *Submitting confidential business information (CBI).* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

II. Status Reports

In the past, EPA has published individual notices reflecting the status

of TSCA section 5 filings received, pending or concluded. In 1995, the Agency modified its approach and streamlined the information published in the **Federal Register** after providing notice of such changes to the public and an opportunity to comment (See the **Federal Register** of May 12, 1995, (60 FR 25798) (FRL-4942-7)). Since the passage of the Lautenberg amendments to TSCA in 2016, public interest in information on the status of section 5 cases under EPA review and, in particular, the final determination of such cases, has increased. In an effort to be responsive to the regulated community, the users of this information, and the general public, to comply with the requirements of TSCA, to conserve EPA resources and to streamline the process and make it more timely, EPA is providing information on its website about cases reviewed under the amended TSCA, including the section 5 PMN/SNUN/MCAN and exemption notices received, the date of receipt, the final EPA determination on the notice, and the effective date of EPA's determination for PMN/SNUN/MCAN notices on its website at: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/status-pre-manufacture-notices>. This information is updated on a weekly basis.

III. Receipt Reports

For the PMN/SNUN/MCANs received by EPA during this period, Table I provides the following information (to the extent that such information is not

subject to a CBI claim) on the notices received by EPA during this period: The EPA case number assigned to the notice, a notation of whether the submission is an initial submission, or an amendment, a notation of which version was received, the date the notice was received by EPA, the submitting manufacturer (*i.e.*, domestic producer or importer), the potential uses identified by the manufacturer in the notice, and the chemical substance identity.

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that this information in the table is generic information because the specific information provided by the submitter was claimed as CBI. Submissions which are initial submissions will not have a letter following the case number and the version column will note "Initial submission". Submissions which are amendments to previous submissions will have a case number followed by the letter "A" (*e.g.*, P-18-1234A). The version column designates submissions in sequence as "1", "2", "3", etc. Note that in some cases, an initial submission is not numbered as version 1; this is because earlier version(s) were rejected as incomplete or invalid submissions. Note also that future versions of the following tables may adjust slightly as the Agency works to automate population of the data in the tables.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 1/2/2018 TO 1/31/2018

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-16-0404A	3	1/22/2018	CBI	(G) A colorant for dyeing various synthetic fibers and fabrics. Open, non-dispersive use.	(G) Alkyl ester, 2-({4-[2-(trisubstituted phenyl)azo]-5-acetamido-2-substitutedphenyl] (substituted alkoxy)amino).
P-16-0405A	6	1/25/2018	CBI	(G) A colorant for dyeing various synthetic fibers and fabrics. Open, non-dispersive use.	(G) Alkyl ester, 2-({5-acetamido-2-alkoxy-4-[2-(substituted-2,1-benzothiazol-3-yl)azo] phenyl]}(disubstituted)amino).
P-16-0408A	3	1/25/2018	CBI	(G) A colorant for dyeing various synthetic fibers and fabrics. Open, non-dispersive use.	(G) 3-Pyridinecarbonitrile, 1,2-dihydro-trisubstituted-5-[2-(disubstituted phenyl)azo]-2-oxo.
P-16-0421A	3	1/17/2018	Guardian Industries Corp.	(S) Additive to facilitate melting of sand during manufacture of glass.	(S) Flue dust, glass manufg. desulfurization.
P-17-0221A	3	1/17/2018	CBI	(G) Coating polymer	(G) Alkylheterocyclic amine blocked isocyanate, alkoxy silane polymer.
P-17-0281A	6	1/12/2018	CBI	(G) Water reducible resin	(G) Polysiloxane-polyester polyol carboxylate.
P-17-0282A	6	1/12/2018	Elantas PDG, Inc.	(S) This is a component of a mixture that is used as an impregnating varnish for stators and motors.	(S) Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked.
P-17-0319A	6	1/26/2018	Inolex Chemical Company.	(S) This material will be used an emollient for a fabric softener/conditioning product.	(S) L-Isoleucine, C18-22-alkyl esters, ethanesulfonates.
P-17-0385A	4	1/23/2018	Al-Fares Corp ..	(S) Cleaning product for detailing vehicles. Industrial use emollient.	(S) Carbonic acid, bis(2-ethylhexyl) ester.
P-17-0424A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-chloro-3-methyl-, sodium salt (1:1).

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 1/2/2018 TO 1/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-17-0425A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-chloro-2-methyl-, sodium salt (1:1).
P-17-0426A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-chloro-4-methyl-, sodium salt (1:1).
P-17-0427A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-chloro-5-methyl-, sodium salt (1:1).
P-17-0428A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-chloro-2-methyl-, sodium salt (1:1).
P-17-0429A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-2-methyl-, sodium salt (1:1).
P-17-0430A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-4-methyl-, sodium salt (1:1).
P-17-0431A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-fluoro-2-methyl-, sodium salt (1:1).
P-17-0432A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-4-methyl-, sodium salt (1:1).
P-17-0433A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-3-methyl-, sodium salt (1:1).
P-17-0434A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2,3,6-trifluoro-, sodium salt (1:1).
P-17-0435A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-2-(trifluoromethyl)-, sodium salt(1:1).

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 1/2/2018 TO 1/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-17-0436A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-4-(trifluoromethyl)-, sodium salt (1:1).
P-17-0437A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-6-(trifluoromethyl)-, sodium salt (1:1).
P-17-0438A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-5-(trifluoromethyl)-, sodium salt (1:1).
P-17-0439A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-fluoro-3-(trifluoromethyl)-, sodium salt (1:1).
P-17-0440A	2	1/4/2018	Johnson Matthey Inc.	(S) Tracer chemical: Used as a tracer in water solution to measure flow in deep oil or gas bearing strata; when in a solid blend with polymer to measure flow in deep oil or gas bearing strata; or in a solid proppant bead form used to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-fluoro-2-(trifluoromethyl)-, sodium salt (1:1).
P-18-0020A	2	1/23/2018	Myriant Corporation.	(G) Industrial coating	(S) Butanediolic acid, polyol with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 2,5-Furandione and 1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester.
P-18-0036A	3	1/24/2018	CBI	(G) Water repellant	(S) Siloxanes and Silicones, di-Me, 3-[3-carboxy-2(or 3)-(octenyl)-1-oxopropoxy]propyl group-terminated.
P-18-0041A	2	1/3/2018	Myriant Corporation.	(G) Intermediate polyol for further reaction	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano- 1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate.
P-18-0041A	3	1/23/2018	Myriant Corporation.	(G) Intermediate polyol for further reaction	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano- 1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate.
P-18-0041A	4	1/29/2018	Myriant Corporation.	(G) Intermediate polyol for further reaction	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano- 1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate.
P-18-0042A	3	1/3/2018	Myriant Corporation.	(G) Industrial coating	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.
P-18-0042A	4	1/23/2018	Myriant Corporation.	(G) Industrial coating	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 1/2/2018 TO 1/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0042A	5	1/29/2018	Myriant Corporation.	(G) Industrial coating	(S) 2,5-Furandione, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, 3a,4,5,6,7,7a-hexahydro-4,7-methano-1H-inden-5(or 6)-yl ester, ester with 2,3-dihydroxypropyl neodecanoate, polymer with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-hydroxyethyl acrylate- and 2-hydroxyethyl methacrylate-blocked.
P-18-0058A	2	1/8/2018	CBI	(S) Component of electroconductive low-noise grease for long-term lubrication of capped or sealed ball bearings.	(S) Phosphonium, trihexyltetradecyl-, salt with 1,1,1-trifluoro-n-[(trifluoromethyl)sulfonyl]methanesulfonamide (1:1).
P-18-0070	3	1/4/2018	Arrowstar, LLC	(G) Chemical intermediate for polyurethane industry.	(G) Waste plastics, polyester, depolymd. with glycols, polymers with dicarboxylic acids.
P-18-0070A	5	1/16/2018	Arrowstar, LLC	(G) Chemical intermediate for polyurethane industry.	(G) Waste plastics, polyester, depolymd. with glycols, polymers with dicarboxylic acids.
P-18-0082	2	1/12/2018	Cytec Industries Inc.	(S) Isolated intermediate used in the manufacture of a surface-active agent.	(G) Aspartic acid, tallow modified diester.
P-18-0083	1	1/3/2018	CBI	(G) Dispersant additive	(S) 2-propenoic acid, telomers with bu alc.-2-[(2-propen-1-yloxy)methyl]oxirane reaction products, sodium bisulfite and sodium 2-hydroxy-3-(2-propen-1-yloxy)-1-propanesulfonate (1:1), sodium salts, peroxydisulfuric acid [(ho)s(o)2]2o2 sodium salt (1:2)-initiated.
P-18-0083A	5	1/8/2018	CBI	(G) Dispersant additive	(S) 2-propenoic acid, telomers with bu alc.-2-[(2-propen-1-yloxy)methyl]oxirane reaction products, sodium bisulfite and sodium 2-hydroxy-3-(2-propen-1-yloxy)-1-propanesulfonate (1:1), sodium salts, peroxydisulfuric acid [(ho)s(o)2]2o2 sodium salt (1:2)-initiated.
P-18-0085	1	1/8/2018	CBI	(G) Industrial use in oilified	(G) Fatty acids reaction products with ethyleneamines and dialkyl ester.
P-18-0086	1	1/10/2018	CBI	(S) Intermediate for a polyurethane catalyst	(G) Propanenitrile, polyalkylpolyamine.
P-18-0087	1	1/11/2018	Genesee Polymers Corporation.	(S) UV curing agent, silicone rubber cross linker	(S) 1-propanethiol, 3,3'-(1,1,3,3-tetramethyl-1,3-disiloxanediy)bis-
P-18-0087A	2	1/22/2018	Genesee Polymers Corporation.	(S) UV curing agent, silicone rubber cross linker	(S) 1-propanethiol, 3,3'-(1,1,3,3-tetramethyl-1,3-disiloxanediy)bis-
P-18-0088	1	1/16/2018	CBI	(G) Oil and gas production	(G) Di(substituted-1,3-trialkylammonium) dialkylammonium salt.
P-18-0090	1	1/17/2018	Preschooltourinc.	(S) Water reducing agent for use in concrete	(G) Alkenoic acid, alkyl-, polymer with alkenoic acid, ester with .alpha.-alkyl-.omega.-hydroxypoly(oxy-1,2-ethanediy), salt.
P-18-0091	1	1/17/2018	Resinate Materials Group, Inc.	(S) Intermediate for use in the manufacture of polymers.	(G) Vegetable oil, polymers with diethylene glycol- and polyol- and polyethylene glycol-depolymd. poly(ethylene terephthalate) waste plastics and arylcarboxylic acid anhydride.
P-18-0092	2	1/26/2018	Shell chemical lp—martinez catalyst plant.	(G) The TBPMI chemical is used as a catalyst, the catalyst is imported and used in the manufacture of monoethylene glycol (MEG).	(S) Tri-butyl methyl phosphonium iodide.
P-18-0093	1	1/23/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasil oxane, 1,3,5,7,9,11,13,15-octakis (polyfluoroalkyl)-.
P-18-0093A	2	1/24/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasil oxane, 1,3,5,7,9,11,13,15-octakis (polyfluoroalkyl)-.
P-18-0094	1	1/23/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasiloxanealkylsubstituted, 3,5,7,9,11,13,15-heptakis(polyfluoroalkyl)-.
P-18-0094A	2	1/24/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasiloxanealkylsubstituted, 3,5,7,9,11,13,15-heptakis(polyfluoroalkyl)-.
P-18-0095	1	1/23/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasiloxanealkanol,3 3,5,7,9,11,13,15-heptakis (polyfluoroalkyl)-, acetate.
P-18-0095A	2	1/24/2018	CBI	(G) Additive to plastics	(G) Pentacyclo[9.5.1.13,9.15,15.17,13]octasiloxanealkanol, 3,5,7,9,11,13,15-heptakis (polyfluoroalkyl)-, acetate.
P-18-0096	1	1/23/2018	Allnex USA Inc	(G) UV cured coating resin	(G) Halosubstituted carbopolycycle, polymer with substituted carbomonocycles and oxybis[alkanol].
P-18-0096A	2	1/24/2018	Allnex USA Inc	(G) UV cured coating resin	(G) Halosubstituted carbopolycycle, polymer with substituted carbomonocycles and oxybis[alkanol].
P-18-0096A	3	1/24/2018	Allnex USA Inc	(G) UV cured coating resin	(G) Halosubstituted carbopolycycle, polymer with substituted carbomonocycles and oxybis[alkanol].

TABLE I—PMN/SNUN/MCANS RECEIVED FROM 1/2/2018 TO 1/31/2018—Continued

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
P-18-0097	1	1/24/2018	MANE USA	(S) Maderal is a fragrance that will be added to consumer care products, personal care products, fine fragrances.	(S) 1,3-dioxane, 2-(3,3-dimethyl-1-cyclohexen-1-yl)-2,5,5-trimethyl-
P-18-0098	1	1/24/2018	Allnex USA Inc	(S) Dispersing additive for pigments	(G) Polyphosphoric acids, polymers with (alkoxyalkoxy)alkanol and substituted heteromonocycle.
P-18-0099	1	1/25/2018	CBI	(G) Photoinitiator	(S) Methanone, 1,1'-(diethylgermylene)bis(1-(4-methoxyphenyl)).
P-18-0100	1	1/26/2018	Allnex USA Inc	(G) UV curable coating resin	(G) Substituted alkanolic acid polymer with alkylcarbonate, alkanediols and isocyanate substituted carbomonocycles, sodium salt, alkanolic acid-substituted polyol reaction products-blocked.
P-18-0101	3	1/30/2018	CBI	(G) Industrial	(G) Pentaerythritol, mixed esters with linear and branched fatty acids.
P-18-0102	1	1/26/2018	Allnex USA Inc	(G) UV curable coating Resin	(G) Alkanolic acid, ester with [oxybis(alkylene)]bis[alkyl-substituted alkanediol], polymer with alkylcarbonate, alkanediols, substituted alkanolic acid and isocyanate and alkyl substituted carbomonocycle, sodium salt.
J-18-0001A	2	1/3/2018	Zea 2, LLC	(S) For the production of L-alanine	(G) modified Corynebacterium glutamicum.

In Table II of this unit, EPA provides the following information (to the extent that such information is not subject to a CBI claim) on the TMEs received by EPA during this period: The EPA case

number assigned to the TME, the submission document type (initial or amended), the version number, the date the TME was received by EPA, the submitting manufacturer (*i.e.*, domestic

producer or importer), the potential uses identified by the manufacturer in the TME, and the chemical substance identity.

TABLE II—TMEs AND BIOTECH EXEMPTIONS RECEIVED FROM 1/2/2018 TO 1/31/2018

Case No.	Version	Received date	Manufacturer	Use	Chemical substance
T-18-0002	2	1/30/2018	CBI	(G) Industrial use	(G) Pentaerythritol, mixed esters with linear and branched fatty acids.

In Table III of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the NOCs received by EPA during this period: The EPA case

number assigned to the NOC, the submission document type (initial or amended), the date the NOC was received by EPA, the date of commencement provided by the

submitter in the NOC, a notation of the type of amendment (*e.g.*, amendment to generic name, specific name, technical contact information, etc.) and chemical substance identity.

TABLE III—NOCs RECEIVED FROM 1/2/2018 TO 1/31/2018

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P-10-0203	1/1/2018	7/1/2010	.....	(G) Hexanedioic acid, polymer with alkanediol, dimethyl carbonate, alkanediol, hydroxy-(hydroxyalkyl)-alkylpropanoic acid, 1,1'-methylenebis[4-isocyanatocyclohexane], substituted alkyl diamine and lactone, compd. with alkyl amine.
P-12-0124A	1/5/2018	12/22/2017	Specific Name	(G) Cyclohexanedicarboxylic acid, dialkyl ester.
P-13-0193	1/4/2018	4/16/2014	.....	(G) Poly[oxy(methyl-1,2-ethanediyl)], .alpha.-hydro.-omega.-[[[dialkyl-(morpholinyl)alkylidene]amino]alkylethoxy]-, ether with alkyl-(hydroxyalkyl)-alkanediol.
P-15-0738	1/19/2018	12/30/2017	.....	(S) Siloxanes and Silicones, di-Me, 3-(2-hydroxyphenyl)propyl group-terminated, polymers with 1,4-benzenedicarbonyl dichloride, bisphenol A and carbonic dichloride, 4-(1,1-dimethylethyl)phenyl esters.
P-16-0233	1/23/2018	1/17/2018	.....	(G) Benzoic acid, alkyl-2-hydroxyl-, branched and linear, monosodium salts Benzoic acid, 2-hydroxyalkyl-, branched and linear, monosodium salts.
P-16-0376A	1/19/2018	12/6/2017	Generic Name	(G) Substituted alkyl reaction products with modified 1-(1,1-dimethylethoxy)-4-ethenylbenzene-styrene polymer.
P-17-0175A	1/8/2018	11/21/2017	Generic Name	(G) Fluorinated acrylic copolymer.

TABLE III—NOCs RECEIVED FROM 1/2/2018 TO 1/31/2018—Continued

Case No.	Received date	Commencement date	If amendment, type of amendment	Chemical substance
P-17-0190	1/24/2018	1/3/2018	.....	(G) Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propen-1-yl)oxy]ethyl ester, polymer with cycloalkyl 2-methyl-2-propenoate, ethenylbenzene, 2-ethylhexyl 2-propenoate, methyl 2-methyl-2-propenoate and 2-methylpropyl 2-methyl-2-propenoate.
P-17-0237	1/25/2018	1/10/2018	.....	(S) 1,6,10-Dodecatriene, 7,11-dimethyl-3-methylene-, (6E)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P-17-0326	1/19/2018	1/16/2018	.....	(G) Allyloxymethylacrylate.
P-18-0026	1/8/2018	1/8/2018	.....	(S) Silsesquioxanes, 2,4,4-trimethylpentyl, hydroxy-terminated.
P-18-0032	1/12/2018	12/14/2017	.....	(G) Alkyl alkenoic acid, alkyl ester, polymer with alkyl alkenoate, dialkyl alkanediol, substituted carbomonocycle, disubstituted heteromonocycle, disubstituted heteropolycyclic, alkanediol, substituted alkyl alkyl alkenoate and substituted heteromonocycle, dialkyl peroxide initiated.

In Table IV of this unit, EPA provides the following information (to the extent such information is not subject to a CBI claim) on the test information received

by EPA during this time period: The EPA case number assigned to the test information; the date the test information was received by EPA, the

type of test information submitted, and chemical substance identity.

TABLE IV—TEST INFORMATION RECEIVED FROM 1/1/2018 TO 1/31/2018

Case No.	Received date	Type of test information	Chemical substance
J-18-0001	1/25/2018	Document describing experiments validating cell in-activation methods. Includes narrative, data.	(G) Modified <i>Corynebacterium glutamicum</i> .
P-14-0321	1/19/2018	2-week Whole-Body Inhalation toxicity study (OECD 412).	(S) 2-Chloro-1,1,1,2-Tetrafluoropropane(244bb).
P-16-0206	1/19/2018	Water Solubility (OECD 105)	(G) Formaldehyde ketone condensate polymer.
P-16-0543	1/25/2018	Air Quality monthly monitoring report	(G) Halogenophosphoric acid metal salt.
P-17-0005	1/4/2018	(1) Test Plan for Inhalation Test (OECD 412)	(S) 1-Tetradecene homopolymer hydrogenated.
P-17-0302	1/25/2018	(1) Read Across Justification	(G) Neopentyl Glycol Ester of Mixed Linear and Branched Carboxylic Acids.
		(2) Mouse Lymphoma Assay (OECD 476).	
		(3) Chromosome Aberration Assay (OECD 473).	
		(4) Pre-Natal Developmental Assay (OECD 414).	
		(1) 90 Day Repeated Dose Assay (OECD 408).	
P-17-0364	1/15/2018	(1) Particle Size Distribution Surface Tension Study	(G) Dicycloalkyl-alkane-di-isocyanate homopolymer, alkyl alcohol and polyalkyl glycol mono-alkyl-ether-blocked.
P-17-0382	1/19/2018	(1) Fish Juvenile Growth (OECD 215)	(S) Amides, tallow, N,N-bis(2-hydroxypropyl).
		(1) Daphia Reproduction Test (OECD 211).	
P-18-0007	1/22/2018	Local Lymph Node Assay (OECD 429)	(S) Glycerides, soya mono- and di-, epoxidized, acetates.
P-18-0076	1/5/2018	(1) Test study in Male and Female Wistar Rats Oral Administration (Gavage).	(G) 1,3,5-Triazine-2,4-Diamine Derivative.

If you are interested in information that is not included in these tables, you may contact EPA’s technical information contact or general information contact as described above to access additional non-CBI information that may be available.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: May 4, 2018.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018-11194 Filed 5-23-18; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064-0134)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection, as required by

the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on the renewal of the information collection described below. DATES: Comments must be submitted on or before July 23, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <https://www.FDIC.gov/regulations/laws/federal>.
- Email: comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- Mail: Jennifer Jones (202-898-6768), Counsel, MB-3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and

Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, jennjones@fdic.gov, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Customer Assistance Forms.
OMB Number: 3064–0134.
Form Number: FDIC 6422/04—Customer Assistance Form; FDIC 6422/11—Business Assistance Form; FDIC 6422/15—FDIC Deposit Insurance Form.
Affected Public: Individuals, Households, Business or Financial Institutions.
Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden
Customer Assistance Form (6422/04).	Reporting ...	Voluntary ...	7,000	1	0.25	On Occasion	1,750
Business Assistance Form (6422/11).	Reporting ...	Voluntary ...	100	1	0.25	On Occasion	25
FDIC Deposit Insurance Form (6422/15).	Reporting ...	Voluntary ...	1,000	1	0.25	On Occasion	250
Total Hourly Burden	.....	.....	.....	.....	.....	.....	2,025

General Description of Collection: This collection facilitates the collection of information from customers of financial institutions that have inquiries or complaints about service. Customers or businesses may document their complaints or inquiries to the FDIC using a letter or optional forms (Form 6422/04; Form 6422/11; Form 6422/15). The Forms are used to facilitate online completion and submission of the complaints or inquiries and to shorten FDIC response times by making it easier to identify the nature of the complaint and to route the customer or business inquiry to the appropriate FDIC contact.

There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response and frequency of responses have remained the same.

Request for Comment: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC’s functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on May 21, 2018.
 Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary.
 [FR Doc. 2018–11183 Filed 5–23–18; 8:45 am]
BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request (OMB No. 3064–0028)

AGENCY: Federal Deposit Insurance Corporation (FDIC).
ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on the renewal of the information collection described below.

DATES: Comments must be submitted on or before July 23, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <https://www.FDIC.gov/regulations/laws/federal>.
- *Email:* comments@fdic.gov. Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

• *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, jennjones@fdic.gov, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION: *Proposal to renew the following currently approved collection of information:*

1. *Title:* Recordkeeping and Confirmation Requirements for Securities Transactions.
OMB Number: 3064–0028.
Form Number: None.
Affected Public: FDIC-Insured Institutions and Certain Employees of the FDIC-Insured Institutions.
Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency of responses	Estimated time per response	Frequency of response	Total annual estimated burden
Recordkeeping and Confirmation Requirements for Securities Transactions—344.4.	Recordkeeping	Mandatory	680	12	0.25	Monthly	2,040
Maintain Securities Trading Policies and Procedures—344.8.	Recordkeeping	Mandatory	680	12	0.25	Monthly	2,040
Provide Customer with Copy of Broker/Dealer Confirmation and Remuneration Received OR Written Notification or Alternative Notification—344.5 and 344.6.	Third-Party Disclosure	Mandatory	680	12	5	Monthly	40,800
Officer/Employee Filing of Reports of Personal Securities Trading Transactions—344.9 (assumes 5 officers/employees at each institution with income from securities broker activity).	Third-Party Disclosure	Mandatory	3,400	4	1.50	Quarterly	20,400
Total hourly burden .....	.....	.....	.....	.....	.....	.....	65,280

General Description of Collection: The collection of information requirements are contained in 12 CFR part 344. The purpose of the regulation is to ensure that purchasers of securities in transactions affected by insured state nonmember banks are provided with adequate records concerning the transactions. The regulation is also designed to ensure that insured state nonmember banks maintain adequate records and controls with respect to the securities transactions they effect. Finally, this regulation requires officers and employees of FDIC-supervised institutions to report to the FDIC-supervised institution certain personal securities trading activity.

The FDIC has reviewed its previous submission related to the Paperwork Reduction Act of 1995 and has updated its methodology for calculating the burden in order to be consistent with the Federal Reserve Board and the Office of the Comptroller of the Currency. In addition, the FDIC has reviewed and revised its estimated number of respondents to ensure that only those institutions with income from securities brokerage activity are included its respondent count. The overall decrease in burden hours is the result of these changes.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on May 21, 2018.
Federal Deposit Insurance Corporation.

Robert E. Feldman,
Executive Secretary,
[FR Doc. 2018–11182 Filed 5–23–18; 8:45 am]
BILLING CODE 6714-01-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 June 19, 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 US Bancshares, Inc.*, Birmingham, Alabama; to acquire 100 percent of the voting shares of The Peoples Bank, Rose Hill, Virginia.
2. *National Commerce Corporation*, Birmingham, Alabama; to merge with Landmark Bancshares, Inc., and thereby indirectly acquire its subsidiary, First Landmark Bank, both of Marietta, Georgia.

Board of Governors of the Federal Reserve System, May 21, 2018.

Yao-Chin Chao,
Assistant Secretary of the Board.
[FR Doc. 2018–11118 Filed 5–23–18; 8:45 am]
BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Public Health Preparedness and Response (BSC, OPHPR); Correction

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, Office of Public Health Preparedness and Response, (BSC, OPHPR); May 9, 2018, 10:00 a.m.–5:30 p.m., EDT and May 10, 2018, 8:30 a.m.–3:30 p.m., EDT which was published in

the **Federal Register** on April 2, 2018, Volume 83, Number 63, page 13987.

The meeting will be held one day only, May 9, 2018, 9:00 a.m.–4:15 p.m., EDT, and should read as follows:

Board of Scientific Counselors, Office of Public Health Preparedness and Response, (BSC, OPHPR); May 9, 2018, 9:00 a.m.–4:15 p.m. The public is also welcome to listen to the meeting by via Adobe Connect. Pre-registration is required by clicking the links below. WEB ID: May 9, 2018 (100 seats) <https://adobeconnect.cdc.gov/e9teo9x7k41/event/registration.html>.

FOR FURTHER INFORMATION CONTACT: Dometa Ouisley, Office of Science and Public Health Practice, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop D–44, Atlanta, Georgia 30329, Telephone: (404) 639–7450, Fax: (404) 471–8772, Email: OPHPR.BSC.Questions@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2018–11097 Filed 5–23–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Office of the Deputy Assistant Secretary for Administration Statement of Organization, Functions, and Delegations of Authority

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice: Realignment of the Office of the Deputy Assistant Secretary for Administration.

SUMMARY: The Administration for Children and Families (ACF) has realigned The Office of the Deputy Assistant Secretary for Administration (ODASA). This realignment removes the Office of the Chief Information Officer as a direct report to the Assistant Secretary for Children and Families and realigns the Office within the ODASA. It moves the National Grants Center of Excellence to the ODASA's Immediate Office. It also removes the Ethics and

Facilities team from the Immediate Office of the ODASA and places the functions in the Office of Workforce Planning and Development.

FOR FURTHER INFORMATION CONTACT: Ben Goldhaber, Deputy Assistant Secretary for Administration, 330 C Street SW, Washington, DC 20201, (202) 795–7790.

This notice amends Part K of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (HHS), Administration for Children and Families (ACF) as follows: Chapter KP, Office of the Deputy Assistant Secretary for Administration, (ODASA), as last amended, 81 FR 49223–49224, July 27, 2016, and 77 FR 67653–67655, November 13, 2012; Chapter KQ, Office of the Chief Information Officer (OCIO), as last amended, 81 FR 49223–49224, July 27, 2016; Chapter K, Administration for Children and Families (ACF), as last amended, 81 FR 87563, December 5, 2016.

I. Under Chapter K, Administration for Children and Families, delete Section K.10, in its entirety and replace with the following:

K.10 Organization. The Administration for Children and Families (ACF) is a principal operating division of the Department of Health and Human Services (HHS). The Administration is headed by the Assistant Secretary for Children and Families, who reports directly to the Secretary. The Assistant Secretary also serves as the Director of Child Support Enforcement. In addition to the Assistant Secretary, the Administration consists of the Principal Deputy Assistant Secretary, the Chief of Staff, the Deputy Assistant Secretary for Administration, the Deputy Assistant Secretary for Policy, the Deputy Assistant Secretary for Early Childhood Development, the Deputy Assistant Secretary for Native American Affairs and Commissioner, Administration for Native Americans, the Deputy Assistant Secretary for External Affairs, and Staff and Program Offices. ACF is organized as follows:

Office of the Assistant Secretary for Children and Families (KA)
Administration on Children, Youth and Families (KB)
Administration for Native Americans (KE)
Office of Child Support Enforcement (KF)
Office of Community Services (KG)
Office of Family Assistance (KH)
Office of Regional Operations (KJ)
Office of Planning, Research and Evaluation (KM)
Office of Communications (KN)
Office of the Deputy Assistant Secretary for Administration (KP)

Office of Refugee Resettlement (KR)
Office of Legislative Affairs and Budget (KT)
Office of Head Start (KU)
Office of Child Care (KV)
Office of Human Services Emergency Preparedness and Response (KW)

II. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, KP.00 Mission, delete in its entirety and replace with the following:

KP.00 Mission. The Deputy Assistant Secretary for Administration serves as principal advisor to the Assistant Secretary for Children and Families on all aspects of personnel administration and management; financial management activities; grants policy and overseeing the issuance of grants; acquisition advisory services; the ethics program; staff development and training activities; organizational development and organizational analysis; and administrative services and facilities management. The Deputy Assistant Secretary for Administration oversees the Diversity Management and Equal Employment Opportunity program and all administrative special initiative activities for ACF.

III. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, KP.10 Organization, delete in its entirety and replace with the following:

KP.10 Organization. The Office of the Deputy Assistant Secretary for Administration is headed by the Deputy Assistant Secretary for Administration who reports to the Assistant Secretary for Children and Families. The Office is organized as follows:

Immediate Office of the Deputy Assistant Secretary for Administration (KPA)
Office of Financial Services (KPC)
Office of Workforce Planning and Development (KPD)
Office of Grants Management (KPG)
Grants Management Regional Units (KPGDI–X)
Office of Diversity Management and Equal Employment Opportunity (KPH)
Office of the Chief Information Officer (KPI)
Division of Portfolio Management & Governance (KPI1)
Division of Policy, Strategy and Planning (KPI2)
Division of Cyber Security & Privacy (KPI3)
Division of Service & Solution Delivery (KPI4)

IV. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, KP.20 Functions, paragraph A, delete in its entirety and replace with the following:

KP.20 Functions. A. The Immediate Office of the Deputy Assistant Secretary for Administration (ODASA) directs and coordinates all administrative activities for the Administration for Children and

Families (ACF). The Deputy Assistant Secretary for Administration serves as ACF's: Chief Financial Officer; Chief Grants Management Officer; Federal Manager's Financial Integrity Act (FMFIA) Management Control Officer; Deputy Ethics Counselor; Personnel Security Representative; and Reports Clearance Officer. The Deputy Assistant Secretary for Administration serves as the ACF liaison to the Office of the General Counsel, and as appropriate, initiates action in securing resolution of legal matters relating to management of the agency, and represents the Assistant Secretary on all administrative litigation matters.

The Deputy Assistant Secretary for Administration represents the Assistant Secretary in HHS and with other federal agencies and task forces in defining objectives and priorities, and in coordinating activities associated with federal reform initiatives. ODASA provides leadership of assigned ACF special initiatives arising from Departmental, federal and non-federal directives to improve service delivery to customers.

The Deputy Assistant Secretary for Administration provides day-to-day executive leadership and direction to the Immediate Office of the Deputy Assistant Secretary, Office of Financial Services, Office of Workforce Planning and Development, the Office of Grants Management, Office of Diversity Management and Equal Employment Opportunity, and the Office of the Chief Information Officer. The Immediate Office of the Deputy Assistant Secretary for Administration consists of the Deputy Director, Chief of Staff, the Management Operations Team, the Acquisition Team, and the Budget Team.

The Management Operations Team coordinates human capital management needs within ODASA. The Team provides leadership, guidance, oversight and liaison functions for ODASA personnel related issues and activities as well as other administrative functions within ODASA. The Management Operations Team coordinates with the Office of Workforce Planning and Development to provide ODASA staff with a full array of personnel services, including position management, performance management, employee recognition, staffing, recruitment, employee and labor relations, employee worklife, payroll liaison, staff development, training services, and special hiring and placement programs. The Team develops and implements ACF travel policies and procedures consistent with federal requirements. The Team provides technical assistance

and oversight; coordinates ACF's use of the Travel Management System; manages employee participation in the Travel Charge Card program, and coordinates Travel Management Center services for ACF. It purchases and tracks common use supplies, stationery and publications. It plans and manages reprographic services.

The Budget Team manages the formulation and execution of ODASA's federal administration budget and assigned ACF program and common expense budgets. The Budget Team maintains budgetary controls on ODASA accounts, reconciling accounting reports and invoices, and monitoring all spending. The Team develops, defends and executes the assigned funds for rent, repair and alterations, facilities activities, telecommunication, information technology, personnel services and training. The Team also controls ODASA's credit card for small purchases.

The Acquisition Team provides expert advice and counsel to ACF officials on acquisition issues, develops guidance and procedures, and ensures compliance with applicable regulations, rules, and policies. The Team serves as the liaison with the contracting offices, and provides analysis, evaluation, consultation, and advice to management on acquisition strategies. The Team leads the ACF implementation on cost effective strategies and in the development of the ACF annual acquisition plan. The Team works with ACF offices to strategically plan short-term and long-term objectives, and leads the agency workgroup on acquisition activities. The Team works with the ACF Training Officer and the Acquisition Career Manager to coordinate and communicate certification training for ACF's Contracting Officer's Representatives.

V. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, KP.20 Functions, paragraph D, delete in its entirety and replace with the following:

D. The Office of Workforce Planning and Development (OWPD) advises the Deputy Assistant Secretary for Administration on human resource management, and organizational and employee development activities for ACF. OWPD provides leadership, direction and oversight for human resource management services provided to ACF. OWPD, in collaboration and coordination with the Washington Human Resource Services Center, provides advice and assistance to ACF managers in their personnel management activities, including

recruitment, selection, position management, performance management, designated performance and incentive awards and employee assistance programs and other services to ACF employees. OWPD provides management, direction and oversight of the following personnel administrative services: The exercise of appointing authority, position classification, awards authorization, performance management evaluation, personnel action processing and record keeping, merit promotion, special hiring, and placement programs. OWPD serves as liaison between ACF, the Department, and the Office of Personnel Management. It provides technical advice and assistance on personnel policy, regulations, and laws. OWPD formulates and interprets policies pertaining to existing personnel administration and management matters and formulates and interprets new human resource programs and strategies. The Office, in collaboration and coordination with the Washington Human Resource Services Center provides oversight and management advisory services on all ACF employee relations issues. The Office plans and coordinates ACF employee relations and labor relations activities, including the application and interpretation of the Federal Labor Management Relations Program collective bargaining agreements, disciplinary and adverse action regulations and appeals. The Office participates in the formulation and implementation of policies, practices and matters affecting bargaining unit employees' working conditions by assuring management's compliance with the Federal Labor Relations Program (5 U.S.C. Chapter 71). The Office maintains oversight, leadership and direction of the labor-management and employee relations services provided under contract with the Washington Human Resource Services Center.

OWPD is responsible for formulation, planning, analysis and development of ACF human resource policies and programs, workforce planning, and liaison functions to the Department on ACF payroll matters. The Office formulates and oversees the implementation of ACF-wide policies, regulations and procedures concerning all aspects of the Senior Executive Service (SES), and SES-equivalent recruitment, staffing, position establishment, compensation, award, performance management and related personnel areas. The Office manages the ACF SES performance recognition systems and provides services for

functions of the Executive Secretary to the Executive Resources Board and the Performance Review Board. OWPDP coordinates Schedule C and executive personnel activity with the Office of the Secretary and is the focal point for data, reports and analyses relating to Schedule C, SES and Executive-level personnel. OWPDP advises the Deputy Assistant Secretary for Administration on organizational analysis and development including: Delegations of authority; planning for new organizational elements; and planning, organizing and performing studies, analyses and evaluations related to structural, functional and organizational issues, problems, and policies to ensure organizational effectiveness. The Office administers ACF's system for review, approval and documentation of delegations of authority. The Office provides technical assistance and guidance to ACF offices on intra-component organizational proposals and is responsible for development and/or review of inter-component organizational proposals. The Office develops policies and procedures for implementing organizational development activities and provides leadership of assigned ACF special initiatives arising from departmental, federal and non-federal directives to improve service delivery to customers and to enhance employee work environment. The Office manages and coordinates designated incentive awards programs. The Office develops training policies and plans for ACF. It provides leadership in directing and managing Agency-wide staff development and training activities for ACF. OWPDP is responsible for the functional management of all information technology and software training, common needs training, and management training in the agency, including policy development, guidance, technical assistance, and evaluation of all aspects of career employee, supervisory, management and executive training. It provides guidance in directing and managing Agency-wide staff development and training activities for ACF. OWPDP is responsible for the functional management of career development (all levels), supervisory/managerial, and senior executive training in the agency. In addition, OWPDP is a resource to policy development, guidance, technical assistance, and evaluation of all aspects of career non-managerial, supervisory, managerial and executive training. The Office develops and manages the consolidated training budget for the Agency.

The Office of Workforce Planning and Development is responsible for planning, managing, and directing ACF's facility, safety, security, and emergency management programs. OWPDP provides leadership and direction to the Ethics and Facilities team. OWPDP serves as the lead for ACF in coordination and liaison with Departmental, GSA and other federal agencies on implementation of federal facility and security directives. The OWPDP serves as lead and coordinator for all tenant matters in ACF headquarter locations. The Office coordinates facility activities for ACF's regional offices. OWPDP is responsible for planning and executing ACF's environmental health program, and ensuring that appropriate occupational health and safety plans are in place. The Office is responsible for issuing, managing and controlling badge and cardkey systems to control access to agency space for security purposes. The Office provides, prepares, coordinates, and disseminates information, policy and procedural guidance on administrative and materiel management issues on an agency-wide basis. It directs and/or coordinates management initiatives to improve ACF administrative and materiel management services with the goal of continually improving services while containing costs. OWPDP establishes and manages contracts and/or blanket purchase agreements for administrative support and materiel management services, including space design, building alteration and repair, reprographics, moving, labor, property management and inventory, systems furniture acquisitions and assembly, and fleet management. The Office provides management and oversight of ACF mail delivery services and activities, including Federal and contractor postal services nationwide, covering all classes of U.S. Postal Service mail, priority and express mail services, and courier services, etc. The Office plans, manages/operates employee transportation programs, including shuttle service and fleet management; employee and visitor parking. OWPDP directs all activities associated with the ACF Master Housing Plan, including coordination and development of the agency long-range space budget; planning, budgeting, identification, solicitation, acceptance and utilization of office and special purpose space, repairs, and alterations; serving as principal liaison with GSA and other Federal agencies, building managers and materiel engineers, architects and commercial

representatives, for space acquisitions, negotiation of lease terms, dealing with sensitive issues such as handicapped barriers, and space shortages. It develops and maintains space floor plans and inventories, directory boards, and locator signs. The Office serves as principal liaison with private and/or Federal building managers for all administrative services and materiel management activities. It develops and implements policies and procedures for the ACF Personal Property Management program, including managing the ACF Personal Property Inventory, and other personal property activities.

OWPDP manages the agency-wide ethics program. The Office ensures that the agency and ACF employees are in compliance with the Executive Branch Standards of Ethical Conduct, the HHS Supplemental Standards of Ethical Conduct, the criminal conflict of interest statutes, and other ethics related laws and regulations. The agency-wide ethics program includes the public financial disclosure reporting system, confidential financial disclosure reporting system, outside activity prior approval and annual report process, non-federal source cash or in-kind travel reimbursement, procurement integrity enforcement, standards of ethical conduct determinations, conflicts resolution, advisory committees ethics program, advice and counsel, education and training, and enforcement. The Ethics Officer reports to the DASA, through the Director of OWPDP, who serves as the ACF Deputy Ethics Counselor.

VI. Under Chapter KP, Office of the Deputy Assistant Secretary for Administration, KP.20 Functions, add paragraph J.

J. The mission of the Office of the Chief Information Officer (OCIO) is to obtain, procure or develop cost effective and efficient IT solutions that enable ACF's staff and grantees to successfully fulfill programmatic missions that result in the realization of the ACF vision. The OCIO implements IT strategies, policies and governance frameworks to improve the efficiency and performance of ACF's information technology (IT) systems that support ACF business processes in a manner that balances risk and cost with required outcomes, while ensuring compliance with all federal statutes and regulations. OCIO has ACF-wide responsibility for the direction and development of ACF's IT acquisition strategy, planning analysis and approval, management of IT investments both pre- and post-award, and leadership of key technology initiatives. The OCIO provides oversight and guidance on the use of business

process reengineering, performance measurement, and continuous process improvement in the development, operation, and application of information systems and infrastructure. The OCIO manages cross-organizational stakeholder relations to maintain a flexible and adaptive IT posture that supports a resilient risk management approach to IT security and privacy. The OCIO creates policies to provide improved management of information resources and technology to more efficiently and effectively service ACF's internal and external clients and ACF employees. The OCIO will identify the appropriate continuing education for staff in the domain of records management, IT security and privacy and incident response protocols.

The Office of the Chief Information Officer is responsible for providing centralized information technology (IT) policy, procedures, standards, and guidelines. OCIO's responsibilities include: Strategy, policy and IT governance, including performance measurement and innovation; security, privacy, and risk management, including business continuity, standardization and oversight of business processes, external compliance, and security strategy and management; financial and vendor management and IT acquisition oversight, including acquisition strategies, technological approaches, performance measurement, vendor selection, cost estimating and optimization; service planning and architecture, including quality management and enterprise architecture; program and project management; portfolio management, applications management, development, and maintenance; IT infrastructure and operations; and data services, big data analytics and business intelligence.

The Division of Portfolio Management & Governance provides centralized IT Portfolio management functions to include: IT governance execution services, vendor management services, IT process training services, IT acquisition oversight, portfolio risk management, portfolio performance metrics reporting and analysis, post-award acquisition support, enterprise architecture compliance oversight, 508 Compliance oversight, finance and budget execution services, integration services, and independent verification testing services.

The Division of Policy, Strategy, and Planning is responsible for providing governance and oversight of centralized enterprise wide IT functions across ACF which includes: Strategy, policy and IT governance, IT planning and strategic

goal alignment, enterprise architecture definition and oversight, pre-award acquisition support, IT budget definition and oversight, Capital Planning and Investment Control (CPIC) services, and business relationship management and IT investment planning services.

The Division of Cyber Security & Privacy provides overall IT Security Management for all ACF systems including security and privacy risk management, security architecture and engineering support services, security assessments and authorizations, privacy and security incident response services, privacy impact assessments, vulnerability management, security operations functions, security testing, and security and privacy policy and governance.

The Division of Service & Solution Delivery provides overall solution delivery and operations services, including: Project management, application development, quality assurance testing services, infrastructure and operations maintenance services, system/application training services, data processing services and overall customer support service delivery services, *i.e.* service desk operations.

Dated: May 15, 2018.

Steven Wagner,

Acting Assistant Secretary for Children and Families.

[FR Doc. 2018-11125 Filed 5-23-18; 8:45 am]

BILLING CODE 4184-40-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-1558]

Food and Drug Administration's Evaluation of Approaches To Demonstrate Effectiveness of Heartworm Preventatives for Dogs; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) is evaluating its current thinking regarding the design of studies intended to generate data to support substantial evidence of effectiveness for investigational new animal drugs intended for the prevention of heartworm disease in dogs. We are specifically requesting public input on possible alternative approaches for evaluating such products or information

to assist in the potential development of alternative recommended study designs.

DATES: Submit either electronic or written comments on the proposed method by August 22, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 22, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of August 22, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA–2018–N–1558 for “FDA’s Evaluation of Approaches to Demonstrate Effectiveness of Heartworm Preventatives for Dogs.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.fda.gov/regulatoryinformation/dockets/default.htm>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the proposed method to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that

office in processing your requests. Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM052417.pdf> or <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Steven Fleischer, Center for Veterinary Medicine (HFV–110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–0809, steven.fleischer@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: FDA is evaluating its current thinking regarding the design of studies intended to generate data to support substantial evidence of effectiveness for investigational new animal drugs intended for the prevention of heartworm disease in dogs.

An application for a new animal drug shall include “evidence to establish safety and effectiveness” (21 CFR 514.1(b)(8)). Additionally, “an application may be refused unless it includes substantial evidence of the effectiveness of the new animal drug as defined in 514.4 [21 CFR 514.4]” (21 CFR 514.1(b)(8)(ii)). Regarding studies, under 21 CFR 514.4(b)(3)(i) substantial evidence of the effectiveness of a new animal drug for each intended use and associated conditions of use shall consist of a sufficient number of current adequate and well-controlled studies of sufficient quality and persuasiveness to permit qualified experts:

- To determine that the parameters selected for measurement and the measured responses reliably reflect the effectiveness of the new animal drug;
- To determine that the results obtained are likely to be repeatable, and that valid inferences can be drawn to the target animal population [(independent substantiation and inferential value)]; and
- To conclude that the new animal drug is effective for the intended use at the dose or dose range and associated conditions of use prescribed, recommended, or suggested in the proposed labeling.

The current recommended approach to demonstrating substantial evidence of effectiveness of an investigational new animal drug intended for the prevention of heartworm disease is for sponsors to conduct two laboratory dose confirmation studies and one multi-site field safety and effectiveness study under the principles of Good Clinical Practice (GCP) as described in Guidance for Industry #85, “Good Clinical

Practice (VICH GL9).”¹ The laboratory dose confirmation studies are experimentally-induced infection studies, each conducted at different laboratory facilities, led by independent investigators and using recent isolates of *Dirofilaria immitis* from two separate United States geographic locations. The field effectiveness study is a multi-site study conducted with investigators in various geographical regions of the continental United States with endemic heartworm disease that evaluates the use of the investigational new animal drug in client-owned animals.

Both study types have strengths and limitations. Strengths of the laboratory studies includes the use of a negative control group, which provides direct evidence of the effect of the new animal drug and that results are not due to the impact of other treatments or external influences on disease transmission and progression. In addition, laboratory studies allow for appropriate classification of exposure due to contemporaneous experimental infection of the same number of infectious *D. immitis* larvae to control and investigational new animal drug-administered groups and the appropriate classification of outcome due to performance of an adult worm count post mortem. The worm count allows for qualitative and quantitative evaluation of outcome by determining the presence of adult worms as well as the determination of the individual worm burden in each dog. One significant limitation of the laboratory studies is the evaluation of only two isolates. Although each isolate should be from a different geographic area in the United States, under laboratory conditions the isolates may not accurately represent the current diversity of *D. immitis* in the United States and may not account for variable susceptibility in the isolates in the field. From a substantial evidence of effectiveness standpoint, this condition limits the inferential value of the two studies because the use of the laboratory isolates may over- or under-represent the relative susceptibility of other isolates in the field to the investigational new animal drug. Additionally, the small number of animals used in the study limits confidence in the interpretation of effectiveness results.

The strength of the field study is that the study evaluates the investigational new animal drug under actual conditions of use and with the current

¹ <https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM052417.pdf>.

enzootic status and genetic factors affecting the disease in each location, thereby providing better inferential value than the laboratory study. Limitations of the field study are that the exposure to infective *D. immitis* larvae is assumed, but uncertain, and, in cases of dogs with positive antigen tests, the actual timing of the exposure is unknown. Additionally, the relatively short duration of the field study in relationship to the heartworm life cycle and testing limitations may not adequately evaluate the entire dosing period of the investigational new animal drug. Assurance that individual dogs were exposed to *D. immitis* larvae during the critical first few months of the study is lacking, which complicates interpretation of a negative antigen test at the end of the study. If the study is started during a time of low transmission, such as in winter, exposure is even more uncertain. Because of the delay in the ability to detect an adult heartworm infection, it is impossible to tell with certainty if infections detected between 4 and 8 months after study initiation were pre-existing infections or due to lack of effectiveness of the preventative. Obtaining false negative and false positive antigen test results are possible and, because worm counts are not performed, the false results may result in the misclassification of outcome for individual dogs.

In recognition of the limitations of the current recommended laboratory and field effectiveness studies for heartworm preventatives for use in dogs, we are interested in evaluating alternative approaches to these study designs that would mitigate the limitations of such studies while ensuring that the studies generate data to support substantial evidence of effectiveness as defined in 21 CFR 514.4.

Currently, there are gaps in knowledge and understanding that prevent us from fully evaluating alternative approaches to meeting the substantial evidence of effectiveness standard. To address these gaps, we are seeking public comment regarding the following questions:

Population level effectiveness endpoint. The design and evaluation of effectiveness studies rely on an understanding of the appropriate outcome measure. In seeking to design alternative study approaches, we would like to determine a population level effectiveness endpoint that could be used to design future studies. Currently we do not have a defined level of performance that heartworm preventatives are expected to meet when applied to the entire United States

canine population. Determining a population level endpoint would allow us to explore the suitability and feasibility of alternative study designs for the evaluation of effectiveness for heartworm preventatives. Factors that may contribute to a heartworm preventative's effectiveness include the inherent potency of the drug, differences in heartworm susceptibility, and owner compliance.

1. Assuming that a product was administered according to labeled directions, what would be an acceptable rate of failure of an approved heartworm preventative in the overall United States canine population to which it is administered?

2. What would be the maximum acceptable rate of failure in a high-risk population?

3. Alternatively, if you do not have a numerical estimate, what recommendations do you have for determining what an acceptable rate of failure should be?

Exposure to infective D. immitis larvae. For humane reasons, field studies are not conducted with a negative control group that would reflect the study population's level of exposure to heartworm infection. Therefore, it is necessary to have other measures to ensure that the level of exposure to infective *D. immitis* larvae experienced in the study is sufficient to adequately test the effectiveness of the investigational new animal drug. Please provide comment on other methods that could reliably be used to ensure adequate exposure of dogs enrolled in a field study. Consider the following points:

4. Can available tests be used to determine an individual dog's exposure to infective larvae? What are the sensitivity and specificity of those tests in this application? How would the level of sensitivity and specificity of these tests impact the reliable assessment of rate of failure in the population?

5. Does the use of a heartworm preventative, even if only partially effective, have an impact on the results of these tests?

6. Could methods that consider a wider area (as opposed to an individual animal) such as mosquito testing, forecasting, or modeling be reliably used to determine the likely exposure to infective larvae of dogs at a specific study site? What information would be needed to create the methods or to verify the validity of the methods? What are the limitations to such an approach?

Outcome Assessment. Accurate assessment of the outcome endpoint (heartworm infection) is essential for

field studies where necropsy worm counts will not be performed.

7. What are the most reliable ways of properly classifying the outcome in a non-terminal study?

8. Are there critical pieces of information supporting substantial evidence of effectiveness that can only be gained from a well-controlled laboratory study? Are there elements that could be added to a field study that would partially address those data gaps?

Other.

9. Are there laboratory study designs other than the traditional dose confirmation study that provide additional information or include a model that is more representative of real world exposure? For example, the use of live mosquitoes to induce infection rather than the mechanical injection of larvae.

10. How might differences in the route of administration, dosing frequency, or pharmacokinetic factors impact effectiveness? How might studies be designed to incorporate these factors? For example, a drug that demonstrates an early peak, with minimal to no drug levels in the dog for the remainder of the dosing interval versus a product with continuous drug levels in the dog for the entire dosing interval?

Dated: May 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11132 Filed 5-23-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-1857]

Agency Information Collection Activities; Proposed Collection; Comment Request; Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. 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 of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements associated with current good manufacturing practice, hazard analysis, and risk-based preventive controls for animal food.

DATES: Submit either electronic or written comments on the collection of information by July 23, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before July 23, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of July 23, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2018-N-1857 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management

Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: 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. "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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals—21 CFR Part 507 OMB Control Number 0910-0789—Extension

The information collection supports FDA regulations. As amended by the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111-353), the Federal Food, Drug, and Cosmetic Act (the FD&C Act) enables the Agency to better protect the public health by helping to ensure the safety and security of the food supply. It enables FDA to focus

more on preventing food safety problems rather than relying primarily on reacting to problems after they occur. FSMA recognizes the important role industry plays in ensuring the safety of the food supply, including the adoption of modern systems of preventive controls in food production. Specifically, section 418 (21 U.S.C. 350g) of the FD&C Act sets forth requirements for hazard analysis and risk-based preventive controls for

facilities that produce food for animals. To implement these provisions, regulations were codified under 21 CFR part 507—*Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls For Food For Animals*. The regulations establish requirements for a written food safety plan; hazard analysis preventive controls; monitoring; corrective actions and corrections; verification; supply-chain program; recall plan; and

associated records and became effective November 16, 2015. Currently, we continue to evaluate burden associated with the information collection requirements however, for purposes of extending the information collection we retain the currently approved figures as shown below.

We estimate our burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR OMB CONTROL NO. 0910–0789 ¹

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
507.7 exemption: Submit attestation of preventive controls or compliance with State and local laws (non-federal).	1,120	0.5	560	0.5 (30 minutes) ...	280
507.67, 507.69, and 507.71; submission of an appeal, including submission of a request for an informal hearing.	1	1	1	4	4
507.85(b); requests for reinstatement of exemption	1	1	1	2	2
Total					286

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Subpart A—General Provisions					
507.7(e); records attesting that the facility is a “qualified” facility	1,120	0.5	560	0.1 (6 minutes)	56
507.4(d); documentation of animal food safety and hygiene training.	7,469	0.75	5,579	0.05 (3 minutes) ...	279
Subpart C—Hazard Analysis and Risk-Based Preventive Controls					
507.31 through 507.55; food safety plan—including hazard analysis, preventive controls, monitoring, corrective actions, verification, validation reanalysis, modifications, and implementation records.	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Subpart E—Supply-Chain Program					
507.105 through 507.175; written supply-chain program—including records documenting program.	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Subpart F—Requirements Applying to Records					
507.200 through 507.215; general requirements, additional requirements applying to food safety plan, requirements for record retention, use of existing records, and special requirements applicable to written assurance.	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Totals			11,635,372		1,163,258

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN ¹

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
507.27(b); labeling for the animal food product contains the specific information and instructions needed so the food can be safely used for the intended animal species.	330	10	3,300	0.25 (15 minutes)	825

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN¹—Continued

21 CFR section; activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
507.7(e)(1); change labels on products with labels	1,526	4	6,104	1	6,104
507.7(e)(2); change address on labeling (sales documents) for qualified facilities.	1,329	1	1,329	1	1,329
507.25(a)(2); animal food, including raw materials, other ingredients, and rework, is accurately identified.	330	312	102,960	0.01 (36 seconds)	1,030
507.28(b); holding and distribution of human food byproducts for use as animal food.	40,798	2	81,596	0.25 (15 minutes)	20,399
Total					29,687

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

These figures are based on our regulatory impact analysis in support of the final rule on Preventive Controls for Food for Animals, which published in the **Federal Register** of September 17, 2015 (80 FR 56170). Using Agency data we estimated the number of animal food facilities that we believe are subject to the regulations. We base our estimate of the time necessary for the individual reporting, recordkeeping, and third-party disclosure activities on our experience with similar information collections.

Dated: May 18, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11114 Filed 5-23-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2011-N-0279]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Prescription Drug Marketing; Administrative Procedures, Policies, and Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by June 25, 2018.

ADDRESSES: To ensure that comments on the information collection are received,

OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to oir_submission@omb.eop.gov. All comments should be identified with the OMB control number 0910-0435. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-5733, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Prescription Drug Marketing Act of 1987—Administrative Procedures, Policies, and Requirements

OMB Control Number 0910-0435—Extension

This information collection supports FDA regulations codified at part 203 (21 CFR part 203) implementing the Prescription Drug Marketing Act of 1987 (PDMA). The PDMA was intended to ensure safe and effective drug products and to avoid an unacceptable risk that counterfeit, adulterated, misbranded, subpotent, or expired drugs are sold to consumers. The reporting and recordkeeping requirements found in the regulations are intended to help achieve the following goals: (1) To ban the reimportation of prescription drugs produced in the United States, except when reimported by the manufacturer or under FDA authorization for emergency medical care; (2) to ban the sale, purchase, or trade, or the offer to sell, purchase, or trade, of any

prescription drug sample; (3) to limit the distribution of drug samples to practitioners licensed or authorized to prescribe such drugs or to pharmacies of hospitals or other healthcare entities at the request of a licensed or authorized practitioner; (4) to require licensed or authorized practitioners to request prescription drug samples in writing; (5) to mandate storage, handling, and recordkeeping requirements for prescription drug samples; (6) to prohibit, with certain exceptions, the sale, purchase, or trade, or the offer to sell, purchase, or trade, of prescription drugs that were purchased by hospitals or other healthcare entities or that were donated or supplied at a reduced price to a charitable organization; and (7) to require unauthorized wholesale distributors to provide, prior to the wholesale distribution of a prescription drug to another wholesale distributor or retail pharmacy, a statement identifying each prior sale, purchase, or trade of the drug.

In the **Federal Register** of December 14, 2017 (82 FR 58808), we published a notice soliciting public comment of the information collection. One caller responded to the notice asking about the impact the Drug Supply Chain Security Act (DSCSA) (Title II of the Drug Quality Security Act of 2013) has on the information collection. We note that the Agency is currently proposing to amend its regulations at part 203 to reflect changes resulting from enactment of the DSCSA (RIN 0910-AH56). While we expect these changes will result in a reduction of burden associated with the information collection, current regulations and associated information collection requirements remain in effect. Upon finalization of rulemaking, we will revise the information collection accordingly.

We therefore estimate the burden for the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
203.11—Reimportation	1	1	1	0.5 (30 minutes)	1
203.30(a)(1) and (b)—Drug sample requests	61,961	12	743,532	0.06 (4 minutes)	44,612
203.30(a)(3), (a)(4), and (c)—Drug sample receipts	61,961	12	743,532	0.06 (4 minutes)	44,612
203.31(a)(1) and (b)—Drug sample requests	232,355	135	31,367,925	0.04 (2.5 minutes)	1,254,717
203.31(a)(3), (a)(4), and (c)—Drug sample receipts	232,355	135	31,367,925	0.03 (2 minutes)	941,038
203.37(a)—Falsification of records	50	4	200	0.25 (15 minutes)	50
203.37(b)—Loss or theft of samples	50	40	2,000	0.25 (15 minutes)	500
203.37(c)—Convictions	1	1	1	1	1
203.37(d)—Contact person	50	1	50	0.08 (5 minutes)	4
203.39(g)—Reconciliation report	1	1	1	1	1
Total					2,285,536

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN ¹

21 CFR Section/Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
203.23(a) and (b)—Returned drugs	31,676	5	158,380	0.25 (15 minutes)	39,595
203.23(c)—Returned drugs documentation	31,676	5	158,380	0.08 (5 minutes)	12,670
203.30(a)(2) and 203.31(a)(2)—Practitioner verification	2,208	100	220,800	0.5 (30 minutes)	110,400
203.31(d)(1) and (2)—Inventory record and reconciliation report	2,208	1	2,208	40	88,320
203.31(d)(4)—Investigation of discrepancies and losses	442	1	442	24	10,608
203.31(e)—Representatives lists	2,208	1	2,208	1	2,208
203.34—Administrative systems	90	1	90	40	3,600
203.37(a)—Falsification of drug sample records	50	4	200	6	1,200
203.37(b)—Loss or theft of drug samples	50	40	2,000	6	12,000
203.39(d)—Destroyed or returned drug samples	65	1	65	1	65
203.39(e)—Donated drug samples	3,221	1	3,221	0.5 (30 minutes)	1,611
203.39(f)—Distribution of donated drug samples	3,221	1	3,221	8	25,768
203.39(g)—Drug samples donated to charitable institutions	3,221	1	3,221	8	25,768
203.50(a)—Drug origin statement	125	100	12,500	0.17 (10 minutes)	2,125
203.50(b)—Drug origin statement retention	125	100	12,500	0.5 (30 minutes)	6,250
203.50(d)—Authorized distributors of record	691	1	691	2	1,382
Total					343,570

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of Agency data, we retain the currently approved burden estimate for the information collection, as reflected in tables 1 and 2 above.

Dated: May 18, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11113 Filed 5-23-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2016-D-0412]

Anthrax: Developing Drugs for Prophylaxis of Inhalational Anthrax; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled “Anthrax: Developing Drugs for Prophylaxis of Inhalational Anthrax.” The purpose of this guidance is to assist sponsors in the development of new drugs for the prophylaxis of inhalational anthrax. This guidance finalizes the draft guidance of the same name issued on February 16, 2016.

DATES: The announcement of the guidance is published in the **Federal Register** on May 24, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2016-D-0412 for “Anthrax: Developing Drugs for Prophylaxis of Inhalational Anthrax.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80

FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Joseph G. Toerner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6244, Silver Spring, MD 20993-0002, 301-796-1400.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Anthrax: Developing Drugs for Prophylaxis of Inhalational Anthrax.” The purpose of this guidance is to assist sponsors in the development of new drugs to be administered to people who have or may have inhaled *Bacillus anthracis* spores, but who have not yet manifested clinical evidence of disease, to prevent the development of inhalational anthrax. This guidance clarifies that drugs for the prophylaxis of inhalational anthrax are to be considered for approval under the animal rule regulations because human efficacy trials are not ethical or feasible (21 CFR part 314, subpart I, for drugs, and 21 CFR part 601, subpart H, for biological products).

This guidance finalizes the draft guidance of the same name issued on February 16, 2016 (81 FR 7813). Changes made to the guidance took into consideration written and verbal comments received. In addition to changes primarily for clarification, the major changes are as follows: Clarity in

defining specific populations that would receive a drug for prophylaxis of inhalational anthrax, for example, first responders who anticipate exposure to *Bacillus anthracis* spores and initiate drug therapy immediately before exposure. In addition, the guidance was updated to provide consistency with the guidance for industry entitled “Product Development Under the Animal Rule” (available at <https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm399217.pdf>).

Issuance of this guidance fulfills a portion of the requirements of Title VIII, section 804, of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112-144), which requires FDA to review and, as appropriate, revise not fewer than three guidance documents per year for the conduct of clinical trials with respect to antibacterial and antifungal drugs.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on prophylaxis of inhalational anthrax. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910-0014 and 0910-0001, respectively.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: May 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11117 Filed 5-23-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2018-N-1797]

Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. At least one portion of the meeting will be closed to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on June 26, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: DoubleTree by Hilton Hotel Bethesda—Washington DC, Grand Ballroom, 8120 Wisconsin Ave., Bethesda, MD 20814-3624. The conference center's telephone number is 301-652-2000. Answers to commonly asked questions about FDA Advisory Committee meetings including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>. Information about the DoubleTree by Hilton Hotel Bethesda—Washington DC Conference Center can be accessed at: <http://doubletree3.hilton.com/en/hotels/maryland/doubletree-by-hilton-hotel-bethesda-washington-dc-WASBHDT/index.html>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA-2018-N-1797. The docket will close on June 25, 2018. Submit either electronic or written comments on this public meeting by June 25, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before June 25, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time

at the end of June 25, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before June 12, 2018, will be provided to the committees. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

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Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2018-N-1797 for "Joint Meeting of the Anesthetic and Analgesic Drug Products Advisory Committee and the Drug Safety and Risk Management Advisory Committee; Notice of Meeting;

Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Yinghua Wang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: AADPAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the

Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committees will discuss new drug application 022324, oxycodone extended-release capsules, submitted by Pain Therapeutics, with the proposed indication of the management of pain severe enough to require daily, around-the-clock, long-term opioid treatment and for which alternative treatment options are inadequate. The product is intended to have abuse-deterrent properties based on its physicochemical properties. The committees will be asked to discuss whether the data submitted by the Applicant are sufficient to support labeling of the product with the properties expected to deter abuse.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: On June 26, 2018, from 9:30 a.m. to 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before June 12, 2018, will be provided to the committees. Oral presentations from the public will be scheduled between approximately between 1:30 p.m. and 2:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time

requested to make their presentation on or before June 4, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by June 5, 2018.

Closed Committee Deliberations: On June 26, 2018, from 8 a.m. to 9:30 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information (5 U.S.C. 552b(c)(4)). During this session, the committees will discuss the drug development program of an investigational opioid formulation with properties designed to deter abuse.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at fdaoma@fda.hhs.gov or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Yinghua Wang (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018-11166 Filed 5-23-18; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cancer Biotherapeutics Development.

Date: June 18, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20892, 301-827-4810, nick.donato@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuromusculoskeletal Injury Rehabilitation.

Date: June 19, 2018.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Srikanth Ranganathan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7802, Bethesda, MD 20892, 301-435-1787, srikanth.ranganathan@nih.gov.

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: June 20-21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Orlando North, 600 N Lake Destiny Drive, Maitland, FL 32751.

Contact Person: Antonello Pileggi, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6166, Bethesda, MD 20892-7892, (301) 402-6297, pileggia@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cellular Aspects of Diabetes and Obesity.

Date: June 20, 2018.

Time: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Orlando North, 600 N Lake Destiny Drive, Maitland, FL 32751.

Contact Person: Elaine Sierra-Rivera, Ph.D., Scientific Review Officer, EMNR IRG, Center

for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6182 MSC 7892, Bethesda, MD 20892, 301 435-2514, riverase@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Infectious Diseases and Microbiology.

Date: June 20, 2018.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: John C. Pugh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3114, MSC 7808, Bethesda, MD 20892, (301) 435-2398, pughjohn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA-CA-17-036: HTAN Data Coordination Center (U24).

Date: June 20, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301-435-2204, girouxcn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR15-315: CounterAct Exploratory Grants.

Date: June 21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Monaco Baltimore, 2 North Charles Street, Baltimore, MD 21201.

Contact Person: Geoffrey G. Schofield, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040-A, MSC 7850, Bethesda, MD 20892, 301-435-1235, geoffreys@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Review of Neuroscience AREA Grant Applications.

Date: June 21-22, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Georgetown, 2350 M Street NW, Washington, DC 20037.

Contact Person: Richard D. Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4190, MSC 7850, Bethesda, MD 20892, 301-694-7084, crosland@nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Computational, Modeling and Biodata Management.

Date: June 21, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Allen Richon, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6184, MSC 7892, Bethesda, MD 20892, 301-379-9351, allen.richon@nih.hhs.gov.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Neurotransmitters, Receptors, and Calcium Signaling Study Section.

Date: June 21-22, 2018.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Peter B. Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7850, Bethesda, MD 20892, (301) 435-1239, guthriep@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Physiology and Pathobiology of Cardiovascular and Respiratory Systems.

Date: June 21-22, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites Alexandria Old Town, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Eugene Carstea, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7818, Bethesda, MD 20892, (301) 408-9756, carsteae@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Biomedical Sensing, Measurement and Instrument.

Date: June 21, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Inna Gorshkova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-435-1784, gorshkoi@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Societal and Ethical Issues in Research.

Date: June 21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Karin F. Helmers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, MSC 7770, Bethesda, MD 20892, 301-254-9975, helmersk@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine;

93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: May 18, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-11080 Filed 5-23-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting of the NHLBI Heart, Lung, and Blood Program Project Review Committee.

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: Heart, Lung, and Blood Initial Review Group; Heart, Lung, and Blood Program Project Review Committee.

Date: June 15, 2018.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7208, Bethesda, MD 20892, 301-435-0303, hurstj@nhlbi.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: May 17, 2018.

Michelle D. Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018-11081 Filed 5-23-18; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[Docket No. USCG–2018–0281]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0094**AGENCY:** Coast Guard, DHS.**ACTION:** Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0094, Ships Carrying Bulk Hazardous Liquids, without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before July 23, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0281] to the Coast Guard using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public participation and request for comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at <http://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:**Public Participation and Request for Comments**

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden

on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0281], and must be received by July 23, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <http://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Ships Carrying Bulk Hazardous Liquids.
OMB Control Number: 1625–0094.

Summary: This information is needed to ensure the safe transport of bulk hazardous liquids on chemical tank vessels and to protect the environment from pollution.

Need: Under 46 U.S.C. 3703, the Coast Guard is authorized to prescribe regulations for protection against hazards to life, property, and navigation and vessel safety, and protection of the marine environment. The regulations for the safe transport by vessel of certain bulk dangerous cargoes are contained in 46 CFR part 153.

Forms: CG–4602B, Cargo Record Book; CG–5148, International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk; CG–5148A, Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; CG–5148B, Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk; and CG–5461, International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk.

Respondents: Owners and operators of chemical tank vessels.

Frequency: On occasion.

Hour burden estimate: The estimated burden has increased from 5,539 hours to 7,611 hours a year due to an increase in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: May 21, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–11186 Filed 5–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard**

[Docket No. USCG–2018–0280]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0045**AGENCY:** Coast Guard, DHS.**ACTION:** Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0045, Adequacy Certification for Reception Facilities and Advance

Notice—33 CFR part 158; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before July 23, 2018.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2018–0280] to the Coast Guard using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the “Public participation and request for comments” portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the internet at <http://www.regulations.gov>. Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection’s purpose, the Collection’s likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of

approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2018–0280], and must be received by July 23, 2018.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at <http://www.regulations.gov>. If your material cannot be submitted using <http://www.regulations.gov>, contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at <http://www.regulations.gov> and can be viewed by following that website’s instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

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

Information Collection Request

Title: Adequacy Certification for Reception Facilities and Advance Notice—33 CFR part 158.

OMB Control Number: 1625–0045.

Summary: This information helps ensure that waterfront facilities are in compliance with reception facility standards. Advance notice information from vessels ensures effective management of reception facilities.

Need: Section 1905 of Title 33 U.S.C. gives the Coast Guard the authority to certify the adequacy of reception facilities in ports. Reception facilities are needed to receive waste from ships which may not discharge at sea. Under these regulations in 33 CFR part 158 there are discharge limitations for oil and oily waster, noxious liquid substances, plastics and other garbage.

Forms: CG–5401, Certificate of Adequacy for Reception Facility; CG–5401A, Application for Certificate of Adequacy (COA) for Reception Facilities, Form A; CG–5401B, Application for Certificate of Adequacy (COA) for Reception Facilities, Form B;

CG–5401C, Application for a Reception Facility Certificate of Adequacy for Garbage, Form C; CG–5401D, Application for a Reception Facility Certificate of Adequacy or Ozone Depletion Substances and Exhaust Gas Cleaning System Residue, Form D.

Respondents: Owners and operators of reception facilities, and owners and operators of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 4,997 hours to 4,825 hours a year due to a decrease in the estimated annual number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: May 21, 2018.

James D. Roppel,

Acting Chief, U.S. Coast Guard, Office of Information Management.

[FR Doc. 2018–11185 Filed 5–23–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec LLC (Penuelas, PR) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec LLC (Penuelas, PR), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Penuelas, PR), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of January 31, 2018.

DATES: AmSpec LLC (Penuelas, PR) was approved and accredited as a commercial gauger and laboratory as of January 31, 2018. The next triennial inspection date will be scheduled for January 2021.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec LLC, Road 127, Km 15.6, Penuelas, PR 00624,

has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API Chapters	Title
1	Vocabulary.
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11	Physical Properties.
12	Calculations.
17	Maritime Measurement.

AmSpec LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-02	D1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	D95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	D86	Standard Test Method for Distillation of Petroleum Products.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.
27-48	D4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	D93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.
27-54	D1796	Standard Test Method for Water and Sediment in Fuel Oils by the Centrifuge Method.
27-58	D5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: May 16, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2018-11205 Filed 5-23-18; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of AmSpec LLC (Freeport, TX) as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of AmSpec LLC (Freeport, TX), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec LLC (Freeport, TX), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of March 7, 2018.

DATES: AmSpec LLC (Freeport, TX) was approved and accredited as a commercial gauger and laboratory as of March 7, 2018. The next triennial inspection date will be scheduled for March 2021.

FOR FURTHER INFORMATION CONTACT: Christopher J. Mocella, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania

Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec LLC, 2004 Victoria Ln., Freeport, TX 77541, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec LLC (Freeport, TX) is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
11.1	Temperature-Correction Factors.
12	Calculations.
17	Maritime Measurement.

AmSpec LLC (Freeport, TX) is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11	D445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids.

CBPL No.	ASTM	Title
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	D5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
Pending	D3227	Standard Test Method for (Thiol Mercaptan) Sulfur in Gasoline, Kerosene, Aviation Turbine, and Distillate Fuels (Potentiometric Method).
Pending	D4007	Standard Test Method for Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure).
Pending	D4807	Standard Test Method for Sediment in Crude Oil by Membrane Filtration.
Pending	D5705	Standard Test Method for Measurement of Hydrogen Sulfide in the Vapor Phase Above Residual Fuel Oils.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to CBPGaugersLabs@cbp.dhs.gov. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. <http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories>.

Dated: May 16, 2018.

Dave Fluty,

Executive Director, Laboratories and Scientific Services.

[FR Doc. 2018-11090 Filed 5-23-18; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Country of Origin of Fleetcam Vehicle Cameras

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of a vehicle digital video camera known as the FleetCam™. Based upon the facts presented, CBP has concluded that the processing in the United States does not substantially transform the imported digital video cameras for purposes of U.S. Government procurement.

DATES: The final determination was issued on May 18, 2018. A copy of the

final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination within June 25, 2018.

FOR FURTHER INFORMATION CONTACT:

Robert Dinerstein, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade (202-325-0132).

SUPPLEMENTARY INFORMATION: Notice is hereby given that on May 18, 2018, pursuant to subpart B of Part 177, Customs and Border Protection (CBP) Regulations (19 CFR part 177, subpart B), CBP issued a final determination concerning the country of origin of the FleetCam™ digital video camera, which may be offered to the United States Government under an undesignated government procurement contract. This final determination, HQ H294933, was issued under the procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511-18). In the final determination, CBP concluded the country of origin of the finished FleetCam™ was China, where the digital video camera and the camera’s firmware were manufactured.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: May 18, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H294933

May 18, 2018

OT:RR:CTF:VS H294933 RSD

CATEGORY: Origin

Upneet S. Teji, Esq.
Greensfelder, Hemker & Gale, P.C.

220 Madison Street, Suite 3300
Chicago, Illinois 60606

RE: Final Determination of U.S. Government Procurement; Country of Origin of a FleetCam™ vehicle camera

Dear Mr. Teji:

This is in response to your eruling request of January 27, 2018, for a final determination on behalf of Forward Thinking Systems LLC, (the Company), concerning the country of origin of a FleetCam vehicle camera pursuant to subpart B of Part 177, U.S. Customs and Border Protection (“CBP”) Regulations (19 CFR § 177.21 *et. seq.*). We note that the Company is a party-at-interest within the meaning of 19 CFR § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

The product at issue is referred to as a FleetCam, which is a high-resolution digital video camera installed in a vehicle for streaming and recording images in real time. The FleetCam allows companies who purchase the product to watch the drivers that they employ in real-time, as well as view recorded speeding and other behavior moments. The FleetCam is also able to capture, record, and transmit images of a driver’s view of the road ahead. The FleetCam is comprised of a physical digital video camera or several cameras setup together. The product also contains related cabling and a receiver that is compatible for use specifically with the Company’s software and mobile applications. To use the FleetCam product, a user must purchase the hardware and a subscription to the software from the Company.

The FleetCam’s physical digital video camera is made in China and sourced by the Company from a Chinese firm. The firmware that is loaded onto the camera to allow it to be operational with the Company’s software was also developed by the Chinese firm; however, you state that the firmware was developed based upon the design, specifications, and software architecture produced by the Company’s staff located in the United States. The firmware developed for the FleetCam is designed specifically for use with the Company’s fleet management software. The digital camera hardware (together with the firmware) is purchased by the Company from a Chinese producer.

The firmware is not loaded onto the camera hardware until it is received by the Company in the United States. Upon receipt of the camera and the firmware code, the Company’s engineers load and install the firmware on the camera hardware at the Company’s offices in the United States. An additional hardware component of the

FleetCam product is the telematics gateway unit (the “cabling”). The cabling units, including the receivers, are purchased from one or more manufacturers, and they are manufactured and procured from other TAA-compliant jurisdictions. The digital camera contains dual SD Cards that allow it to internally record the events that took place.

The basic software component of the FleetCam product is produced in the United States. In addition, other than the firmware development for the camera hardware, all of the FleetCam software (including without limitation, software applications and mobile applications) are designed, developed, and integrated with the Company’s cloud service in the United States. In order for the FleetCam to be functional and operational, the hardware and the related firmware is installed with the cabling and integrated with the FleetCam software platform. This compilation process occurs entirely in the United States.

The Company sells the FleetCam software as a software-as-a service subscription, whereby the Company’s customers enter into a separate subscription for use of the FleetCam software. After purchase of the FleetCam hardware, the Company’s customers pay a separate monthly fee for using its proprietary software. The FleetCam hardware and software must be purchased together as part of the same package. Without the FleetCam software, it is stated that the camera and the related components are not operational. If a customer cancels its software subscription, the FleetCam product will no longer be functional.

ISSUE:

Whether the imported components including the digital video camera and cabling for the FleetCam are substantially transformed through the downloading of the Company’s proprietary software in the United States so as to make the FleetCam a product of the United States.

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.*, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B): An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering final determinations for purposes of U.S. Government procurement,

CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. See 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Acquisition Regulations restrict the U.S. Government’s purchase of products to U.S.-made or designated country end products for acquisitions subject to the Trade Agreements Act. See 48 C.F.R. § 25.403(c)(1). The Federal Acquisition Regulations define “U.S.-made end product” as “an article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with name, character, or use distinct from that of the article or articles from which it was transformed.” See 48 C.F.R. § 25.003.

In *Data General v. United States*, 4 C.I.T. 182 (1982), the court determined that the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States substantially transformed the PROM into a U.S. article. In the United States, the programming bestowed upon each integrated circuit its electronic function, that is, its “memory” which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. The essence of the article, its interconnections or stored memory, was established by programming. See also, *Texas Instruments v. United States*, 681 F.2d 778, 782 (CCPA 1982) (stating the substantial transformation issue is a “mixed question of technology and customs law”); HQ 735027, dated September 7, 1993 (programming blank media (EEPROM) with instructions that allow it to perform certain functions that prevent piracy of software constitutes a substantial transformation); and, HQ 734518, dated June 28, 1993 (motherboards are not substantially transformed by the implanting of the central processing unit on the board because, whereas in *Data General* use was being assigned to the PROM, the use of the motherboard had already been determined when the importer imported it).

“The term ‘character’ is defined as ‘one of the essentials of structure, form, materials, or function that together make up and usually distinguish the individual.’” *National Hand Tool Corp. v. United States*, 16 C.I.T. 308, 311 (1992) (citing *Webster’s Third New International Dictionary* (1981)). In *National Juice Prods. Ass’n v. United States*, the Court of International Trade applied the “essence test” and found that the fundamental character of orange juice concentrate was not changed by the addition of water, orange essences, and oils to make frozen concentrated orange juice, and hence, there was no substantial transformation. 10 C.I.T. 48, 628 F. Supp. 978 (1986).

HQ H258960, dated May 19, 2016, reviewed the country of origin of hardware components of certain transceivers in two scenarios that are instructive to the case at issue here. The hardware components of the transceivers were wholly manufactured in a foreign country and imported into the United States. In the first scenario, the transceivers were “blanks” and completely non-functional and specialized proprietary software was developed and downloaded in

the United States, making the transceivers functional and compatible with the OEM technology. In the second scenario, the transceivers were preprogrammed with a generic program that was replaced with specialized proprietary software. It was argued that in both scenarios, the imported hardware was substantially transformed by the development, configuration, and downloading operations of the U.S. origin software. In the first scenario, we found that the non-functional transceivers were substantially transformed as a result of downloading performed in the United States, with proprietary software developed in the United States. However, in the second scenario, it was determined that since the transceivers had generic network functionality, programming them merely to customize their network compatibility would not actually change the identity of the imported transceivers. See also HQ H241177, dated December 3, 2013. Accordingly, it was determined that the country where the last substantial transformation occurred was China or another Asian country where the hardware components were manufactured.

A similar finding was made in HQ H284523, dated August 23, 2017, where imported tablet computers were preprogrammed with a generic program when they were first imported. The tablets could perform all of the standard functions of an android tablet in their imported condition. After importation, the imported tablets were customized for a particular use as part of a system to collect and transmit a patient’s medical data by the installation of proprietary software. The original tablet had the ability to perform all of previous functions, but it was determined that for ease of use and for other reasons it was best to disable these functions and to consolidate them in one function via the specialized software. It was stated that the general functionality of the tablet was removed and replaced so that it was easier for patients to use the device and access the system. It was also stated that the security of the patient’s medical data would be better protected. In HQ H284523, we noted that it was clear that merely loading the specialized software onto the tablet computer that remained fully functional as a computer would be insufficient to constitute a new and different article of commerce, since all of the functionality of the original computer would be retained.

In this case, the Company’s proprietary software is being installed onto a digital video camera so that the camera can provide live-streaming of a driver and his view of the road from multiple vantage points. In addition, after the software is installed onto the FleetCam, it is able to capture, record, and store footage of particular incidents that may have occurred. While the particular proprietary software is written and downloaded in the United States, we note that the firmware being used to operate the FleetCam, although designed in the United States, was not written in the United States, but in China. Therefore, similar to HQ H284523, where the tablet could function, in this case, because the digital camera contains SD cards, it can fully function as a digital

video camera by capturing images and recording footage. The installation of the proprietary software onto the FleetCam only customizes the digital cameras to the Company's particular use and does not change the basic identity of the imported digital video cameras because they retain all their functions with the same name, character and use of the imported digital video cameras. Therefore, we find that the FleetCam is not substantially transformed by the downloading of the Company's proprietary software onto the imported digital video cameras, and the country of origin of the FleetCam will be China where the main hardware, including the digital cameras and the firmware, is manufactured.

HOLDING:

Based on the information presented in this case, the imported digital video cameras are not substantially transformed by the processing performed in the United States. Therefore, the country of origin of the FleetCams is the country where the digital video cameras and the firmware were originally produced, which in this case is China.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,
Executive Director,
Regulations and Rulings

[FR Doc. 2018-11091 Filed 5-23-18; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLAK940000.L1410000. BX0000.
18X.LXSS001L0100]

Filing of Plats of Survey: Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of official filing.

SUMMARY: The plats of survey of lands described in this notice are scheduled to be officially filed in the Bureau of Land Management (BLM), Alaska State Office, Anchorage, Alaska. The surveys, which were executed at the request of the U.S. Coast Guard, the Bureau of Indian Affairs and BLM, are necessary for the management of these lands.

DATES: Protests must be received by the BLM by June 25, 2018.

ADDRESSES: A copy of the plats may be obtained from the Alaska Public Information Center at the BLM Alaska State Office, 222 W. 7th Avenue, Anchorage, Alaska 99513, upon required payment. The plats may be viewed at this location at no cost. Please use this address when filing written protests.

FOR FURTHER INFORMATION CONTACT:

Douglas N. Haywood, Chief, Branch of Cadastral Survey, Bureau of Land Management, Alaska State Office, 222 W. 7th Avenue, Anchorage, Alaska 99513; 1-907-271-5481; dhaywood@blm.gov. Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

U.S. Survey No. 3813, accepted March 5, 2018

U.S. Survey No. 3923, accepted March 5, 2018

U.S. Survey No. 4269, accepted March 5, 2018

U.S. Survey No. 4738, accepted January 5, 2018

U.S. Survey No. 9891, accepted January 5, 2018

U.S. Survey No. 14461, accepted March 13, 2018

U.S. Survey No. 14462, accepted March 13, 2018

U.S. Survey No. 14478, accepted January 29, 2018

Copper River Meridian, Alaska

T. 67 S., R. 75 E., accepted April 4, 2018

T. 67 S., R. 76 E., accepted April 4, 2018

T. 68 S., R. 75 E., accepted April 4, 2018

T. 68 S., R. 76 E., accepted April 4, 2018

T. 69 S., R. 79 E., accepted March 26, 2018

T. 70 S., R. 79 E., accepted April 4, 2018

T. 75 S., R. 86 E., accepted April 4, 2018

Kateel River Meridian, Alaska

T. 2 S., R. 40 W., accepted May 1, 2018

T. 3 S., R. 40 W., accepted May 1, 2018

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest with the State Director for Alaska, BLM. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be filed before the scheduled date of official filing for the plat(s) of survey being protested. Any notice of protest filed after the scheduled date of official filing will not be considered. A notice of protest is considered filed on the date it

is received by the State Director for Alaska during regular business hours; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director for Alaska within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit, including your personal identifying information, may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chap. 3.

Douglas N. Haywood,

Chief Cadastral Surveyor, Alaska.

[FR Doc. 2018-11148 Filed 5-23-18; 8:45 am]

BILLING CODE 4310-JA-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNHL-DTS#-25581;
PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before May 5, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by June 8, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic

Places. Nominations for their consideration were received by the National Park Service before May 5, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

IDAHO

Nez Perce County

Carnegie Library, 101 5th St., Lewiston, SG100002548

OHIO

Champaign County

Urbana Country Club, 4761 E US 36, Urbana, SG100002550

Cuyahoga County

Spang, J., Baking Company, 2707 Barber Ave., Cleveland, SG100002551

Franklin County

Godman, H.C., Co. Building, 35 N 34th St., Columbus, SG100002552

Stark County

Massillon Downtown Historic District, Roughly bounded by 1st & 3rd Sts., Tremont & Federal Aves., Massillon, SG100002553

WISCONSIN

Vilas County

Voss' Birchwood Lodge, 5500–5518 USH 51, 5534–5537 Henry Voss, 12958–12994 Ruth Voss & 12930–12954, Palmer Lns., Manitowish Waters, SG100002554

A request for removal has been made for the following resource(s):

IOWA

Woodbury County

Florence Crittenton Home and Maternity Hospital, 1105–1111 28th St., Sioux City, OT00000306

Nomination(s) submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

NEW MEXICO

Lincoln County

Mesa Ranger Station Barn, NF Rd. 131/ Ranger Rd., Lincoln NF, Nogal vicinity, SG100002562

The following nominations are not located in state waters and therefore not subject to review by the State Historic Preservation Officer:

LOUISIANA

Iberia Parish

M.V. SHEHERAZADE (shipwreck and remains), Address Restricted, Morgan City vicinity, MP100002555

Plaquemines Parish

S.S. GULFOIL (shipwreck and remains), Address Restricted, Pilottown vicinity, MP100002556

S.S. GULFPENN (shipwreck and remains), Address Restricted, Pilottown vicinity, MP100002557

S.S. ROBERT E. LEE and U–166 (shipwrecks and remains), Address Restricted, Pilottown vicinity, MP100002558

S.S. VIRGINIA (shipwreck and remains), Address Restricted, Pilottown vicinity, MP100002559

S.S. ALCOA PURITAN (shipwreck and remains), Address Restricted, Pilottown vicinity, MP100002560

Terrebonne Parish

S.S. R.M. PARKER JR. (shipwreck and remains), Address Restricted, Cocodrie vicinity, MP100002561

Authority: Section 60.13 of 36 CFR part 60.

Dated: May 10, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–11104 Filed 5–23–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2018–0013; 189E1700D2 ET1SF0000.PSB000.EEEE500000; OMB Control Number 1014–0023]

Agency Information Collection Activities; Pollution Prevention and Control

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection.

DATES: Interested persons are invited to submit comments on or before July 23, 2018.

ADDRESSES: Send your comments on this information collection request (ICR) by either of the following methods listed below:

- Electronically go to <http://www.regulations.gov>. In the Search box, enter BSEE–2018–0013 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.

- Email kelly.odom@bsee.gov, fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Kelly Odom; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014–0023 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kelly Odom by email at kelly.odom@bsee.gov or by telephone at (703) 787–1775.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues: (1) Is the collection necessary to the proper functions of BSEE; (2) Will this information be processed and used in a timely manner; (3) Is the estimate of burden accurate; (4) How might BSEE enhance the quality, utility, and clarity of the information to be collected; and (5) How might BSEE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The regulations at 30 CFR part 250, subpart C, concern pollution prevention and control and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NLTs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

In general, BSEE uses the information collected under subpart C to ensure that:

- The lessee or operator records the location of items lost overboard to aid in recovery during site clearance activities on the lease;
- Operations are conducted according to all applicable regulations, requirements, and in a safe and workmanlike manner;
- Discharge or disposal of drill cuttings, sand, and other well solids, including those containing naturally occurring radioactive materials (NORM), are properly handled for the protection of OCS workers and the environment; and
- Facilities are inspected daily for the prevention of pollution, and problems observed are corrected.

Title of Collection: 30 CFR part 250, subpart C, *Pollution Prevention and Control*.

OMB Control Number: 1014-0023.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public:

Potential respondents comprise Federal OCS oil, gas, and sulfur lessees/operators and holders of pipeline rights-of-way.

Total Estimated Number of Annual Respondents: Varies, not all of the potential respondents will submit information in any given year and some may submit multiple times.

Total Estimated Number of Annual Responses: 3,279.

Estimated Completion Time per Response: Varies from 5 minutes to 3 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 137,955.

Respondent's Obligation: Responses are mandatory.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: We have not identified any non-hour cost burdens associated with this collection of information.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Doug Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2018-11149 Filed 5-23-18; 8:45 am]

BILLING CODE 4310-VH-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1078]

Certain Amorphous Metal and Products Containing Same; Amending the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 12), which granted a motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT:

Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 30, 2017, based on a complaint filed by Metglas, Inc. of Conway, South Carolina and Hitachi Metals, Ltd. of Tokyo, Japan. 82 FR 50156 (Oct. 30, 2017). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 by reason of misappropriation of trade secrets. *Id.* The notice of investigation named as

respondents AT&M International Trading Co., Ltd. ("AT&M"), CISRI International Trading Co., Ltd., and Beijing ZLJG Amorphous Technology Co., Ltd., each of Beijing, China; as well as Qingdao Yunlu Energy Technology Co. of Qingdao, China. *Id.* at 50157. The Office of Unfair Import Investigations was also named as a party. *Id.*

On April 10, 2018, the complainants moved for leave to amend the complaint and notice of investigation for two reasons. First, the complainants sought to add as a respondent AT&M-NARI Amorphous Technology Co., Ltd. ("AT&M-NARI") of Zhouzhou, China. Second, the complainants sought to make corrections to the names of two existing respondents: Advanced Technology & Materials Beijing ZLJG Amorphous Technology Co., Ltd. should be corrected to Beijing ZLJG Amorphous Technology Co., Ltd.; and Qingdao Yunlu Energy Technology Co., Ltd. should be corrected to Qingdao Yunlu Advanced Materials Technology Co., Ltd. The respondents did not oppose the motion and on April 17, 2018, the Commission investigative attorney responded in support of the motion.

On April 18, 2018, the ALJ granted the motion as the subject ID. The ID finds that good cause exists for amending the complaint and notice of investigation because the complainants were unaware of AT&M-NARI, and only learned of AT&M-NARI's involvement when existing respondent AT&M identified it in interrogatory responses. ID at 1-2; *see* 19 CFR 210.14(b)(1).

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: May 18, 2018.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2018-11077 Filed 5-23-18; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

[OMB Number 1105—NEW]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection**AGENCY:** Office of the Chief Information Officer, Department of Justice.**ACTION:** 30-Day notice.

SUMMARY: The Department of Justice, Office of the Chief Information Officer, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until June 25, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jenna Dee, Project Manager, Justice Management Division, Office of the Chief Information Officer, 145 N Street NE, Room 3W 1405A, Washington, DC 20002 (Phone 202-598-0345). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Office of the Chief Information Officer, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of

appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New Collection.

2. *The Title of the Form/Collection:* Tribal Access Program Application.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* There is no agency form number for this collection. The applicable component within the Department of Justice is Office of the Chief Information Officer.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Tribal Governments. The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) provide tribes access to national crime information systems for both civil and criminal purposes. DOJ has developed an application for use by federally recognized tribes interested in participating in TAP.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 50 respondents at 60 minutes each.

6. *An estimate of the total public burden (in hours) associated with the collection:* An estimated 50 burden hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: May 21, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018-11111 Filed 5-23-18; 8:45 am]

BILLING CODE 4410-CJ-P

DEPARTMENT OF LABOR**Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Condition Application for H-1B, H-1B1, and E-3 Nonimmigrants****ACTION:** Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL or Department) is submitting the Employment and Training Administration (ETA) sponsored Information Collection Request (ICR) revision, titled, "Labor Condition Application for H-1B, H-1B1, and E-3 Nonimmigrants," 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 June 25, 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](http://www.reginfo.gov) website at: http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201805-1205-001 (this link will only become active on the day following publication of this notice); by contacting Michel Smyth at 202-693-4129/TTY 202-693-8064 (these are not toll-free numbers); or by 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 by sending an email to: DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Labor Condition Application for H-1B, H-1B1, and E-3 Nonimmigrants information collection. More specifically, the Department is proposing changes to Form ETA-9035, *Labor Condition Application for Nonimmigrant Workers*, the Labor Condition Application (LCA) for H-1B, H-1B1, and E-3 Nonimmigrants; Form WH-4, *Nonimmigrant Worker Information Form*; and all applicable instructions and electronic versions. The LCA is used in the DOL employment-based temporary immigration program by employers to request permission to bring foreign workers to the United States as nonimmigrants to perform certain work in specialty occupations or as fashion models of distinguished merit and ability. The information collected on Form ETA-9035/9035E is required by sections 212(n) and (t) and 214(c) of the Immigration and Nationality Act (INA) (8 U.S.C. 1182(n) and (t), and 1184(c)). The Department has promulgated regulations to implement the INA. Specifically for this collection, regulations 20 CFR 655 subparts H and I are applicable. The INA mandates that no foreign worker may enter the United States for the purpose of performing professional work on a temporary basis unless the employer makes certain attestations to the Secretary of Labor (Secretary). 8 U.S.C. 1182(n)(1). Those attestations are as follows: (1) The employer will offer a wage that is at least the prevailing wage for the occupational classification in the area of employment or the actual wage paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question, whichever is greater; (2) the working conditions for the nonimmigrant worker will not adversely affect the working conditions of similarly employed U.S. workers; (3) there is no strike or lockout in the course of a labor dispute in the occupational classification at the place of employment; and (4) the employer has provided notice of the filing of the LCA. *Id.* In addition, further attestations are generally required for H-1B dependent employers and employers who have been found to have willfully violated the statute. *Id.* Form WH-4 is used to request that the Wage and Hour Division (WHD) initiate an investigation related to alleged violations of H-1B, H-1B1, and E-3 program requirements. This ICR has been classified as a revision, because of changes to Forms ETA-9035/9035E and WH-4. The

Department has determined that additional information is required to be collected through Form ETA-9035/9035E; this enhanced data collection will allow the Department to better track employer usage of the program and provide greater transparency to the public with respect to the employment of H-1B, H-1B1, and E-3 nonimmigrant workers in the United States. With respect to Form WH-4, the Department is modifying naming conventions for certain data fields, to align them better with current Departmental data systems, and reformatting the form to enhance usability and understanding. In addition, the forms have been made more accessible for persons with disabilities.

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 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205-0310. The current approval is scheduled to expire on May 31, 2018; 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 August 3, 2017, 82 FR 36158.

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 the publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205-0310. 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.

This ICR may be summarized as follows:

Agency: DOL-ETA.

Title of Collection: Labor Condition Application for H-1B, H-1B1, and E-3 Nonimmigrants.

OMB Control Number: 1205-0310.

Affected Public: Private Sector—business or other for-profits and not-for-profit institutions; State, Local, and Tribal Governments; and Individuals or Households.

Total Estimated Number of Annual Respondents: 680,411.

Total Estimated Number of Annual Responses: 694,215.

Total Estimated Annual Time Burden: 898,212 hours.

Total Estimated Annual Other Costs Burden: \$906,960.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: May 18, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018-11137 Filed 5-23-18; 8:45 am]

BILLING CODE 4510-FP-P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service®.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* May 24, 2018.

FOR FURTHER INFORMATION CONTACT: Maria W. Votsch, 202-268-6525.

SUPPLEMENTARY INFORMATION: The United States Postal Service hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on May 21, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 93*

to *Competitive Product List*. Documents are available at www.prc.gov, Docket Nos. MC2018–155, CP2018–224.

Maria W. Votsch,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–11119 Filed 5–23–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83290; File No. SR–FINRA–2018–020]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify the Definition of “Agency Debt Security”

May 18, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) ¹ and Rule 19b–4 thereunder, ² notice is hereby given that on May 17, 2018, the Financial Industry Regulatory Authority, Inc. (“FINRA”) 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 FINRA. 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

FINRA is proposing to amend FINRA Rule 6710 to modify the definition of “Agency Debt Security.”

The text of the proposed rule change is available on FINRA’s website at <http://www.finra.org>, at the principal office of FINRA 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, FINRA 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. FINRA 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

FINRA requires members to report to the Trade Reporting and Compliance Engine (“TRACE”) transactions in Agency Debt Securities, ³ which includes those debt securities issued or guaranteed by a Government-Sponsored Enterprise (“GSE”). Fannie Mae (“Fannie”) and Freddie Mac (“Freddie”), both of which are GSEs, announced changes relating to the issuance structure of their credit risk transfer securities (“CRTs”). ⁴ Currently, Fannie and Freddie issue CRTs as direct debt obligations, and therefore CRTs fall within the definition of “Agency Debt Security” for purposes of TRACE data categorization and dissemination. FINRA understands that under the new issuance structure, CRTs will be issued by a Fannie- or Freddie-sponsored trust rather than directly by Fannie or Freddie, and proceeds from the sale of the CRTs will be placed in a trust account and managed by a third-party trustee. As a result of CRTs being issued by a trust sponsored by a GSE instead of directly issued by a GSE, CRTs would no longer fall within the technical definition of “Agency Debt Security” and would be considered corporate debt for TRACE data and dissemination purposes. This outcome would be problematic for TRACE subscribers consuming data related to CRTs because transactions in CRTs would no longer be disseminated as part of the Agency Debt data set. In addition, the TRACE system would apply the corporate, rather than Agency, debt transaction size dissemination cap for unrated securities, specifically a \$1 million dissemination cap for unrated corporate debt versus \$5 million for unrated Agency Debt Securities. Thus, classifying CRTs as corporate debt would decrease transparency as to the actual size of the transaction given that unrated corporate debt is disseminated with the \$1, rather than \$5, million dissemination cap.

³ “Agency Debt Security” generally includes a debt security (i) issued or guaranteed by an Agency as defined in Rule 6710(k); or (ii) issued or guaranteed by a Government-Sponsored Enterprise as defined in Rule 6710(n). Rule 6710(n) provides that “Government-Sponsored Enterprise” has the same meaning as defined in 2 U.S.C. 622(8).

⁴ Fannie and Freddie introduced their respective CRT programs in 2013. CRTs are linked to an underlying loan pool selected and acquired by the GSE and the credit and prepayment performance of the underlying loans determines the performance of the CRTs.

FINRA believes that the new issuance structure for CRTs will not materially change the characteristics of the CRTs to warrant altered treatment for purposes of TRACE categorization and dissemination. While a trust will be issuing the CRTs, FINRA understands that Fannie and Freddie will retain a material net economic interest ⁵ in the reference tranches associated with the CRTs issued under the new structure and will enter into a credit protection agreement with the trust, including agreeing to pay any shortfall between the investment earnings on the collateral held by the trust and the one-month LIBOR. Thus, FINRA is proposing to amend Rule 6710(l) to expand the definition of “Agency Debt Security” to include debt issued by a trust or other entity established or sponsored by a GSE for the purpose of issuing debt securities, where the GSE provides the collateral to the entity or retains a material net economic interest in the securities issued by the entity. This proposed rule would allow CRTs to continue to fall within the definition of “Agency Debt Security” for TRACE purposes and would address any similar future modifications by Fannie and Freddie to other programs. ⁶ FINRA believes that this would benefit investors by ensuring the continued application of the \$5 million dissemination cap for unrated Agency Debt Securities, instead of the \$1 million dissemination cap for unrated corporate debt. Additionally, continuing to classify CRTs issued under the new issuance structure as Agency Debt Securities would avoid confusion by ensuring that subscribers of the Agency Debt data set continue to receive transaction information on CRTs. Finally, FINRA does not believe that the modification in issuance structure will materially change the characteristics of the CRTs for purposes of TRACE dissemination and, therefore, FINRA does not believe that classifying CRTs as corporate debt solely because of the new issuance structure is warranted.

FINRA has filed the proposed rule change for immediate effectiveness. FINRA has requested that the SEC waive the requirement that the proposed rule

⁵ See, e.g., Fannie Mae, Prospectus, Connecticut Avenue Securities, Series 2018–C03 Notes Due October 2030, <http://www.fanniemae.com/resources/file/credit-risk/pdf/connave-2018-c03-prospectus.pdf>; see also, e.g., Freddie Mac, Offering Circular, Seasoned Credit Risk Transfer Trust, Series 2017–3, http://www.freddiemac.com/seasonedloanofferings/docs/SCRT_2017-3_OC%20Final.pdf.

⁶ FINRA has discussed the proposed rule change with Fannie and Freddie, both of which support the continued inclusion of CRTs within the definition of “Agency Debt Security.”

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

change not become operative for 30 days after the date of the filing, so FINRA can implement the proposed rule change immediately.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,⁷ which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The proposed rule change would prevent investor confusion by providing that CRTs continue to fall within the definition of "Agency Debt Security" for TRACE purposes. In addition, subscribers of the Agency Debt data set would continue to receive transaction information on CRTs, and investors would continue to see CRTs disseminated pursuant to the protocols applicable to Agency Debt Securities that provide a comparatively higher level of transparency as to the actual size of the transaction. As noted above, FINRA does not believe that the new issuance structure will materially change the characteristics of CRTs sufficient to warrant different treatment for TRACE purposes, and believes that the proposal is in the best interest of investors in that it would reduce confusion regarding the appropriate categorization of CRTs.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. FINRA does not anticipate that the proposed rule change will lead to any material costs or benefits to members, as it does not affect the TRACE reporting requirements that are applicable today. The proposed rule change would simply allow FINRA to continue classifying the CRTs as Agency Debt Securities for data categorization and dissemination purposes.

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

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act⁸ and Rule 19b-4(f)(6) thereunder.⁹

FINRA has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. FINRA has stated that, based on conversations with Fannie and Freddie, it understands that the first CRTs will be issued under the new structure imminently. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Such action should help avoid confusion among consumers of TRACE data products; if the proposal were not immediately operative, debt securities issued by GSE-sponsored trusts that retain economic characteristics of Agency Debt Securities would instead be treated as corporate debt securities, contrary to established expectations. In addition, the Commission's action will preserve the same degree of post-trade transparency for debt securities issued by GSE-sponsored trusts, as such securities will continue utilizing the \$5 million dissemination cap and avoid the \$1 million cap that would apply if securities newly issued by GSE-sponsored trusts were characterized as corporate debt securities. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.¹⁰

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

⁸ 15 U.S.C. 78s(b)(3)(A).

⁹ 17 CFR 240.19b-4(f)(6).

¹⁰ For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

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-FINRA-2018-020 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-FINRA-2018-020. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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-FINRA-2018-020, and should be submitted on or before June 14, 2018.

¹¹ 17 CFR 200.30-3(a)(12).

⁷ 15 U.S.C. 78o-3(b)(6).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹¹

Robert W. Errett,

Deputy Secretary.

[FR Doc. 2018-11093 Filed 5-23-18; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice: 10422]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Micro, Small and Medium-Sized Enterprises (MSMEs) in Advance of the United Nations Commission on International Trade Law (UNCITRAL) Commission Session for 2018

The Office of the Assistant Legal Adviser for Private International Law, Department of State, hereby gives notice the Advisory Committee on Private International Law (ACPIL) will hold a public meeting via teleconference to discuss several matters relating to MSMEs. This is not a meeting of the full Advisory Committee.

The UNCITRAL Commission Session, which will be held June 25 through July 13, will, among other things, finalize and adopt a Legislative Guide on Key Principles of a Business Registry (A/CN.9/940) and an instrument on Reducing the Legal Obstacles Faced by MSMEs (A/CN.9/941). Additionally, the Commission will consider a proposal by the Government of Italy on possible future work by UNCITRAL on alternative forms of organization to corporate like models (contractual networks) (A/CN.9/954). The Commission documents will be available at <http://www.uncitral.org/uncitral/commission/sessions/50th.html>.

Time and Place: The ACPIL public meeting will take place on Tuesday, June 12, 2018, from 10 a.m. to 12:00 p.m. EDT via teleconference.

Public Participation: Those planning to participate should email pil@state.gov to obtain the call-in number.

Michael J. Dennis,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State.

[FR Doc. 2018-11173 Filed 5-23-18; 8:45 am]

BILLING CODE 4710-08-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2018-0050]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt seven individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on April 26, 2018. The exemptions expire on April 26, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>,

as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On March 22, 2018, FMCSA published a notice announcing receipt of applications from seven individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (83 FR 12641). The public comment period ended on April 23, 2018, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

III. Discussion of Comments

FMCSA received one comment in this proceeding. This comment supported granting exemptions to these applicants.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the March 22, 2018 **Federal Register** notice (83 FR 12641) and will not be repeated in this notice.

These seven applicants have been seizure-free over a range of 29 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and

maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the seven exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Brian L. Johnson (MN)
Gerald Klein Jr. (ID)
Shane W. Martinek (OK)
Sean P. Plover (PA)
Stephen M. Soden (LA)
Leon A. Stannard (NY)
William P. Swick (MI)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-11121 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0140; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2014-0003; FMCSA-2014-0004; FMCSA-2015-0049; FMCSA-2015-0053; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0072; FMCSA-2015-0345; FMCSA-2015-0347; FMCSA-2015-0351; FMCSA-2016-0024; FMCSA-2016-0025]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 119 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before June 25, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-1999-6480; FMCSA-2001-11426; FMCSA-2002-11714; FMCSA-2002-12844; FMCSA-2003-15268; FMCSA-2003-16564; FMCSA-2004-19477; FMCSA-2006-23773; FMCSA-2006-24015; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2008-0021; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2010-0050; FMCSA-2011-0140; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2011-0379; FMCSA-2011-0380; FMCSA-2012-0039; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167;

FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0002; FMCSA–2014–0003; FMCSA–2014–0004; FMCSA–2015–0049; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0351; FMCSA–2016–0024; FMCSA–2016–0025 using any of the following methods:

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail*: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery*: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax*: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001,

fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 119 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 119 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 68195; 65 FR 20251; 67 FR 10471; 67 FR 15662; 67 FR 17102; 67 FR 19798; 67 FR 37907; 67 FR 68719; 68 FR 2629; 68 FR 37197; 68 FR 48989; 68 FR 74699; 69 FR 10503; 69 FR 17267; 69 FR 19611; 69 FR 26206; 69 FR 64806; 69 FR 71100; 70 FR 2705; 70 FR 42615; 71 FR 6826; 71 FR 6829; 71 FR 14566; 71 FR 16410; 71 FR 19602; 71 FR 19604; 71 FR 26602; 71 FR 30227; 72 FR 1053; 72 FR 1054; 72 FR 39879; 72 FR 40360; 72 FR 52419; 73 FR 6242; 73 FR 11989; 73 FR 15567; 73 FR 16950; 73 FR 27014; 73 FR 27015; 73 FR 27017; 73 FR 76440; 74 FR 26464; 74 FR 34632; 74 FR 41971; 74 FR 49069; 74 FR 64124; 74 FR 65842; 75 FR 1835; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 13653; 75 FR 14656; 75 FR 19674; 75 FR 22176; 75 FR 27621; 75 FR 27622; 75 FR 28684; 76 FR 37169; 76 FR 50318; 76 FR 54530; 76 FR 62143; 76 FR 70212; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 10604; 77 FR 13689; 77 FR 13691; 77 FR 15184; 77 FR 17107; 77 FR 17108; 77 FR 17117; 77 FR 20879; 77 FR 23797; 77 FR 23800; 77 FR 26816; 77 FR 27849; 77 FR 27850; 77 FR 31427; 78 FR 24798; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 67454; 78 FR 67460; 78 FR 76395; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 10602; 79 FR 10607; 79 FR 10609; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 14571; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18391; 79 FR 18392; 79 FR 21996; 79 FR 22000; 79 FR 22003; 79 FR 23797; 79 FR 28588; 79 FR 29498; 80 FR 31636; 80 FR 40122; 80 FR 48413; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 21647; 81 FR 21655; 81 FR 44680; 81 FR 48493; 81 FR 52516; 81 FR 66718; 81 FR 91239; 81 FR 96196). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to

meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of May and are discussed below:

As of May 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 46 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 37197; 68 FR 48989; 69 FR 64806; 70 FR 2705; 70 FR 42615; 71 FR 6826; 71 FR 19602; 72 FR 1054; 72 FR 39879; 72 FR 40360; 72 FR 52419; 73 FR 6242; 73 FR 11989; 73 FR 16950; 74 FR 26464; 74 FR 34632; 74 FR 41971; 74 FR 49069; 74 FR 64124; 74 FR 65842; 75 FR 1835; 75 FR 9477; 75 FR 9480; 75 FR 9482; 75 FR 13653; 75 FR 22176; 76 FR 37169; 76 FR 50318; 76 FR 54530; 76 FR 62143; 76 FR 70212; 76 FR 78729; 77 FR 3552; 77 FR 5874; 77 FR 7233; 77 FR 10604; 77 FR 13689; 77 FR 13691; 77 FR 17107; 77 FR 17108; 77 FR 17117; 78 FR 24798; 78 FR 41975; 78 FR 46407; 78 FR 47818; 78 FR 56986; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 67454; 78 FR 67460; 78 FR 76395; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 79 FR 1908; 79 FR 2247; 79 FR 2748; 79 FR 4803; 79 FR 10602; 79 FR 10607; 79 FR 10609; 79 FR 10611; 79 FR 13085; 79 FR 14331; 79 FR 14333; 79 FR 17641; 79 FR 17642; 79 FR 17643; 79 FR 18391; 79 FR 22003; 80 FR 31636; 80 FR 40122; 80 FR 48413; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 17237; 81 FR 20433; 81 FR 20435; 81 FR 44680; 81 FR 48493; 81 FR 52516; 81 FR 91239):

David R. Alford (UT)
Bradley T. Alspach (IL)
Otto J. Ammer, Jr. (PA)
Terry L. Baker (KY)
Morris R. Beebe, II (CO)
Eugenio V. Bermudez (MA)
Dominic A. Berube (MA)
Troy C. Blackburn (OH)
Lester E. Burnes (NM)
Thomas F. Caithamer (IL)
Bruce A. Cameron (ND)
Freddie A. Carrasquillo (TX)
Mark Castleman (MN)

James A. Champion (WA)
Loren D. Chapman (MN)
Larry Chinn (WI)
Charles W. Cox (AR)
Walter F. Crean, III (CT)
Bryan K. Dalton (NC)
Vincent DeMedici (PA)
Johnny Dillard (SC)
John T. Edmondson (AL)
Kenneth J. Fisk (MI)
Brian W. Gillund (MN)
Patrick W. Griffin (OK)
Matt A. Guilmain (NH)
Raymond L. Herman (NY)
Elvin M. Hursh (PA)
James R. Leoffler (CO)
Melvin L. Lester (MS)
Jerry P. Lindesmith (OK)
Juan J. Luna (CA)
Stephen R. Marshall (MS)
Dale A. McCoy (ME)
Cole W. McLaughlin (SD)
John D. Morgan (PA)
Russell L. Moyers, Sr. (WV)
Ryan R. Ross (SC)
Steven C. Sheeder (IA)
Charles H. Stropfle (MA)
Eric Taniguchi (HI)
Robert L. Thies (IN)
Ronald L. Walker (FL)
Charles G. Warshun, Jr. (NY)
Alan T. Watterson (MA)
Oscar M. Wilkins (ME)

The drivers were included in docket numbers FMCSA-2003-15268; FMCSA-2004-19477; FMCSA-2006-23773; FMCSA-2007-0071; FMCSA-2007-27897; FMCSA-2009-0011; FMCSA-2009-0291; FMCSA-2009-0321; FMCSA-2011-0140; FMCSA-2011-0365; FMCSA-2011-0366; FMCSA-2013-0027; FMCSA-2013-0030; FMCSA-2013-0165; FMCSA-2013-0166; FMCSA-2013-0167; FMCSA-2013-0168; FMCSA-2013-0169; FMCSA-2013-0170; FMCSA-2013-0174; FMCSA-2014-0002; FMCSA-2015-0049; FMCSA-2015-0053; FMCSA-2015-0056; FMCSA-2015-0070; FMCSA-2015-0072; FMCSA-2015-0345; FMCSA-2015-0347; FMCSA-2015-0351. Their exemptions are applicable as of May 7, 2018, and will expire on May 7, 2020.

As of May 11, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 15184; 77 FR 27850; 79 FR 21996; 81 FR 91239):
Robert L. Brauns (IA)
Clifford W. Doran, Jr. (NC)
Gelnn C. Grimm (NJ)
Richard A. Pucker (WI)
John M. Riley (AL)
Jeffery A. Sheets (AR)

The drivers were included in docket numbers FMCSA-2011-0379; FMCSA-2011-0380. Their exemptions are applicable as of May 11, 2018, and will expire on May 11, 2020.

As of May 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 68 FR 74699; 69 FR 10503; 69 FR 71100; 71 FR 6826; 71 FR 6829; 71 FR 19602; 72 FR 1053; 73 FR 11989; 73 FR 15567; 73 FR 27015; 73 FR 76440; 75 FR 13653; 75 FR 19674; 77 FR 23797; 79 FR 23797; 81 FR 91239):

Leo G. Becker (KS)
Stanley W. Davis (TX)
Ray L. Emert (PA)
John W. Forgy (ID)
Neil W. Jennings (MO)
David A. Miller (NE)
Aaron S. Taylor (WI)

The drivers were included in docket numbers FMCSA-2002-12844; FMCSA-2003-16564; FMCSA-2006-23773; FMCSA-2008-0021. Their exemptions are applicable as of May 12, 2018, and will expire on May 12, 2020.

As of May 13, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 21647; 81 FR 21655; 81 FR 66718):

Jose O. Arroyo (CA)
Ronald H. Carey (PA)
James T. Curtis (NM)
Mark E. Dow (VT)
Danny R. Floyd (OH)
William J. Krysinski (MN)
Bradley K. Linde (IA)
Scott A. Palmer (NY)
Colby T. Smith (UT)
Carl J. Warnecke (OH)
Edwin E. West (MO)

The drivers were included in docket numbers FMCSA-2016-0024; FMCSA-2016-0025. Their exemptions are applicable as of May 13, 2018, and will expire on May 13, 2020.

As of May 16, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 23 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 14571; 79 FR 28588; 81 FR 91239; 81 FR 96196):

Luis A. Agudo (MN)
Dmitriy D. Bayda (WA)
Billy D. Devine (WA)
James G. Donze (MO)
Jeffrey D. Duncan (IN)

Dennis A. Feather (SC)
 Robert E. Johnston, Jr. (WA)
 Gregory J. Kuhn (NE)
 David W. Leach (IL)
 Jason S. Logue (GA)
 David F. Martin (NJ)
 Martin L. Mayes (GA)
 Daniel A. McNabb, Jr. (KS)
 Phillip L. Mello (CA)
 Robert L. Murray (IL)
 Steve W. Quenzer (SD)
 Bradley W. Reed (AL)
 Erik M. Rice (TX)
 Tatum R. Schmidt (IA)
 Harry J. Scholl (PA)
 Jacob A. Shaffer (PA)
 James S. Smith (AR)
 Steven S. Smith, Jr. (PA)

The drivers were included in docket number FMCSA–2014–0003. Their exemptions are applicable as of May 16, 2018, and will expire on May 16, 2020.

As of May 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (75 FR 9480; 75 FR 14656; 75 FR 22176; 75 FR 28684; 77 FR 23800; 79 FR 22000; 81 FR 91239): Herbert C. Hirsch, (MO); Douglas L. Norman, (NC); Wayne J. Savage, (VA).

The drivers were included in docket numbers FMCSA–2009–0011; FMCSA–2010–0050. Their exemptions are applicable as of May 21, 2018, and will expire on May 21, 2020.

As of May 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 18392; 79 FR 29498; 81 FR 91239):

James E. Baker (OH)
 Aaron D. Barnett (IA)
 Danny J. Goss (MO)
 James P. Griffin (WA)
 Dennis P. Hart (OR)
 James D. Kessler (SD)
 Sherell J. Landry (TX)
 Ronald N. Lindgren (MN)
 Rodney J. McMorran (IA)
 John L. Meese (MO)
 Michael E. Schlachter (WY)
 Kenneth W. Sigl (WI)
 Elmer F. Winters (NC)

The drivers were included in docket number FMCSA–2014–0004. Their exemptions are applicable as of May 22, 2018, and will expire on May 22, 2020.

As of May 25, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following seven individuals have satisfied the renewal conditions for

obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 68195; 65 FR 20251; 67 FR 10471; 67 FR 17102; 67 FR 19798; 69 FR 17267; 69 FR 19611; 71 FR 14566; 71 FR 16410; 71 FR 19604; 71 FR 30227; 73 FR 27014; 75 FR 27622; 77 FR 20879; 77 FR 26816; 77 FR 31427; 81 FR 91239):

Edward W. Hosier (MO)
 Craig T. Jorgensen (WI)
 Jose A. Lopez (CT)
 Earl E. Martin (VA)
 Joseph C. Powell (VA)
 David L. Schachle (PA)
 Mark Sobczyk (WI)

The drivers were included in docket numbers FMCSA–1999–6480; FMCSA–2001–11426; FMCSA–2006–24015; FMCSA–2012–0039. Their exemptions are applicable as of May 25, 2018, and will expire on May 25, 2020.

As of May 30, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 15662; 67 FR 37907; 69 FR 26206; 71 FR 26602; 73 FR 27017; 75 FR 27621; 77 FR 27849; 81 FR 91239): Joe W. Brewer, (SC); James W. Ellis, 4th, (NC); Kevin R. Stoner, (PA).

The drivers were included in docket number FMCSA–2002–11714. Their exemptions are applicable as of May 30, 2018, and will expire on May 30, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and

conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 119 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: May 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11122 Filed 5–23–18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0313]

Agency Information Collection Activities; Approval of a New Information Collection Request: Driver Commuting Practices Survey

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for review and approval.

FMCSA proposes a voluntary survey to inquire about driver commuting practices to fulfill Section 5515 of the Fixing America's Surface Transportation Act, 2015 (FAST Act), which requires FMCSA to conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes. The FMCSA Administrator is then required to submit a report to Congress containing the findings of the study. There are no current or future planned regulations associated with this survey,

nor does FMCSA plan to actively track driver commutes to obtain data.

The survey proposed within this ICR is entirely voluntary, and would gather information on the prevalence of excessive (greater than 150 minutes) commuting of interstate commercial motor vehicle (CMV) drivers, including the number and percentage of drivers who commute; the distances traveled, time zones crossed, time spent commuting, and methods of transportation used; the impact of excessive commuting on safety and CMV driver fatigue; and the commuting practices of CMV drivers and policies of motor carriers.

DATES: Please send your comments by June 25, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0313. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to oirq_submission@omb.eop.gov, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Nicole Michel, Mathematical Statistician, FMCSA's Office of Analysis, Research, and Technology's Research Division, Department of Transportation, Federal Motor Carrier Safety Administration, 6th Floor, West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Telephone: 202–366–4354; Email Address: Nicole.michel@dot.gov. Office hours are from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Title: Driver Commuting Practices Survey.

OMB Control Number: 2126–00XX.

Type of Request: New information collection.

Respondents: A random sample of licensed CMV operators, to include both freight operators and those with a passenger bus endorsement.

Estimated Number of Respondents: 500 CMV drivers (250 each of freight

drivers and commercial passenger bus drivers).

Estimated Time per Response: The estimated average time for a driver to complete the survey is 20 minutes.

Expiration Date: N/A. This is a new information collection.

Frequency of Response: This survey requires a one-time response per CMV operator. The survey will be open for a minimum of four weeks to collect responses.

Estimated Total Annual Burden: The estimated total annual burden is 166.7 hours.

Background

On December 4, 2015, the FAST Act was signed into law (Pub. L. 114–94, 129 Stat. 1312, 1557 (Dec. 4, 2015)). Section 5515 of the FAST Act directs the FMCSA Administrator to “conduct a study on the safety effects of motor carrier operator commutes exceeding 150 minutes” (subsection (a)). The Act further specifies that a report containing the findings of this study should be submitted to Congress no later than 18 months after the date of enactment of the Act (subsection (b)). FMCSA must complete this information collection to meet the specified congressional requirements set forth in the FAST Act.

Additionally, during the 114th Congress (2015–2016), legislation titled “The Truck Safety Act” was introduced. This legislation, which has not been enacted to date, provided greater context to inform study of this area (S. 1739, 114th Cong. § 7) by proposing the following:

SECTION. 7. STUDY ON COMMERCIAL MOTOR VEHICLE DRIVER COMMUTING

(a) Effects of Excessive Commuting.—The Administrator of the FMCSA shall conduct a study of the effects of excessive commuting on safety and commercial motor vehicle driver fatigue.

(b) Study.—In conducting the study, the Administrator shall consider—

(1) the prevalence of excessive driver commuting in the commercial motor vehicle industry, including the number and percentage of drivers who commute;

(2) the distances traveled, time zones crossed, time spent commuting, and methods of transportation used;

(3) research on the impact of excessive commuting on safety and commercial motor vehicle driver fatigue;

(4) the commuting practices of commercial motor vehicle drivers and policies of motor carriers;

(5) the FMCSA regulations, policies, and guidance regarding excessive driver commuting; and

(6) any other matters the Administrator considers appropriate.

In the past two decades, as the number of workers has increased and

the distance to affordable housing has also increased in most metropolitan areas, commuting times have increased in the United States. According to the *2015 Urban Mobility Scorecard*,¹ travel delays due to traffic congestion caused drivers to waste more than 3 billion gallons of fuel and kept travelers stuck in their cars for nearly 7 billion extra hours (42 hours per rush-hour commuter).

Long commuting times can adversely affect CMV drivers in multiple ways, for example:

- *Compromising off-duty time.* Long commuting times can reduce a driver's available off-duty time for sleep and personal activities. This can lead to excessive fatigue while on duty, creating safety concerns for both the CMV driver and other drivers on the roads.

- *Impacting driver health.* A recent study was conducted that monitored 4,297 adults from 12 metropolitan Texas counties. In this region, 90 percent of people commute to work. The study found that the drivers who have long commuting times were more likely to have poor cardiovascular health and be less physically fit.² This study showed that people who commute long distances to work weigh more, are less physically active, and have higher blood pressure.

The objective of the survey proposed in this ICR is to study the following CMV driver characteristics:

- Work history;
- Commuting time, transportation mode, and recording of that time;
- Driving schedules;
- Rests and breaks;
- Miles driven annually; and
- Demographics.

Safety data obtained by the Motor Carrier Information Management System (MCMIS) database will be used to determine whether there are any noticeable safety impacts corresponding to commuting times.

II. Data Collection Plan

The information collection is a one-time, Web-based collection, including surveys of current and past drivers of freight and passenger vehicles. The survey will be entirely online. There will be no paper survey. The general survey approach and design is as follows:

¹ Schrank, David; Eisele, Bill; Lomax, Tim; and Bak, Jim. (2015.) 2015 Urban Mobility Scorecard. Texas A&M Transportation Institute and Inrix, Inc., available at: <http://static.tti.tamu.edu/tti.tamu.edu/documents/mobility-scorecard-2015.pdf>.

² Hoehner, Christine; Barlow, Carolyn; Allen, Peg; and Schootman, Mario. (2012.) Commuting Distance, Cardiorespiratory Fitness, and Metabolic Risk. *American Journal of Preventive Medicine* 42(6): 571–578.

1. FMCSA will provide a random sample of 12,000 drivers obtained by cross-referencing a random sample of records from the Commercial Driver's License Information System (CDLIS) data with the licensing States' Commercial Driver's License (CDL) driver histories. The samples will be divided into one list for drivers who operate (or previously operated) freight vehicles and a second list for those who drive (or previously drove) passenger-carrying vehicles.

2. The sample of drivers obtained from CDLIS data will also be queried in MCMIS for safety results of these drivers; this data will be used to assess non-response bias and to compare safety records of responding drivers with their survey responses on commuting times. To the extent possible, MCMIS data may be used to try to verify whether drivers with a passenger endorsement on their CDL are, in fact, passenger bus drivers.

3. Using a mail-Web methodology, the driver commute survey will be sent out by the research team, on behalf of FMCSA, to the 12,000 selected drivers identified in step 1. These drivers will be solicited to complete an online survey, using a recruitment letter (with a \$2 pre-incentive), a reminder postcard, and a second follow-up letter. The letter will inform the drivers that they will receive a check for \$10 upon completion of the survey, which is expected to average 20 minutes to complete. Our initial expectation is that 4.17 percent of the 12,000 (500) will complete the survey on the Web. The burden analysis is based on this figure of 500 responses.

III. Comments Received on the 60-Day Federal Register Notice of This Proposed Information Collection Request

The Agency received 381 comments in response to this notice, of which 18 were supportive of the study, 22 were deemed not relevant to this information collection, 11 were neutral or provided information regarding the proposed topic of driver commuting, 326 were negative toward the study (one of these comments was a duplicate posting and two of the comments were second submissions from one individual), and four were suggestions for the study.

The 18 comments received in support of the information collection request focused on the impacts commuting can have on commercial drivers, and suggested it could be beneficial to look at whether a commute should be included in a driver's hours-of-service and properly accounted for. The majority of these comments came from individuals, as well as the National Transportation Safety Board, the

American Academy of Sleep Medicine, and the Owner-Operator Independent Drivers Association. All parties acknowledged that longer commute times can lead to excessive fatigue, particularly for professional drivers.

The 22 comments that were deemed to be not relevant to this information collection addressed the Electronic Logging Device (ELD) mandate or the 14-hour rule in the current Hours-of-Service regulations, but did not mention or comment on driver commuting time or safety impacts. All of these comments were received from individuals.

The 11 comments received that were simply informative in nature, or neutral to the study, were submitted by individuals. The majority of these comments gave insight into these drivers' commute times and how they commute. One commenter noted that the survey was fine as long as it was voluntary and not mandated; as stated earlier in this notice, this will be a voluntary survey and each individual question on the survey will be voluntary. All survey materials will reinforce this information.

The 326 negative comments received were all from individuals (mostly drivers) and not organizations. These comments expressed that the survey is an invasion of privacy and that any attempt to regulate a commute would be equivalent to the Government telling working citizens how far they can live from work, which would be unconstitutional. Additionally, several felt that it was unfairly targeting drivers and if conducted should be expanded to the general public, as they also may have longer commuting times.

While FMCSA appreciates these views, the agency's mission is focused solely on safety of the CMV operations, and it has no authority to regulate non-CMV commuters; therefore, it does not conduct surveys of the general public unrelated to CMV safety. FMCSA is aware that the National Institute of Health is currently working on surveys relating to commuting times for other professions than commercial drivers.

None of these comments were actionable, as FMCSA has no plans, nor legal authority, to regulate non-CMV commuting distances. The survey is completely voluntary and is not intended to support a mandate or regulate driver commutes, but will help the agency gain further insights into commuting times experienced by commercial drivers.

Of the four comments that provided suggestions on the proposed information collection, three suggested that the survey should be sent to carriers and employers instead of individual

drivers. FMCSA has considered this suggestion, but believes that employers and carriers would not necessarily know how long an individual employee is commuting. Every driver has a unique circumstance with their commute, and this information collection is aimed at better understanding the dynamics of individual drivers' commutes.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on May 16, 2018.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2018-11129 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0028]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 23 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. They are unable to meet the vision requirement in one eye for various reasons. The exemptions enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: The exemptions were applicable on March 17, 2018. The exemptions expire on March 17, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal

holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at <http://www.regulations.gov>.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

II. Background

On February 14, 2018, FMCSA published a notice announcing receipt of applications from 23 individuals requesting an exemption from vision requirement in 49 CFR 391.41(b)(10) and requested comments from the public (83 FR 6681). The public comment period ended on March 16, 2018, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(10).

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

III. Discussion of Comments

FMCSA received no comments in this proceeding.

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on medical reports about the applicants' vision as well as their driving records and experience driving with the vision deficiency. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the February 14, 2018, **Federal Register** notice (83 FR 6681) and will not be repeated in this notice.

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their limitation and demonstrated their ability to drive safely. The 23 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including amblyopia, chorioretinal scar, complete loss of vision, corneal scarring, macular scarring, nystagmus, prosthesis, retinal detachment, retinal scarring, and retinal vein occlusion. In most cases, their eye conditions were not recently developed. Fourteen of the applicants were either born with their vision impairments or have had them since childhood. The nine individuals that sustained their vision conditions as adults have had it for a range of 3 to 41 years. Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV.

Doctors' opinions are supported by the applicants' possession of a valid license to operate a CMV. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate

commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions.

The applicants in this notice have driven CMVs with their limited vision in careers ranging for 3 to 95 years. In the past three years, no drivers were involved in crashes, and one driver was convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

Consequently, FMCSA finds that in each case exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption.

V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10) and (b) by a certified Medical Examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 23 exemption applications, FMCSA exempts the following drivers from the vision requirement, 49 CFR 391.41(b)(10), subject to the requirements cited above:

Michael W. Belknap (VT)
 Scott M. Cavanaugh (OK)
 James M. Ferry (OH)
 Jacob A. Hehr (IL)
 Mike B. Houston (OR)
 Marvin R. Knecht (ND)
 Paul H. Knott (ND)
 Randolph W. Lewis (CA)
 John M. Moore (LA)
 Martin Munoz (TX)
 Edwin Quiles (FL)
 Vernon L. Reed (OR)
 Joshua A. Rhynd (ME)
 Douglass L. Riddell (CA)
 Michael C. Stelman (NJ)
 Sedrick Straughter (IL)
 Michael Talley (OK)
 Edward G. Thurston, III (TX)
 Gerald A. Vaughn (OH)
 John Henry R. Viljoen (ND)
 Kenneth E. Wheland (PA)
 Richard E. Wixom (MI)
 Mohammad J. Yousufzai (NJ)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: May 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018-11124 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2018-0052]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from seven individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with a clinical diagnosis of epilepsy or any other condition that is likely to cause a loss of consciousness or any loss of ability to control a commercial motor vehicle (CMV) to drive in interstate commerce. If granted, the exemptions would enable these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

DATES: Comments must be received on or before June 25, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2018-0052 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1-202-493-2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey

Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds "such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption." The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The seven individuals listed in this notice have requested an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which

is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria¹ to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The advisory criteria states the following:

If an individual has had a sudden episode of a non-epileptic seizure or loss of consciousness of unknown cause that did not require anti-seizure medication, the decision whether that person's condition is likely to cause the loss of consciousness or loss of ability to control a CMV should be made on an individual basis by the Medical Examiner in consultation with the treating physician. Before certification is considered, it is suggested that a six-month waiting period elapse from the time of the episode. Following the waiting period, it is suggested that the individual have a complete neurological examination. If the results of the examination are negative and anti-seizure medication is not required, then the driver may be qualified.

In those individual cases where a driver had a seizure or an episode of loss of consciousness that resulted from a known medical condition (e.g., drug reaction, high temperature, acute infectious disease, dehydration, or acute metabolic disturbance), certification should be deferred until the driver has recovered fully from that condition, has no existing residual complications, and is not taking anti-seizure medication.

Drivers who have a history of epilepsy/seizures, off anti-seizure medication and seizure-free for 10 years, may be qualified to operate a CMV in interstate commerce. Interstate drivers with a history of a single unprovoked seizure may be qualified to drive a CMV in interstate commerce if seizure-free and off anti-seizure medication for a five-year period or more.

As a result of Medical Examiners misinterpreting advisory criteria as regulation, numerous drivers have been prohibited from operating a CMV in interstate commerce based on the fact that they have had one or more seizures

and are taking anti-seizure medication, rather than an individual analysis of their circumstances by a qualified Medical Examiner based on the physical qualification standards and medical best practices.

On January 15, 2013, FMCSA announced in a Notice of Final Disposition titled, Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders, (78 FR 3069), its decision to grant requests from 22 individuals for exemptions from the regulatory requirement that interstate CMV drivers have "no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV." Since the January 15, 2013 notice, the Agency has published additional notices granting requests from individuals for exemptions from the regulatory requirement regarding epilepsy found in 49 CFR 391.41(b)(8).

To be considered for an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), applicants must meet the criteria in the 2007 recommendations of the Agency's Medical Expert Panel (MEP) (78 FR 3069).

II. Qualifications of Applicants

Scott D. DeJarnette

Mr. DeJarnette is a 54-year old Class DB driver in Kentucky. He has a history of epilepsy and has been seizure free since 1988. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2009. His physician states that he is supportive of Mr. DeJarnette receiving an exemption.

James R. Grant

Mr. Grant is a 60-year-old Class CDL-A MC driver in New Hampshire. He has a history of epilepsy and has been seizure free since 1993. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2015. His physician states that she is supportive of Mr. Grant receiving an exemption.

Jesse Hansen

Mr. Hansen is a 35-year-old Class D driver in Minnesota. He has a history of generalized epilepsy and has been seizure free since 2003. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2003. His physician states that he is supportive of Mr. Hansen receiving an exemption.

Troy L. Nichols

Mr. Nichols is a 47-year-old Class A driver in Illinois. He has a history of complex partial seizures and has been seizure free since 2001. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2008. His physician states that he is supportive of Mr. Nichols receiving an exemption.

Nick J. Ramirez

Mr. Ramirez is a 39-year-old Class C driver in California. He has a history of epilepsy and has been seizure free since 2010. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2008. His physician states that he is supportive of Mr. Ramirez receiving an exemption.

Scott A. Ready Sr.

Mr. Ready is a 52-year-old Class D driver in Wisconsin. He has a history of a seizure disorder and has been seizure free since 2005. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2010. His physician states that she is supportive of Mr. Ready receiving an exemption.

Michael A. Warren

Mr. Warren is a 35-year-old Class C Driver in Michigan. He has a history of a seizure disorder and has been seizure free since 2007. He takes anti-seizure medication, with the dosage and frequency remaining the same since 2013. His physician states that he is supportive of Mr. Warren receiving an exemption.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2018-0052 and click the search button. When the new screen appears,

¹ See http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a and <https://www.gpo.gov/fdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

click on the blue “Comment Now!” button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment period. FMCSA may issue a final determination at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA–FMCSA–2018–0052 and click “Search.” Next, click “Open Docket Folder” and you will find all documents and comments related to this notice.

Issued on: May 16, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–11120 Filed 5–23–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0321]

Agency Information Collection Activities; Renewal of a Currently Approved Information Collection Request: Generic Clearance of Customer Satisfaction Surveys

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces its plan to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for its review and approval and invites public comment. The Executive Order directs Federal agencies to provide service to the public that matches or exceeds the best service available in the private sector. In order to work continuously to ensure that our programs are effective and meet our customers’ needs, the

FMCSA seeks to obtain OMB approval of a currently approved generic clearance to collect feedback on our service delivery. By feedback, we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. On January 19, 2018, FMCSA published a notice in the **Federal Register** allowing for a 60-day comment period on this ICR. The Agency received one comment in response to the notice. The comment was unrelated to the information collection. Therefore, no agency response was necessary.

DATES: Please send your comments by June 25, 2018. OMB must receive your comments by this date in order to act on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2017–0321. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to omb_submission@omb.eop.gov, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Roxane Oliver, FMCSA, Office of Analysis, Research and Technology, Analysis Division/MC–RRA. Telephone (202) 385–2324; or email Roxane.Oliver@dot.gov. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Generic Clearance of Customer Satisfaction Surveys.

OMB Control Number: 2126–0061.

Type of Request: Renewal of currently approved collection.

Respondents: State and local agencies; general public and stakeholders; original equipment manufacturers (OEM) and suppliers to the commercial motor vehicle (CMV) industry; fleets, owner-operators, state CMV safety agencies, research organizations and contractors; news organizations, safety advocacy groups; and other Federal agencies.

Estimated Number of Respondents: 5,900 [5,000 customer satisfaction

survey respondents + 100 listening sessions/stakeholder feedback forums respondents + 300 focus group respondents + 500 strategic planning customer satisfaction survey respondents].

Estimated Time per Response: Range from 10–120 minutes per response.

Expiration Date: July 31, 2018.

Frequency of Response: Generally, on an annual basis.

Estimated Total Annual Burden: 1,758 hours [833 hours for customer satisfaction surveys + 200 hours for listening sessions/stakeholder feedback forums + 600 hours for focus groups + 125 hours for strategic planning customer satisfaction surveys].

Background: In accordance with the Paperwork Reduction Act of 1995, FMCSA invites public comments about our intention to request the OMB approval to renew a previously approved information collection. Executive Order 12862 Setting Customer Service Standards, and most recently updated in Executive Order 13571, requires the Federal Government to provide the “highest quality service possible to the American people.” Under the order, the “standard of quality for services provided to the public shall be: Customer service equal to the best in business.” In order to work continuously to ensure that our programs are effective and meet our customers’ needs, FMCSA seeks to obtain OMB approval of a currently approved generic clearance to collect qualitative feedback from our customers on our service delivery. The surveys covered in this generic clearance will provide a means for FMCSA to collect this data directly from our customers. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. 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 of communication, training or changes in operations that 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 the collections are:

- Voluntary;
- 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;
- Noncontroversial and do not raise issues of concern to other Federal agencies;
- 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;
- Only collecting personally identifiable information (PII) to the extent necessary and is not retained;
- Only collecting information intended to be used internally for general service improvement and program management, and any release outside the agency must indicate the qualitative nature of the information;
- Not to be used for the purpose of substantially informing influential policy decisions; and
- Intended to yield only qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalized to the population of study.

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 nonresponse 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.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FMCSA to perform its functions; (2) the accuracy of the estimated burden; (3) ways for the FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority delegated in 49 CFR 1.87 on: May 16, 2018.

G. Kelly Regal,

Associate Administrator, Office of Research and Information Technology and Chief Information Officer.

[FR Doc. 2018-11128 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA-1999-6254]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 10, 2018, the Santa Clara Valley Transportation Authority (SCVTA) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations. FRA assigned the petition docket number FRA-1999-6254.

In its petition, SCVTA seeks to extend the terms and conditions of its Shared Use waiver regarding operations in its Vasona Corridor, originally granted by FRA's Railroad Safety Board (Board) on September 26, 2005; modified in 2008; and extended in 2011 and 2013. Specifically, this Shared Use waiver is for the continued operation of the SCVTA rail fixed guideway transit system in the Vasona Corridor. SCVTA shares this corridor with Union Pacific Railroad (UP) running parallel for 5 miles of the existing 15-mile long UP Vasona Industrial Lead and serves the cities of southwest San Jose, CA, and Campbell, CA. SCVTA and the parallel UP line share grade crossings and the corridor, but have no other connection. Because SCVTA owns this 5-mile-long

portion of the shared corridor, SCVTA and UP have executed an Operations and Maintenance Agreement, which includes an exclusive operating easement, allowing UP to fulfill its obligations as a common carrier of freight by continuing its existing freight operations within the purchased corridor. This agreement requires SCVTA to inspect, maintain, and repair all tracks, signal systems and automatic warning devices along the freight track within that portion of the corridor shared with SCVTA tracks.

SCVTA continues to seek partial relief from 49 CFR part 220, *Railroad Communications*, for SCVTA employees, except its dispatchers; and from 49 CFR part 225, *Railroad Accidents/Incident Reports*, to waive employee injury reporting requirements only. SCVTA continues to seek full relief from some parts of the regulations (e.g., 49 CFR parts 217, 219, 221, 229, 238, and 239) as well.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by July 9, 2018 will be considered by FRA before

final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of www.regulations.gov.

Robert C. Lauby,

Associate Administrator for Railroad Safety,
Chief Safety Officer.

[FR Doc. 2018-11079 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY 2018 Competitive Funding Opportunity: Pilot Program for Transit-Oriented Development Planning

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of Funding Opportunity (NOFO).

SUMMARY: The Federal Transit Administration (FTA) announces the opportunity to apply for approximately \$25.79 million of funding under the Pilot Program for Transit-Oriented Development Planning (Catalog of Federal Domestic Assistance #20.500). As required by federal transit law and subject to funding availability, funds will be awarded competitively to support comprehensive planning associated with new fixed guideway and core capacity improvement projects.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV "APPLY" function by 11:59 p.m. EDT July 23, 2018. Prospective applicants should initiate the process by registering on the GRANTS.GOV website promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's website at <https://www.transit.dot.gov/TODPilot> and in the "FIND" module of GRANTS.GOV.

The GRANTS.GOV funding opportunity ID is FTA-2018-004-TPE. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Benjamin Owen, FTA Office of Planning and Environment, (202) 366-5602, or Benjamin.Owen@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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A. Program Description

Section 20005(b) of the Moving Ahead for Progress in the 21st Century Act (MAP-21; Pub. L. 112-141, July 6, 2012), with funding authorized by 49 U.S.C. 5338(a)(2)(B), authorizes FTA to award funds under the Pilot Program for Transit-Oriented Development (TOD) Planning (TOD Pilot Program) through a competitive process, as described in this notice, to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity improvement transit capital project as defined in Federal transit statute. (See section C of this NOFO for more information about eligibility.)

As outlined in MAP-21, the TOD Pilot Program is intended to fund comprehensive planning that supports economic development, ridership, multimodal connectivity and accessibility, increased transit access for pedestrian and bicycle traffic, and mixed-use development near transit stations. The TOD Pilot Program also encourages identification of infrastructure needs and engagement with the private sector.

Consistent with direction in MAP-21, FTA is seeking comprehensive planning projects covering an entire transit capital project corridor, rather than proposals that involve planning for individual station areas or only a small section of the corridor. To ensure any proposed planning work reflects the needs and aspirations of the local community and results in concrete, specific deliverables and outcomes, transit project sponsors must partner with entities with land use planning authority in the transit project corridor to conduct the planning work.

B. Federal Award Information

Federal transit law authorizes FTA to make grants for eligible comprehensive planning projects under Section 20005(b) of MAP-21, with funding authorized by 49 U.S.C. 5338(a)(2)(B). FTA intends to award all available funding to selected applicants responding to this NOFO.

Only proposals from eligible recipients for eligible activities will be considered for funding. FTA anticipates minimum grant awards of \$250,000 and maximum grant awards of \$2,000,000. The maximum period of performance allowed for the work covered by the award is 36 months.

C. Eligibility Information

1. Eligible Applicants

Applicants under the TOD Pilot Program must be FTA grantees (*i.e.*, existing direct and designated recipients) as of the publication date of this NOFO. An applicant must either be the project sponsor of an eligible transit capital project as defined below in section C, subsection 3 or an entity with land use planning authority in an eligible transit capital project corridor. Except in cases where an applicant is both the sponsor of an eligible transit project and has land use authority in at least a portion of the transit project corridor, the transit project sponsor and at least one entity in the project corridor with land use planning authority must partner on the proposed comprehensive planning project. Documentation of this partnership must be included with the application; see section D, subsection 2 of this NOFO for further information.

Only one application per transit capital project corridor may be submitted to FTA. Multiple applications submitted for a single transit capital project corridor indicate that partnerships are not in place and FTA will reject all of the applications.

2. Cost Sharing or Matching

The maximum Federal funding share is 80 percent.

Eligible sources of local match include the following: Cash from non-Government sources other than revenues from providing public transportation services; revenues derived from the sale of advertising and concessions; amounts received under a service agreement with a State or local social service agency or private social service organization; revenues generated from value capture financing mechanisms; or funds from an undistributed cash surplus; replacement or depreciation cash fund or reserve; or new capital. In-kind contributions are

permitted. Transportation Development Credits (formerly referred to as Toll Revenue Credits) may not be used to satisfy the local match requirement. FTA may prioritize projects proposed with a higher non-Federal share.

3. Other Eligibility Criteria

i. Eligible Transit Projects

Any comprehensive planning work proposed for funding under the TOD Pilot Program must be associated with an eligible transit capital project. To be eligible, the proposed transit capital project must be a new fixed guideway project or a core capacity improvement project as defined in Section 5309(a) of title 49, United States Code.

A fixed guideway is a public transportation facility:

- (A) Using and occupying a separate right-of-way for the exclusive use of public transportation;
- (B) using rail;
- (C) using a fixed catenary system;
- (D) for a passenger ferry system; or
- (E) for a bus rapid transit system.

A new fixed guideway capital project is defined in statute to be:

(A) A new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

A fixed guideway bus rapid transit project is defined more specifically in statute as a bus capital project:

(A) In which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including:

- (i) Defined stations;
- (ii) traffic signal priority for public transportation vehicles;
- (iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and
- (iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

A core capacity improvement project is defined in statute as a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of the corridor by

not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

Any transit capital project that does not meet the statutory definition above of either a new fixed guideway project or a core capacity improvement project is not eligible under the TOD Pilot Program.

ii. Eligible Activities

Any comprehensive planning efforts funded under the TOD Pilot Program must address all six aspects of the general authority stipulated in Section 20005(b)(2) of MAP-21:

- i. Enhances economic development, ridership, and other goals established during the project development and engineering processes;
- ii. facilitates multimodal connectivity and accessibility;
- iii. increases access to transit hubs for pedestrian and bicycle traffic;
- iv. enables mixed-use development;
- v. identifies infrastructure needs associated with the eligible project; and
- vi. includes private sector participation.

MAP-21 also requires the comprehensive planning effort to advance the metropolitan planning organization's metropolitan transportation plan. Further, MAP-21 requires applicants to establish performance criteria for the planning effort.

Following are examples of the types of substantial deliverables that may result from the comprehensive planning work. Substantial deliverables are reports, plans and other materials that represent the key accomplishments of the comprehensive planning effort and that must be submitted to FTA as each is completed. Substantial deliverables may include, but are not restricted to, the following:

- i. A comprehensive plan report that includes corridor development policies and station development plans, a proposed timeline, and recommended financing strategies for these plans, which may include use of Federal loan programs such as USDOT's Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation Improvement and Financing (RRIF) programs;
- ii. A strategic plan report that includes corridor specific planning strategies and program recommendations to support comprehensive planning;
- iii. Revised TOD-focused zoning codes and/or resolutions;
- iv. A report evaluating and recommending financial tools to

encourage TOD implementation such as land banking, value capture, and development financing;

- v. Policies to encourage TOD; and/or
- vi. Local or regional resolutions to implement TOD plans and/or establish TOD funding mechanisms.

iii. Ineligible Activities

Applications should not include the following activities, which include activities that are targeted to only a single location rather than a comprehensive corridor-focused TOD planning study:

- i. TOD planning work in a single transit capital project station area;
- ii. Transit project development activities that would be reimbursable under an FTA capital grant, such as project planning, the design and engineering of stations and other facilities, environmental analyses needed for the transit capital project, or costs associated with specific joint development activities;
- iii. Capital projects, such as land acquisition, construction, and utility relocation; and
- iv. Site- or parcel-specific planning, such as the design of individual structures.

D. Application and Submission Information

1. Address

Applications must be submitted electronically through *GRANTS.GOV*. General information for submitting applications through *GRANTS.GOV* can be found at <https://www.transit.dot.gov/funding/grants/applying/applying-fta-funding> along with specific instructions for the forms and attachments required for submission. Mail and fax submissions will not be accepted.

2. Content and Form of Application Submission

Proposals should include only a completed SF 424 Mandatory form (downloaded from *GRANTS.GOV*) and the following attachments to the completed SF 424:

- i. A completed Applicant and Proposal Profile supplemental form for the TOD Pilot Program (supplemental form) found on the FTA website at <https://www.transit.dot.gov/TODPilot>. The information on the supplemental form will be used to determine applicant and project eligibility for the program, and to evaluate the proposal against the selection criteria described in part E of this notice;
- ii. A map of the proposed study area showing the transit project alignment and stations, major roadways, major

landmarks, and the geographic boundaries of the proposed comprehensive planning activities;

- iii. Documentation of a partnership between the transit project sponsor and an entity in the project corridor with land use planning authority to conduct the planning work, if the applicant does not have both of these responsibilities. Documentation may consist of a memorandum of agreement or letter of intent signed by all parties that describes the parties' roles and responsibilities in the proposed comprehensive planning project; and
- iv. Documentation of any funding commitments for the proposed planning work.

Information such as proposer name, Federal amount requested, local match amount, description of areas served, etc. may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Proposers must fill in all fields unless stated otherwise on the forms. Proposers should use both the "Check Package for Errors" and the "Validate Form" validation buttons on both forms to check all required fields on the forms, and ensure that the federal and local amounts specified are consistent. In the event of errors with the supplemental form, FTA recommends saving the form on your computer and ensuring that JavaScript is enabled in your PDF reader. The information listed below MUST be included on the SF 424 and supplemental forms for all requests for TOD Pilot Program funding.

The SF 424 and supplemental form will prompt applicants to address the following items:

1. Provide the name of the lead applicant and, if applicable, the specific co-sponsors submitting the application.
2. Provide the applicant's Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number.
3. Provide contact information including: Contact name, title, address, fax and phone number, and email address.
4. Specify the Congressional district(s) where the planning project will take place.
5. Identify the project title and project scope to be funded, including anticipated substantial deliverables and the milestones at which they will be provided to FTA.
6. Identify and describe an eligible transit project that meets the requirements of section C, subsection 3 of this notice.
7. Provide evidence of a partnership between the transit project sponsor and at least one agency with land use authority in the transit capital project corridor, as described earlier in this subsection.
8. Address the six aspects of general authority under MAP-21 Section 20005(b)(2).
9. Address each evaluation criterion separately, demonstrating how the project

responds to each criterion as described in section E.

10. Provide a line-item budget for the total planning effort, with enough detail to indicate the various key components of the project.
11. Identify the Federal amount requested.
12. Document the matching funds, including amount and source of the match (may include local or private sector financial participation in the project). Describe whether the matching funds are committed or planned, and include documentation of the commitments.
13. Address whether other Federal funds have been sought or received for the project.
14. Provide a project schedule and process for the development of the comprehensive plan that includes anticipated dates for incorporating the planning work effort into the region's unified planning work program, completing major tasks and substantial deliverables, and completing the overall planning effort (which, per the maximum period of performance, must occur within 36 months of grant execution).
15. Describe how the planning work advances the metropolitan transportation plan of the metropolitan planning organization.
16. Propose performance criteria for the development and implementation of the planning work.
17. Identify potential State, local or other impediments to the planning work and its implementation, and how the work will address them.

For each of the above indicate yes or no, and attach a link to any applicable documents or websites. Do not attach the documentation.

FTA will not consider any additional materials submitted by applicants in its evaluation of proposals. The total length of the completed supplemental form and documentation of partnerships and funding commitments should be no more than 15 pages.

3. Unique Entry Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an application or plan under consideration by FTA. These requirements do not apply if the applicant: (1) Is an individual; (2) is excepted from the requirements under 2 CFR 25.110(b) or (c); or (3) has an exception approved by FTA under 2 CFR 25.110(d). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may

determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. All applicants must provide a unique entity identifier provided by SAM. Registration in SAM may take as little as 3–5 business days, but since there could be unexpected steps or delays (for example, if you need to obtain an Employer Identification Number), FTA recommends allowing ample time, up to several weeks, for completion of all steps. For additional information on obtaining a unique entity identifier, please visit www.sam.gov.

4. Submission Dates and Times

Project proposals must be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. July 23, 2018. *GRANTS.GOV* attaches a time stamp to each application at the time of submission. Proposals submitted after the deadline will only be considered under extraordinary circumstances not under the applicant's control. Mail and fax submissions will not be accepted.

Within 48 hours after submitting an electronic application, the applicant should receive two email messages from *GRANTS.GOV*: (1) Confirmation of successful transmission to *GRANTS.GOV*, and (2) confirmation of successful validation by *GRANTS.GOV*. FTA will then validate the application and will attempt to notify any applicants whose applications could not be validated (for instance, due to a missing or scanned Applicant and Proposal Profile supplemental form or the use of a form for a different funding opportunity). If confirmations of successful validation are not received and a notice of failed validation or incomplete materials is received, the applicant must address the reason for the failed validation, as described in the email notice, and resubmit before the submission deadline. If making a resubmission for any reason, include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission. An application that is submitted at the deadline and cannot be validated will be marked as incomplete, and such applicants will not receive additional time to re-submit.

Any addenda that FTA releases on the application process will be posted at <https://www.transit.dot.gov/TODPilot>. Important: FTA urges proposers to submit their applications at least 96 hours prior to the due date to allow time to receive the validation messages and to correct any problems that may have caused a rejection notification.

GRANTS.GOV scheduled maintenance and outage times are announced on the GRANTS.GOV website at <http://www.GRANTS.GOV>. Deadlines will not be extended due to scheduled maintenance or outages.

Proposers are encouraged to begin registration process on the GRANTS.GOV site well in advance of the submission deadline. Registration is a multi-step process, which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the System for Award Management (SAM) is renewed annually and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in GRANTS.GOV by the AOR to make submissions. Instructions on the GRANTS.GOV registration process are listed in Appendix A.

5. Funding Restrictions

See section C of this NOFO for detailed eligibility requirements. FTA emphasizes that any comprehensive planning projects funded through the TOD Pilot Program must be associated with an eligible transit project, specifically a new fixed guideway project or a core capacity improvement project as defined in Federal transit statute, 49 U.S.C. 5309(a).

6. Other Submission Requirements

Project proposals must be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. E.D.T. on July 23, 2018. Mail and fax submissions will not be accepted.

E. Application Review Information

1. Criteria

FTA will evaluate proposals that include all components identified in section D of this notice according to the following three criteria:

a. Demonstrated Need

FTA will evaluate each project to determine the need for funding based on the following factors:

- i. Potential state, local or other impediments to implementation of the products of the comprehensive planning effort, and how the workplan will address them;
- ii. How the proposed work will advance TOD implementation in the corridor and region;
- iii. Justification as to why Federal funds are needed for the proposed work; and

iv. Extent to which the transit project corridor could benefit from TOD planning.

b. Strength of the Work Plan, Schedule and Process

FTA will evaluate the strength of the work plan, schedule and process included in an application based on the following factors:

- i. Extent to which the schedule contains sufficient detail, identifies all steps needed to implement the work proposed, and is achievable;
- ii. The proportion of the project corridor covered by the work plan;
- iii. Extent of partnerships, including with non-public sector entities;
- iv. The partnerships' technical capability to develop, adopt and implement the plans, based on FTA's assessment of the applicant's description of the policy formation, implementation, and financial roles of the partners, and the roles and responsibilities of proposed staff; and
- v. Whether the performance measures identified in the application relate to the goals of the planning work.

c. Funding Commitments

FTA will assess the status of local matching funds for the planning work. Applications demonstrating that matching funds for the proposed planning work are committed will receive higher ratings from FTA on this factor. Proposed planning projects for which matching funding sources have been identified, but are not yet committed, will be given lower ratings under this factor by FTA, as will proposed projects for which in-kind contributions constitute the primary or sole source of matching funds.

2. Review and Selection Process

In addition to other FTA staff that may review the proposals, a technical evaluation committee will evaluate proposals based on the published evaluation criteria. Members of the technical evaluation committee and other FTA staff may request additional information from applicants, if necessary. Based on the findings of the technical evaluation committee, the FTA Administrator will determine the final selection of projects for program funding. Among the factors, FTA may consider geographic diversity, diversity in the size of the grantees receiving funding, and/or the applicant's receipt of other competitive awards in determining the allocation of program funds. FTA may prioritize projects proposed with a higher local share.

In addition to the criteria and considerations outlined in this section,

the FTA Administrator will take into account the following key Departmental objectives:

(A) Supporting economic vitality at the national and regional level;

(B) Leveraging Federal funding to attract other, non-Federal sources of infrastructure investment, including value capture;

(C) Using innovative approaches to improve safety and expedite project delivery; and,

(D) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM. FTA will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in the 2 CFR 200.205 Federal awarding agency review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notices

Subsequent to an announcement by the FTA Administrator of the final project selections, which will be posted on the FTA website, FTA will publish a list of the selected projects, Federal award amounts, and recipients in the **Federal Register**. Project recipients should contact their FTA Regional Offices for additional information regarding allocations for projects under the TOD Pilot Program. FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection; see subsection 3 below for further information.

Local funds must be committed and grants awarded by September 30, 2019.

2. Award Administration

Funds under the TOD Pilot Program are available to existing FTA grantees. The anticipated minimum and maximum award amounts are \$250,000

and \$2,000,000, respectively. Only proposals from eligible recipients for eligible activities will be considered for funding. Due to funding limitations, proposers that are selected for funding may receive less than the amount originally requested. In those cases, applicants must be able to demonstrate that the proposed projects are still viable and can be completed with the amount awarded.

3. Administrative and National Policy Requirements

i. Pre-Award Authority

FTA will issue specific guidance to recipients regarding pre-award authority at the time of selection. FTA does not provide pre-award authority for competitive funds until projects are selected and even then there are Federal requirements that must be met before costs are incurred. Funds under this NOFO cannot be used to reimburse applicants for otherwise eligible expenses incurred prior to FTA award of a Grant Agreement until FTA has issued pre-award authority for selected projects, or unless FTA has issued a "Letter of No Prejudice" for the project before the expenses are incurred. For more information about FTA's policy on pre-award authority, please see the FY 2017 Apportionment Notice published on January 19, 2017. <https://www.gpo.gov/fdsys/pkg/FR-2017-01-19/pdf/2017-01194.pdf>.

ii. Grant Requirements

If selected, awardees will apply for a grant through FTA's Transit Award Management System (TrAMS). Recipients of TOD Pilot Program funds are subject to the grant requirements of the Section 5303 Metropolitan Planning program, including those of FTA Circular 8100.1C and Circular 5010.1E. All competitive grants, regardless of award amount, will be subject to the Congressional Notification and release process. Technical assistance regarding these requirements is available from each FTA regional office.

iii. Planning

FTA encourages proposers to notify the appropriate metropolitan planning organizations in areas likely to be served by the funds made available under this program. Selected projects must be incorporated into the unified planning work programs of metropolitan areas before they are eligible for FTA funding or pre-award authority.

iv. Standard Assurances

The applicant assures that it will comply with all applicable Federal statutes, regulations, executive orders,

FTA circulars, and other Federal administrative requirements in carrying out any project supported by the FTA grant. The applicant acknowledges that it is under a continuing obligation to comply with the terms and conditions of the grant agreement issued for its project with FTA. The applicant understands that Federal laws, regulations, policies, and administrative practices might be modified from time to time and may affect the implementation of the project. The applicant agrees that the most recent Federal requirements will apply to the project, unless FTA issues a written determination otherwise. The applicant must submit the Certifications and Assurances before receiving a grant if it does not have current certifications on file.

4. Reporting

Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in FTA's electronic grants management system on a quarterly basis. Awardees must also submit copies of the substantial deliverables identified in the work plan to the FTA regional office at the corresponding milestones.

G. Federal Awarding Agency Contact

For program-specific questions, please contact Benjamin Owen, Office of Planning and Environment, (202) 366-5602, email: Benjamin.Owen@dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS). Any addenda that FTA releases on the application process will be posted at <https://www.transit.dot.gov/TODPilot>. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact FTA directly, rather than through intermediaries or third parties. FTA staff may also conduct briefings on the FY 2018 competitive grants selection and award process upon request.

H. Technical Assistance and Other Program Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects as listed in Section C.

Complete applications must be submitted through GRANTS.GOV by 11:59 p.m. EDT July 23, 2018. For issues with GRANTS.GOV please contact GRANTS.GOV by phone at 1-800-518-4726 or by email at support@grants.gov. Contact information for FTA's regional

offices can be found on FTA's website at www.transit.dot.gov.

K. Jane Williams,
Acting Administrator.

Appendix A

Registration In Sam And Grants.Gov

Registration in Brief

Registration takes approximately 3–5 business days, but allow 4 weeks for completion of all steps.

STEP 1: Obtain DUNS Number

Same day. If requested by phone (1-866-705-5711) DUNS is provided immediately. If your organization does not have one, you will need to go to the Dun & Bradstreet website at <http://fedgov.dnb.com/webform> [EXIT Disclaimer] to obtain the number.

Information for Foreign Registrants. Webform requests take 1–2 business days.

STEP 2: Register With SAM

Three to five business days or up to two weeks. If you already have a TIN, your SAM registration will take 3–5 business days to process. If you are applying for an EIN please allow up to 2 weeks. Ensure that your organization is registered with the System for Award Management (SAM) at System for Award Management (SAM). If your organization is not, an authorizing official of your organization must register.

STEP 3: Username & Password

Same day. Complete your AOR (Authorized Organization Representative) profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. <https://apply07.grants.gov/apply/OrcRegister>.

STEP 4: AOR Authorization

**Same day.* The E-Business Point of Contact (E-Biz POC) at your organization must login to Grants.gov to confirm you as an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for your organization. In some cases the E-Biz POC is also the AOR for an organization. **Time depends on responsiveness of your E-Biz POC.*

STEP 5: TRACK AOR STATUS

At any time, you can track your AOR status by logging in with your username and password. Login as an Applicant (enter your username & password you obtained in Step 3) using the following link: applicant_profile.jsp.

[FR Doc. 2018-10964 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA–2018–0054; Notice 1]

General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC (GM), has determined that certain model year (MY) 2018 Buick Regal motor vehicles do not comply with Federal Motor Vehicle Safety Standard (FMVSS) 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less*. GM filed a noncompliance report dated April 4, 2018, and subsequently petitioned NHTSA on April 27, 2018, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: Send comments on or before June 25, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at <https://www.regulations.gov/>. Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If

comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to <https://www.regulations.gov/>, including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at <https://www.regulations.gov/> by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: GM has determined that certain MY 2018 Buick Regal motor vehicles do not fully comply with the requirements of paragraph S4.3 of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or Less* (49 CFR 571.110). GM filed a noncompliance report dated April 4, 2018, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*, and subsequently petitioned NHTSA on April 27, 2018, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of GM's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 1,029 MY 2018 Buick Regal vehicles manufactured between August 22, 2017 and February 15, 2018, are potentially involved.

III. Noncompliance: GM explains that the noncompliance is that the subject vehicles were equipped with tire placards that incorrectly state the spare tire size and cold tire pressure. Specifically, the tire placards state that the spare tire size is “None” when in fact it should have been “T125/70R17” and omitted the cold tire pressure for the spare tire when it should have read “420 kPa, 60 psi,” as required by paragraph S4.3 of FMVSS No. 110.

IV. Rule Requirements: Paragraph S4.3 of FMVSS 110, includes the requirements relevant to this petition: Each vehicle, except for a trailer or incomplete vehicle, shall show the information specified in paragraph S4.3 (a) through (g), and may show, at the manufacturer's option, the information specified in paragraph S4.3 (h) and (i), on a placard permanently affixed to the vehicle on the driver's side B-pillar. The required information relevant to this petition falls under S4.3 (c) and (d), which are the manufacturer's recommended cold inflation and tire size for all tires, including the spare, respectively.

V. Summary of Petition: GM described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, GM submitted the following reasoning:

1. There is no issue with the spare tire itself, it's safe and nondefective. The only issue here is that certain information about the spare tire is not listed on the vehicle placard. But that is inconsequential because that information is provided in other locations.

2. Specifically, the spare tire information is located in at least three places: (1) On the sidewall of the spare tire; (2) in the owner's manual, which the vehicle placard specifically directs the customer to for additional information; and (3) on the Monroney label.

3. There is no issue with the road tires and the information on the vehicle placard for the road tires is correct.

4. In the event of a flat tire, the customer will have a spare tire that is labeled with the proper inflation pressure and has a sufficient load rating for the vehicle. It will be immediately apparent to any customer potentially confused by the “none” language that the vehicle has a spare tire when they lift the liftgate as explained in the

owner's manual. In addition, the fact that the vehicle has a spare tire is explained on the Monroney label.

5. The spare-tire size and pressure information is readily available from additional sources (e.g., any automotive dealer or tire replacement facility), and on GM's or the tire retailer's website.

6. Most, if not all, temporary spare tires have the same cold tire pressure, which is 60 psi. The 60 psi pressure is an industry standard and it is set by at least two governing bodies, the U.S. Tire and Rim Association and the European Tire Rim Technical Organization.

7. All other information on the vehicle placard is correct.

8. NHTSA has previously granted similar inconsequential petitions with respect to FMVSS No. 110 noncompliances.

9. GM is not aware of any field or owner complaints associated with this issue. GM is also not aware of any crashes or injuries associated with this condition.

GM's complete petition and all supporting documents are available by logging onto the Federal Docket Management System (FDMS) website at: <https://www.regulations.gov> and by following the online search instructions to locate the docket number as listed in the title of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that GM no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8).

Michael A. Cole,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2018-11096 Filed 5-23-18; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0618]

Agency Information Collection Activity Under OMB Review: Application by Insured Terminally Ill Person for Accelerated Benefit

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 25, 2018.

ADDRESSES: Submit written comments on the collection of information through www.Regulations.gov, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer, 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to oir_submission@omb.eop.gov. Please refer to "OMB Control No. 2900-0618" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461-5870 or email cynthia.harvey-pryor@va.gov. Please refer to "OMB Control No. 2900-0618" in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104-13; 44 U.S.C. 3501-3521.

Title: Application by Insured Terminally Ill Person for Accelerated Benefit Form SGLI 8284.

OMB Control Number: 2900-0618.

Type of Review: Reinstatement of a previously approved collection.

Abstract: VA has amended regulations for the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs to add accelerated death benefit (Accelerated Benefit) provisions that permit terminally ill policyholders access to the death benefits of their policies before they die. Traditionally, an

individual purchases life insurance in order to safeguard his or her dependents against major financial loss due to his or her death. Life insurance serves to replace the lost income of an insured and to provide for his or her final expenses. In recent years, the insurance industry has recognized the financial needs of terminally ill policyholders and has begun offering policies with accelerated benefit provisions. A recent statutory amendment (Section 302 of the Veterans Programs Enhancement Act of 1998, Pub. L. 105-368, 112 Stat. 3315, 3332-3333) added section 1980 to Title 38, United States Code, which extends an accelerated benefit option to terminally ill persons insured in the SGLI and VGLI programs. This form expired due to high volume of work and staffing changes.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 56 on March 22, 2018, pages 12653 and 12654.

Affected Public: Individuals and Households.

Estimated Annual Burden: 40 hours.

Estimated Average Burden per Respondent: 12 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 200.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018-11131 Filed 5-23-18; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on June 25-26, 2018 at the InterContinental Mark Hopkins Hotel, 999 California Street, San Francisco, California 94108 in Room California & Powell at 9:00 a.m. to 5:00 p.m. (PST) on June 25, 2018 and from 8:45 a.m. to 12:30 p.m. (PST) on June 26, 2018. All sessions will be open to the public, and for interested parties who cannot attend in person, there is a

toll-free telephone number (800) 767-1750; access code 56978#.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia Theater of operations during the Gulf War in 1990-1991.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting.

Presentations will include updates on the VA Gulf War research program and descriptions and discussions of new areas of research technology and treatments that can be applied to the health problems of Gulf War Veterans. Also, there will be a discussion of Committee business and activities.

The meeting will include time reserved for public comments in the afternoon. A signup sheet for 5-minute comments will be available at the meeting. Individuals who wish to address the Committee may submit a 1-2 page summary of their comments for inclusion in the official meeting record.

Members of the public may also submit written statements for the Committee's review to Dr. Karen Block via email at karen.block@va.gov.

Any member of the public seeking additional information should contact Dr. Block, Designated Federal Officer, at (202) 443-5600.

Dated: May 21, 2018.

LaTonya L. Small,
Federal Advisory Committee Management Officer.

[FR Doc. 2018-11112 Filed 5-23-18; 8:45 am]

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FEDERAL REGISTER

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Part II

Department of Commerce

Bureau of Industry and Security

15 CFR Parts 736, 740, 742, et al.

Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML); Proposed Rule

DEPARTMENT OF COMMERCE**Bureau of Industry and Security**

15 CFR Parts 736, 740, 742, 743, 744, 746, 748, 758, 762, 772, and 774

[Docket No. 111227796–5786–01]

RIN 0694–AF47

Control of Firearms, Guns, Ammunition and Related Articles the President Determines No Longer Warrant Control Under the United States Munitions List (USML)

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Proposed rule.

SUMMARY: This proposed rule describes how articles the President determines no longer warrant control under United States Munitions List (USML) Category I—Firearms, Close Assault Weapons and Combat Shotguns; Category II—Guns and Armament; and Category III—Ammunition/Ordnance would be controlled under the Commerce Control List (CCL). This proposed rule is being published simultaneously with a proposed rule by the Department of State that would revise Categories I, II, and III of the USML to describe more precisely the articles warranting continued control on that list.

DATES: Comments must be received by July 9, 2018.

ADDRESSES: You may submit comments by any of the following methods:

- Submit comments via Federal eRulemaking Portal: <http://www.regulations.gov>. You can find this proposed rule by searching on its regulations.gov docket number, which is BIS–2017–0004.

- By mail or delivery to Regulatory Policy Division, Bureau of Industry and Security, U.S. Department of Commerce, Room 2099B, 14th Street and Pennsylvania Avenue NW, Washington, DC 20230. Refer to RIN 0694–AF47.

FOR FURTHER INFORMATION CONTACT: Steven Clagett, Office of Nonproliferation Controls and Treaty Compliance, Nuclear and Missile Technology Controls Division, tel. (202) 482–1641 or email steven.clagett@bis.doc.gov.

SUPPLEMENTARY INFORMATION:**Background**

This proposed rule describes how articles the President determines no longer warrant control under United States Munitions List (USML) Category I—Firearms, Close Assault Weapons and Combat Shotguns; Category II—Guns

and Armament; and Category III—Ammunition/Ordnance, would be controlled on the Commerce Control List (CCL) and by the Export Administration Regulations (EAR). This proposed rule is being published in conjunction with a proposed rule from the Department of State, Directorate of Defense Trade Controls, which would amend the list of articles controlled by USML Category I (Firearms, Close Assault Weapons and Combat Shotguns), Category II (Guns and Armament), and Category III (Ammunition/Ordnance) of the USML to describe more precisely items warranting continued control on that list.

The changes described in this proposed rule and in the State Department's companion proposed rule on Categories I, II, and III of the USML are based on a review of those categories by the Department of Defense, which worked with the Departments of State and Commerce in preparing the amendments. The review was focused on identifying the types of articles that are now controlled on the USML that are either (i) inherently military and otherwise warrant control on the USML or (ii) if of a type common to non-military firearms applications, possess parameters or characteristics that provide a critical military or intelligence advantage to the United States, and are almost exclusively available from the United States. If an article satisfies one or both of those criteria, the article remains on the USML. If an article does not satisfy either criterion, it has been identified in the new Export Control Classification Numbers (ECCNs) included in this proposed rule. Thus, the scope of the items described in this proposed rule is essentially commercial items widely available in retail outlets and less sensitive military items.

BIS has created ECCNs, referred to as the “600 series,” to control items that would be removed from the USML and controlled under the CCL, or items from the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual Use Goods and Technologies Munitions List (Wassenaar Arrangement Munitions List or WAML) that are already controlled elsewhere on the CCL.

These ECCNs are referred to as the “600 series” because the third character in each of the new ECCNs is “6.” The first two characters of the “600 series” ECCNs serve the same function as any other ECCN as described in § 738.2 of the EAR. The first character is a digit in the range 0 through 9 that identifies the Category on the CCL in which the ECCN is located. The second character is a

letter in the range A through E that identifies the product group within a CCL Category. With few exceptions, the final two characters identify the WAML category that covers items that are the same or similar to items in a particular “600 series” ECCN. Category II of the USML and category ML2 of the WAML cover large caliber guns and other military weapons such as: Howitzers, cannon, mortars, anti-tank weapons, projectile launchers, military flame throwers and recoilless rifles.

In this proposed rule, items that are currently controlled in Category II of the USML would be controlled on the CCL under four new “600 series” ECCNs. Placement of the items currently in USML Category II into the CCL's 600 series would be consistent with existing BIS practice of using 600 series ECCNs to control items of a military nature.

Items currently controlled in Categories I and III of the USML would be controlled in new ECCNs in which the third character is a “5.” These items are not appropriate for 600 series control because, for the most part, they have civil, recreational, law enforcement, or other non-military applications. As with 600 series ECCNs, the first character would represent the CCL category, the second character would represent the product group, and the final two characters would represent the WAML category that covers items that are the same or similar to items in the ECCN.

This proposed rule does not deregulate the transferred items. BIS would require licenses to export, or reexport to any country a firearm or other weapon currently on the USML that would be added to the CCL by this proposed rule. BIS would also require licenses for the export or reexport of guns and armament that would be controlled under new ECCN 0A602, such as guns and armaments manufactured between 1890 and 1919 to all destinations except Canada. As compared to decontrolling firearms and other items, in publishing this proposed rule, BIS, working with the Departments of Defense and State, is trying to reduce the procedural burdens and costs of export compliance on the U.S. firearms industry while allowing the U.S. Government to enforce export controls for firearms appropriately and to make better use of its export control resources. BIS encourages comments from the public on this aspect of the proposed rule.

All references to the USML in this rule are to the list of defense articles that are controlled for purposes of export, temporary import, or brokering pursuant to the International Traffic in

Arms Regulations (ITAR), 22 CFR parts 120 through 130, and not to the list of defense articles on the United States Munitions Import List (USMIL) that are controlled by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for purposes of permanent import under its regulations at 27 CFR part 447. Pursuant to section 38(a)(1) of the Arms Export Control Act (AECA), all defense articles controlled for export or import, or that are subject to brokering controls, are part of the USML under the AECA. All defense articles described in the USMIL or the USML are subject to the brokering controls administered by the U.S. Department of State in part 129 of the ITAR. The transfer of defense articles from the ITAR's USML to the EAR's CCL for purposes of export controls does not affect the list of defense articles controlled on the USMIL under the AECA, 22 U.S.C. 2778 *et seq.*, for purposes of permanent import or brokering controls.

BIS believes the control of these firearms under the EAR is justified because the firearms described in this proposed rule are either not inherently military or do not warrant the obligations that are imposed under the ITAR pertaining to such items. After review, the Defense Department, in conjunction with the Departments of State and Commerce, concluded that the firearms in this proposed rule also do not provide a critical military or intelligence advantage to the United States, are not the types of weapons that are almost exclusively available from the United States, and are manufactured from "technology" that is widely available. Moreover, the firearms have commercial and other non-military characteristics that distinguish them from other articles controlled under the ITAR. There is a significant worldwide market for firearms in connection with civil and recreational activities such as hunting, marksmanship, competitive shooting, and other non-military activities. Because of the popularity of shooting sports in the United States, for example, many large chain retailers carry a wide inventory of the firearms described in the new ECCNs for sale to the general public. Firearms available through U.S. retail outlets include rim fire rifles, pistols, modern sporting rifles, shotguns, and large caliber bolt action rifles, as well as their "parts," "components," "accessories" and "attachments."

An additional justification for the change in the jurisdictional status of the items described in this rule is that the current ITAR controls burden U.S. industry without any proportionate benefits to United States national

security or foreign policy objectives. Similar to the challenges faced by other industries, the firearms trade has been negatively affected by the incentives the ITAR creates for foreign manufacturers to avoid U.S.-origin content. Currently, under the ITAR, any part, component, accessory, or attachment for any of the firearms described in this proposed rule remains ITAR controlled, regardless of its significance, when incorporated into foreign-made items or reexported to any third country. Under the EAR, the *de minimis* provisions may, in certain cases, mean a foreign item that incorporates U.S.-origin content may not be subject to the EAR, provided the U.S.-origin items meet the applicable *de minimis* level for the country of reexport. Similarly, a technical drawing of such part, component, accessory or attachment is ITAR controlled, as is the provision of a "defense service" to a foreign person concerning those items, such as the application of protective coatings. Moreover, a U.S. person engaged in manufacturing or exporting these items or providing related defense services must register with the State Department under the ITAR. Thus, even if a U.S. company can manufacture or service these items at a lower cost in the United States as compared to the cost for a U.S. or foreign company to manufacture or service the items outside of the United States, the ITAR's restrictions may render the items unattractive or uncompetitive for foreign manufacturers. The EAR does not include a concept of "defense services," and the "technology" related controls are more narrowly focused and apply in limited contexts as compared to the ITAR.

The EAR also includes well-established and well understood criteria for excluding certain information from the scope of what is "subject to the EAR." (See part 734 of the EAR.) Items that would move to the CCL would be subject to existing EAR concepts of jurisdiction and controls related to "development" and "production," as well operation, installation, and maintenance "technology." While controlling such "technology," as well as other "technology" is important, the EAR includes criteria in part 734 that would exclude certain information and software from control. For example, if a gun manufacturer posts a firearm's operation and maintenance manual on the internet, making it publicly available to anyone interested in accessing it and without restrictions on further dissemination (*i.e.*, unlimited distribution), the operation and maintenance information included in

that published operation and maintenance manual would no longer be "subject to the EAR." (See §§ 734.3(b) and 734.7(a).) Non-proprietary system descriptions, including for firearms and related items, are another example of information that would not be subject to the EAR. (See § 734.3(b)(3)(v).)

Pursuant to section 38(f) of the AECA, the President shall review the USML "to determine what items, if any, no longer warrant export controls under" the AECA. The President must report the results of the review to Congress and wait 30 days before removing any such items from the USML. The report must "describe the nature of any controls to be imposed on that item under any other provision of law." 22 U.S.C. 2778(f)(1).

This Commerce proposed rule is being published simultaneously with a Department of State proposed rule. Collectively, the rules address defense articles currently controlled under Categories I (Firearms, Close Assault Weapons and Combat Shotguns), II (Guns and Armament), and III (Ammunition/Ordnance) of the USML. The Department of State proposed rule would revise Categories I (Firearms, Close Assault Weapons and Combat Shotguns), II (Guns and Armament), and III (Ammunition/Ordnance) of the USML so that they describe in positive terms the defense articles that should remain on the USML. The Department of Commerce rule would add to the CCL items that the President determines no longer warrant control under the USML.

In addition, this rule would clarify the scope of some ECCNs currently on the CCL. This rule would also renumber these ECCNs to place certain firearms-related items currently on the CCL in closer proximity to the firearms-related items that would be removed from the USML and added to the CCL to make it easier to identify and classify such items.

BIS is interested in comments in response to this proposed rule as to whether the public find this reorganization helpful. In some instances, the juxtapositions resulting from this reorganization highlight different license requirements and licensing policies for various firearms and related items. The public is invited to comment on the appropriateness of these license requirements and licensing policies. The public is also encouraged to comment on whether or not the proposed rule describes items that are not widely available in commercial outlets.

Detailed Description of Changes Proposed by This Rule

Creation of New ECCNs

This proposed rule would create 17 new ECCNs to control items proposed for removal from the USML. A discussion of each new ECCN and the controls that would apply to items under that ECCN follows below.

New ECCN 0A501: Firearms and Related Commodities

New ECCN 0A501 would apply national security (NS Column 1), regional stability (RS Column 1), Firearms Convention (FC Column 1), United Nations (UN), and anti-terrorism (AT Column 1) reasons for control to the following firearms, the following enumerated parts and components and to “specially designed” “parts,” “components,” “accessories” and “attachments” for those firearms and “parts” and “components:”

- Non-automatic and semi-automatic firearms (other than shotguns) with a caliber of less than or equal to .50 inches (12.7 mm);
- Non-automatic and non-semi-automatic rifles, carbines, revolvers or pistols with a caliber greater than .50 inches (12.7 mm) but not greater than .72 inches (18.0 mm);
- Detachable magazines with a capacity of greater than 16 rounds but less than 50 rounds that are “specially designed” for the firearms listed above;
- Receivers (frames) and complete breech mechanisms, including castings, forgings, or stampings thereof, “specially designed” for the firearms listed above; and
- Barrels, cylinders, barrel extensions, mounting blocks (trunnions), bolts, bolt carriers, operating rods, gas pistons, trigger housings, triggers, hammers, sears, disconnectors, pistol grips that contain fire control “parts” or “components,” and buttstocks that contain fire control “parts” or “components” (e.g., triggers, hammers, sears, or disconnectors) if “specially designed” for the firearms listed above or for firearms listed in USML Category I (unless the part or component itself is listed in USML Category I(g) or (h) as specified in the Department of State proposed rule entitled “Amendment to the International Traffic in Arms Regulations: Revision of U.S. Munitions List Categories I, II, and III,” also published in this issue).

ECCN 0A501.y would be subject only to anti-terrorism (AT Column 1) and United Nations (UN) reasons for control and would cover such items as scope

mounts or accessory rails, iron sights, sling swivels, butt plates, recoil pads, bayonets, and stocks or grips that do not contain any fire control “parts” or “components.”

This proposed rule would add a technical note to ECCN 0A501 stating that “parts” and “components” include “parts” and “components” that are common to firearms described in ECCN 0A501 and to firearms “subject to the ITAR.”

It also would add a second note to ECCN 0A501 to state that certain firearms and similar items are EAR99, i.e., subject to the EAR but not on the CCL. Those items are: Antique firearms (i.e., those manufactured before 1890) and reproductions thereof, muzzle loading black powder firearms except those designs based on centerfire weapons of a post 1937 design, BB guns, pellet rifles, paint ball, and all other air rifles.

In addition, for purposes of new ECCN 0A501 and the rest of the new ECCNs described below, items previously determined to be “subject to the EAR” under a commodity jurisdiction determination issued by the U.S. Department of State that were designated as EAR99 would generally not be classified in any of the new ECCNs that would be created with this proposed rule. This would be consistent with Supplement No. 1 to Part 736, General Order No. 5, paragraph (e)(3) (Prior commodity jurisdiction determination) and the paragraph (b)(1) release from “specially designed.” As a conforming change, this proposed rule would revise paragraph (e)(3) of General Order No. 5 to add a reference to “0x5zz” (to account for new ECCNs 0A501, 0A502, 0A503, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, and 0E502 described below). The “600 series” and 9x515 (spacecraft and related items) are already included in paragraph (e)(3), and those references remain unchanged.

New ECCN 0A502: Shotguns and Certain Related Commodities

New ECCN 0A502 would control both the shotguns currently on the USML that are to be added to the CCL (barrel length less than 18 inches) and the shotguns and the enumerated “parts” and “components” currently controlled in ECCN 0A984 (barrel length 18 inches or greater). Shotguns currently controlled in ECCN 0A984 would retain their current reasons for control of Firearms Convention (FC), crime control (CC Column 1, 2 or 3 depending on barrel length and end user) and United Nations (UN) reasons. Shotguns with a barrel length less than 18 inches would

be controlled under NS Column 1, CC Column 1, FC, UN and AT Column 1 plus regional stability (RS Column 1), consistent with their current control on the USML. The shotguns controlled in 0A502 currently controlled in ECCN 0A984 would not be controlled for national security reasons because they are not on the WAML.

New ECCN 0A503: Discharge Type Arms, and Certain Other Commodities

This rule would replace existing ECCN 0A985 with a new ECCN 0A503. The rule would add “non-lethal or less-lethal grenades and projectiles and ‘specially designed’ ‘parts’ and ‘components’ of those projectiles” to the description of controlled items in the header of ECCN 0A985 to make clear that such projectiles are classified in that ECCN 0A503 and not classified under ECCN 0A602 or on the USML. Renumbering this ECCN would cause entries controlling firearms and related items to be placed in close proximity to each other, which would make it easier for readers to identify items on the CCL.

New ECCN 0A504: Optical Sighting Devices and Certain Related Commodities

New ECCN 0A504 would replace existing ECCN 0A987, which controls optical sighting devices for firearms. The reasons for control table, which currently states, *inter alia*, that the Firearms Convention (FC) reason for control applies to “optical sights for firearms,” would be revised to state specifically that the FC reason for control applies to all paragraphs in the ECCN except the one that controls laser pointing devices. In addition, BIS would add an RS control for certain riflescopes. These riflescopes would be identified in their own paragraph in the ECCN under 0A504.i. The riflescopes in this paragraph would be limited to those “specially designed” for use in firearms that are “subject to the ITAR.” An exclusion would be included in the criteria of this paragraph to ensure less sensitive riflescopes that would be moved from ECCN 0A987 to 0A504 on the effective date of a final rule, that currently are not RS controlled under the EAR, would not be controlled under this paragraph. This rule would also add a note to this paragraph (i) to specify that paragraph (a)(1) of the definition of “specially designed” is what would be used to determine whether a riflescope is “specially designed” for purposes of this paragraph.

This change would make clear, consistent with BIS’s existing interpretation, that such devices are not optical sights and are not subject to the

FC reason for control. The new number is intended to make identifying items on the CCL easier by grouping similar or related items closer to each other.

New ECCN 0A505: Ammunition and Certain Related Commodities

New ECCN 0A505 would impose national security (NS Column 1), regional stability (RS Column 1), Firearms Convention (FC), United Nations (UN), and anti-terrorism (AT Column 1) controls on ammunition not enumerated on the USML, for firearms that would be classified under proposed ECCN 0A501, and for most “parts” and “components” of such ammunition. Such ammunition would be for small arms, in most cases, firearms of caliber not exceeding 0.50 inches, although some ammunition for firearms of caliber up to 0.72 inches would be included. This proposed rule would retain the CCL reasons for control currently found in ECCNs 0A984 and 0A986 for shotgun shells. Buckshot shotgun shells would be subject to the CC Column 1, FC Column 1 and UN reasons for control. Other shotgun shells would be subject to the FC, UN and AT (North Korea only) reasons for control. Only “parts” and “components” would be eligible for License Exception LVS. Ammunition for larger caliber weapons such as howitzers, artillery, cannon, mortars, and recoilless rifles would remain in USML Category III. Ammunition that has little or no civil use or that is inherently military such as ammunition that is preassembled into links or belts, caseless ammunition, tracer ammunition, ammunition with a depleted uranium projectile or a projectile with a hardened tip or core and ammunition with an explosive projectile also would remain in USML Category III. Possession of the ammunition that would be added to the CCL by this rule does not provide a critical military advantage to the United States. Blank ammunition for firearms controlled by ECCN 0A501 and not enumerated in Category III of the USML would be controlled for United Nations and anti-terrorism reasons only. Consolidating all ammunition on the CCL into one ECCN would simplify use of the CCL.

Inclusion of this ammunition on the CCL is appropriate because such ammunition is available from a number of countries, some of which are not close allies of the United States or members of multilateral export control regimes. Possession of this ammunition does not confer a military advantage on the United States. This rule proposes adding three notes to clarify the scope of “parts” and “components” for

ammunition classified under ECCN 0A505. Note 1 to 0A505.c would clarify the relationship between ECCNs 0A505 and 1A984 for shotgun shells, stating that shotgun shells that contain only chemical irritants would be controlled under 1A984 and not 0A505. Separately, Note 2 to 0A505.x would include an illustrative list of the controls on “parts” and “components” in this entry, such as Berdan and boxer primers. Note 3 to 0A505.x would clarify that the controls in ECCN 0A505 include “parts” and “components” that are common to ammunition and ordnance described in this entry and to those enumerated in USML Category III.

New ECCN 0A602: Guns and Armament

New ECCN 0A602 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN) and anti-terrorism (AT Column 1) controls on guns and armament manufactured between 1890 and 1919 and for military flame throwers with an effective range less than 20 meters. It would impose those same reasons for control on parts and components for those commodities and for defense articles in USML Category II if such parts or components are not specified elsewhere on the CCL or USML. Note 2 to 0A602 confirms that black powder guns and armament manufactured in or prior to 1890 and replicas thereof designed for use with black powder propellants are designated EAR99. Inclusion of these guns and armament on the CCL is appropriate because they do not confer a significant military or intelligence advantage on the United States. The guns controlled in this ECCN are between 98 and 127 years old. The parts, components, accessories and attachments controlled in this ECCN include some that are for modern artillery. Modern artillery will remain on the USML, along with the most sensitive “parts,” “components,” “accessories” and “attachments” for these USML items. This proposed rule adds a note to clarify that “parts,” “components,” “accessories” and “attachments” specified in USML subcategory II(j) are not subject to the EAR. The USML Order of Review and CCL Order of Review already provide guidance for making such a jurisdictional and classification determination, but to highlight that these “parts,” “components,” “accessories” and “attachments” are not classified under paragraph (x) of 0A602, this rule proposes adding a note.

New ECCN 0B501: Test, Inspection and Production Equipment for Firearms

New ECCN 0B501 would cover “Test, inspection and production ‘equipment’ and related commodities for the ‘development’ or ‘production’ of commodities enumerated in ECCN 0A501 or USML Category I.” This new ECCN would apply the national security (NS Column 1), regional stability (RS Column 1), United Nations (UN) and anti-terrorism (AT Column 1) reasons for control to four specific types of machinery and to one class of items. The four specific types of machinery are: Small arms chambering machines, small arms deep hole drilling machines and drills therefor, small arms rifling machines, and small arms spill boring machines. The class of items covering dies, fixtures and other tooling “specially designed” for the “production” of items in the State Department proposed rule for USML Category I or ECCN 0A501.

The NS and RS reasons for control do not apply to equipment for the “development” or “production” of commodities in ECCN 0A501.y because those reasons for control do not apply to the commodities in ECCN 0A501.y themselves.

The first four specific items noted above currently are listed in ECCN 2B018, paragraphs .o, .p, .q, and .r and would be listed in paragraphs .a, .b, .c and .d of ECCN 0B501. In addition, the class of items in new 0B501 that is currently included within ECCN 2B018, paragraph .n (jigs and fixtures and other metal-working implements or “accessories” of the kinds exclusively designed for use in the manufacture of firearms, ordnance, and other stores and appliances for land, sea or aerial warfare) would, if applicable to firearms controlled in 0A501, be subsumed in paragraph .e. Jigs, fixtures and metal working implements currently in 2B018 that are applicable to larger guns would be controlled in ECCN 0B602 and are discussed below.

Moving these items from 2B018 to 0B501 would retain the national security (NS Column 1), anti-terrorism (AT Column 1) and United Nations (UN) reasons for control and would raise the regional stability (RS) reason for control from RS Column 2 to RS Column 1. This would cause no change in destination-based license requirements, but would allow consideration of whether the export or reexport could contribute to instability in any region, not just the region to which the item is exported or reexported in considering whether to approve a license.

New ECCN 0B505: Test, Inspection and Production Equipment for Ammunition

New ECCN 0B505 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on tooling, templates, jigs, mandrels, molds, dies, fixtures, alignment mechanisms, and test equipment, not enumerated in USML Category III, and “specially designed” “parts” and “components” therefor, that are “specially designed” for the “production” of ammunition other than for the ammunition specified in 0A505.b, .c or .d (certain shotgun shells with buckshot and without buckshot and certain blank ammunition). Equipment for manufacturing shotgun shells that do not contain buckshot would be controlled for the AT (North Korea only) and UN reasons for control, which are the reasons for control that currently apply to this equipment in ECCN 0B986. ECCN 0B505 would not include equipment for the hand loading of cartridges and shotgun shells, so this rule specifies this in the heading.

The equipment controlled in ECCN 0B505 is used to produce conventional ammunition and is similar to equipment that is in operation in a number of countries, some of which are not allies of the United States or members of multinational export control regimes. Possession of such equipment does not confer a significant military advantage on the United States, and thus its inclusion on the CCL is appropriate.

New ECCN 0B602: Test, Inspection and Production Equipment for Certain Guns and Armament

New ECCN 0B602 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on test, inspection and production equipment enumerated for commodities enumerated or otherwise described in ECCN 0A602.a or USML Category II. ECCN 0B602 would control eight specific types of equipment that currently are listed in paragraphs .e through .l of ECCN 2B018. Those eight specific types of equipment are: Gun barrel rifling and broaching machines and tools therefor; Gun barrel rifling machines; Gun barrel trpanning machines; Gun boring and turning machines; Gun honing machines of 6 feet (183 cm) stroke or more; Gun jump screw lathes; Gun rifling machines; and Gun straightening presses. ECCN 0B602 also would control one class of equipment that is included within ECCN 2B018 paragraph .n (jigs and

fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of items in ECCN 0A602 or USML Category II). Moving these items from 2B018 to 0B501 would retain the national security (NS Column 1), anti-terrorism (AT Column 1) and United Nations (UN) reasons for control and would raise the regional stability reason for control from RS Column 2 to RS Column 1. This would cause no change in destination-based license requirements, but would allow consideration of whether the export or reexport could contribute to instability in any region, not just the region to which the items is exported or reexported in considering whether to approve or reject a license application.

Additionally, ECCN 0B602 would control any other tooling and equipment that is “specially designed” for the production of items in ECCN 0A602 or USML Category II along with test and evaluation equipment and test models, including diagnostic instrumentation and physical test models, “specially designed” for items in ECCN 0A602 or USML Category II.

New ECCN 0D501: Software for Firearms and Certain Related Commodities

New ECCN 0D501 would apply national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls to “software” “specially designed” for the “development,” “production,” operation or maintenance of all commodities classified under ECCNs 0A501 or equipment under 0B501 except those commodities classified under 0A501.y. “Software” for ECCN 0A501.y would be controlled only for United Nations and anti-terrorism reasons to match the reason for control that applies to commodities classified under that paragraph.

New ECCN 0D505: Software for Ammunition and Certain Related Commodities

New ECCN 0D505 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on “software” “specially designed” for the “development,” “production,” operation or maintenance of commodities controlled by ECCNs 0A505.a and .x (rifle, pistol, carbine and revolver ammunition and “specially designed” parts and components therefor) or 0B505.a and .x. However, only United Nations and anti-terrorism

controls would apply to “software” for the blank ammunition in ECCN 0A505.d.

New ECCN 0D602: Software for Guns and Armament and Certain Related Items

New ECCN 0D602 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on “software” “specially designed” for the “development,” “production,” operation or maintenance of commodities controlled by ECCNs 0A602 or 0B602.

New ECCN 0E501: Technology for Firearms and Certain Related Items

New ECCN 0E501 would apply the national security (NS Column 1), regional stability (RS Column 1), United Nations (UN) and anti-terrorism (AT Column 1) reasons for control to “technology” “required” for the “development” and “production” of firearms other than shotguns. This new ECCN also would apply the anti-terrorism and United Nations reasons for control to “technology” “required” for the operation, installation, maintenance, repair, or overhaul of such firearms. Controlling this “technology” under the EAR rather than the ITAR is appropriate because the “technology” for the “development,” “production,” operation, installation, maintenance, repair, and overhaul of the firearms to be described in 0A501 is widely available throughout the world and its possession does not confer a significant military or intelligence advantage on the United States.

New ECCN 0E502: Technology for Shotguns

New ECCN 0E502 would apply the crime control (CC Column 1) and United Nations (UN) reasons for control to “technology” required for the development or production of shotguns that would be controlled in new ECCN 0A502. Crime control and United Nations are the reasons for control currently imposed on “technology” required for the “development” or “production” of shotguns in ECCN 0E984. The only difference between shotguns currently on the CCL and those that would be added by this proposed rule is barrel length. BIS believes that “technology” related to shotguns does not vary significantly based on the barrel length of the shotgun. Attempts to apply different reasons for control or to control different types of technology based

solely on the barrel length of the shotgun would likely be ineffective.

New ECCN 0E504: Technology for Certain Optical Sighting Devices

New ECCN 0E504 would replace existing ECCN 0E987, which controls “technology” “required” for the “development,” or “production” of certain commodities controlled by 0A504. The new ECCN number is intended to make identifying items on the CCL easier by grouping similar or related items closer to each other. New ECCN 0E504 would also impose a United Nations (UN) control on the entire entry.

New ECCN 0E505: Technology for Ammunition and Related Items

New ECCN 0E505 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on “technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing of commodities controlled by 0A505.a and .x (rifle and pistol ammunition and “parts” and “components); 0B505 equipment for those commodities; and “software” for that equipment and those commodities controlled by 0D505. “Technology” for the “development” or “production” of buckshot shotgun shells would be controlled for crime control (CC Column 1) and UN reasons. United Nations and anti-terrorism (AT Column 1) controls would apply to “technology” for the blank ammunition (controlled in 0A505.d) for firearms controlled in ECCN 0A501 and to “technology” for that ammunition and “technology” for “software” for that ammunition. Inclusion of this “technology” on the CCL is appropriate because, like the ammunition and production equipment addressed by this rule, it is widely available, including in countries that are not allies of the United States or members of multilateral export control regimes and thus confers no military advantage on the United States.

New ECCN 0E602: Technology for Guns and Armament, Including Technology for Test, Inspection and Production Equipment and Software for Guns and Armament

New ECCN 0E602 would impose national security (NS Column 1), regional stability (RS Column 1), United Nations (UN), and anti-terrorism (AT Column 1) controls on “technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul or

refurbishing of commodities controlled by ECCNs 0A602 or 0B602, or “software” controlled by 0D602.

Revisions to Seven ECCNs

To conform to new *Federal Register Drafting Handbook* requirements, the amendatory instructions in this proposed rule would set forth the entire text of the seven ECCNs to be revised. To help the public understand what specific parts of the ECCNs would be different, the narrative below describes the amendments in detail.

Revision to ECCN 0A018

With the proposed removal of ECCN 0A984 and the addition of 0A502 described above, this proposed rule would make the conforming change of removing and reserving 0A018.c since all the items classified in 0A018.c would be classified under other entries on the CCL. This change includes the removal of the note to 0A018.c.

Revision to ECCN 0E982

ECCN 0E982 controls “technology” exclusively for the “development” or “production” of equipment controlled by ECCN 0A982 or 0A985. This rule would replace “0A985,” which applies to discharge type arms and some other crime control equipment, with 0A503 to conform to the replacement of ECCN 0A985 with new ECCN 0A503 proposed elsewhere in this rule.

Revision to ECCN 1A984

To clarify an existing agency practice of controlling shotguns shells that contain only chemical irritants under 1A984, this proposed rule would revise the heading of 1A984. As described above, the same type of clarification would be made to ECCN 0A505.c under new Note 1 to paragraph (c). BIS considers these to be conforming changes to the removal of ECCN 0A986 and the addition of ECCN 0A505.c in this proposed rule.

Revisions to ECCN 2B004

As a conforming change, this rule would replace the reference to ECCN 2B018 in the related controls paragraph of ECCN 2B004 with references to ECCNs 0B501, 0B602 and 0B606. This rule would make no substantive changes to ECCN 2B004.

Revisions to ECCN 2B018

This proposed rule would remove and reserve paragraphs .e, .f, .g, .h, .i, .j, and .l from ECCN 2B018 because the commodities listed in those paragraphs would be listed in ECCN 0B602. It would remove paragraph .n, because the commodities listed in that paragraph

would be controlled under either ECCNs 0B501 or 0B602 or under existing ECCN 0B606 in this proposed rule. It would remove paragraphs .a through .d, .m and .s, because the commodities listed in those paragraphs would be controlled in ECCN 0B606. It would remove paragraphs .o, .p, .q, and .r because the commodities listed in those paragraphs would be controlled in ECCN 0B501. The commodities described in the MT control in ECCN 2B018 currently listed as MT are controlled elsewhere in the EAR, so no additional changes are needed to add these commodities to other ECCNs.

Revisions to ECCN 2D018

Currently ECCN 2D018 controls software for the “development,” “production” or “use” of equipment controlled by ECCN 2B018. As a conforming change, this rule would replace the control text of ECCN 2D018 with a statement referring readers to ECCNs 0D501, 0D602 and 0D606.

Revisions to ECCN 7A611

As a conforming change, this rule would remove the reference to 0A987 in the Related Controls paragraph (2) and add in its place 0A504.

Removal of Nine ECCNs

Removal of ECCN 0A918

ECCN 0A918 controls “bayonets” for regional stability, anti-terrorism, and United Nations reasons. This proposed rule would remove bayonets from ECCN 0A918 and add them to the .y paragraph of proposed ECCN 0A501, where they would be subject to United Nations and anti-terrorism (AT column 1) reasons for control. Bayonets and the “technology” to produce them are available in many countries. Possession of bayonets does not confer a significant military advantage on the United States and attempting to restrict their availability by requiring a license for export to most destinations is unlikely to be effective. Therefore, for these reasons, this proposed rule does not retain a regional stability (RS column 2) control on bayonets because it is no longer warranted.

Removal of ECCN 0A984

This proposed rule would remove ECCN 0A984 because all of the commodities that it currently controls would be controlled by either proposed ECCN 0A502 or 0A505. As conforming changes, references to ECCN 0A984 would be replaced with references to ECCN 0A502 or 0A505 or both, as appropriate in §§ 742.7(a)(1), (2) and (3); 742.17(f) and 748.12(a)(1) and in ECCN 0A018.

Removal of ECCN 0A985

This proposed rule would remove ECCN 0A985 because all of the commodities that it currently controls would be controlled by proposed ECCN 0A503. As conforming changes, references to ECCN 0A985 would be replaced with references to ECCN 0A503 in §§ 740.20(b)(2); 742.7(a)(4) and (c); 746.7(a) and ECCN 0E982.

Removal of ECCN 0A986

This proposed rule would remove ECCN 0A986 because all of the commodities that it currently controls would be controlled by proposed 0A505.c, including less than lethal rounds. As conforming changes, references to ECCN 0A986 would be replaced with references to ECCN 0A505, as appropriate in §§ 742.17(f); 742.19(a)(1); 746.3(b)(2) and 748.12(a)(1).

Removal of ECCN 0A987

This proposed rule would remove ECCN 0A987 because proposed ECCN 0A504 would control all commodities currently controlled by ECCN 0A987. As conforming changes, references to ECCN 0A987 would be replaced with references to ECCN 0A504, as appropriate in §§ 740.16(b)(2)(iv); 742.7(a)(1); 742.17(f); 744.9(a)(1) and (b); and 748.12(a)(1); and in ECCN 7A611.

Removal of ECCN 0B986

This proposed rule would remove ECCN 0B986 because all of the commodities that it controls would be controlled in proposed ECCN 0B505.c. As conforming changes, references to ECCN 0B986 would be replaced with references to 0B505.c in §§ 742.19(a) and 772.1, definition of specially designed Note 1.

Removal of ECCN 0E918

This proposed rule would remove ECCN 0E918, which controls “technology” for the “development,” “production,” or “use” of bayonets for regional stability, United Nations, and anti-terrorism reasons. Because “technology” for the “development,” “production,” or “use” of bayonets is widely known, any attempt to limit its dissemination through export license requirements is unlikely to be effective.

Removal of ECCN 0E984

This proposed rule would remove ECCN 0E984, which controls “technology” for the development of shotguns and buckshot shotgun shells, because such “technology” would be controlled under proposed ECCN 0E502 (shotguns) or 0E505 (buckshot shotgun

shells). As a conforming change, this proposed rule would replace a reference to ECCN 0E984 in § 742.7(a) with references to ECCNs 0E502 and 0E505.

Removal of ECCN 0E987

This proposed rule would remove ECCN 0E987 because proposed ECCN 0E504 would control all “technology” currently controlled by ECCN 0E987. As conforming change, references to ECCN 0E987 would be replaced with references to ECCN 0E504, as appropriate in §§ 740.20(b)(2)(ii) and 742.7(a)(1).

Conforming Change to General Order No. 5

This proposed rule would amend General Order No. 5, paragraph (e)(3) (Prior commodity jurisdiction determinations), in Supplement No. 1 to part 736, to add a reference in two places to the new 0x5zz ECCNs that would be created by this rule. This change to paragraph (e)(3) is a conforming change and is needed because paragraph (e)(3) now only references the “600 series” and 9x515 ECCNs. 0x5zz ECCNs would include new ECCN 0A501, 0A502, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E502, 0E505. Paragraph (e)(2) is important because, for example, it ensures that items previously determined to be “subject to the EAR” and designated EAR99, would not be classified in a new ECCN being created to control items moved from the USML to the CCL, unless specifically enumerated by BIS in an amendment to the CCL. For example, most swivels and scope mounts for firearms have previously been determined through the CJ and classification process to not be “subject to the ITAR” and designated as EAR99. The classification of such “parts” would not be changed, provided the “part” was not subsequently changed, which would require a separate jurisdiction and classification analysis.

Revisions to Regional Stability Licensing Policy for Firearms and Ammunition That Would Be Added to the EAR

This proposed rule would apply the regional stability licensing policy set forth in § 742.6(b)(1)(i) of the EAR to the items controlled for regional stability reasons in ECCNs 0A501, 0A505, 0B501, 0B505, 0A504, 0D501, 0D505, 0E501, 0E504 and 0E505. That policy, which also applies to “600 series” and 9x515 items is case-by-case review “to determine whether the transaction is contrary to the national security or foreign policy interests of the United

States, including the foreign policy interest of promoting the observance of human rights throughout the world.” This proposed rule would also revise the regional stability licensing policy set forth in the last sentence of paragraph (b)(1)(i) that is specific to the People’s Republic of China for 9x515 items. This proposed rule would add ECCNs 0A501, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 to this sentence to specify that these firearms and related items will be subject to a policy of denial when destined to the People’s Republic of China or a country listed in Country Group E:1. Lastly, this proposed rule would add a sentence to the end of paragraph (b)(1)(i) to make it explicit that applications for exports and reexports of ECCN 0A501, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items would be subject to a policy of denial when there is reason to believe the transaction involves certain parties of concern. In addition, transactions involving criminal organizations, rebel groups, street gangs, or other similar groups or individuals, that may be disruptive to regional stability, including within individual countries would be subject to a policy of denial.

Availability of License Exceptions

Many of the items in the new “600 series” ECCNs generally would be eligible for the same license exceptions and subject to the same restrictions on use of license exceptions as other “600 series” ECCNs. BIS intends that those restrictions be no more restrictive than the ITAR license exemption restrictions that currently apply to those items.

For the ECCNs currently on the CCL that would be renumbered and placed in closer proximity to the firearms-related items that would be removed from the USML and added to the CCL, these existing firearms-related items would continue to be eligible for the same EAR license exceptions, as they were prior to publication of this rule, unless otherwise restricted under § 740.2, if the requirements of the license exceptions are met.

License Exception: Shipments of Limited Value (LVS)

Under this proposed rule, complete firearms controlled under ECCN 0A501 would not be eligible for License Exception LVS, 15 CFR 740.3. Firearms “parts,” “components,” “accessories,” and “attachments” controlled under ECCN 0A501, other than receivers (frames), and complete breech mechanisms, including castings, forgings or stampings thereof, would be eligible for License Exception LVS, with

a limit of \$500 on net value per shipment. In addition, receivers (frames), and complete breech mechanisms, including castings, forgings or stampings thereof, would be eligible for License Exception LVS if the ultimate destination is Canada. These limits would be stated in the License Exceptions paragraph of ECCN 0A501, and no revisions to the text of the license exception itself would be needed to implement them. BIS believes that this provision is generally consistent with the license exemption for limited value shipments of firearms in the ITAR (22 CFR 123.17(a)). This LVS proposal would be less restrictive than the current ITAR provision in two respects. First, the value limit per shipment would be \$500 compared to \$100 in the ITAR. Second, the LVS proposal would allow exports of receivers and complete breech mechanisms to Canada whereas § 123.17(a) does not. However, the \$500 LVS limit is based on the actual selling price or fair market value, whereas the ITAR \$100 limit is based on "wholesale" value. BIS believes that the LVS value standard is more precise and easier to apply than the ITAR standard and is more in keeping with current prices. In addition, with respect to Canada, an LVS limit of \$500 per shipment is needed to comply with the Section 517 of the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2015, which prohibits expending any appropriated funds to require licenses for the export of certain non-automatic firearms parts, components, accessories and attachments to Canada when valued at under \$500.

Guns and armament and related items controlled under ECCN 0A602 would be eligible for License Exception LVS, with a limit of \$500 net value per shipment.

Ammunition controlled under ECCN 0A505 would not be eligible for License Exception LVS; however, ammunition parts and components would be eligible with a limit of \$100 net value per shipment.

Test, inspection and production equipment controlled under ECCNs 0B501, 0B602 and 0B505 for firearms, guns and armament and ammunition/ordnance would be eligible for License Exception LVS with a limit of \$3,000 net value per shipment, which is consistent with LVS eligibility for most 600 series ECCNs.

License Exception: Temporary Imports, Exports, Reexports, and Transfers (In-Country) (TMP)

This proposed rule would amend the regulations at § 740.9 to state that

License Exception TMP would not be available to export or reexport the items that are the subject of this rule to destinations in Country Group D:5 (*See* Supplement No. 1 to part 740). License Exception TMP would also not be available to export or reexport some firearms and ammunition shipped from or manufactured in the Russia (Russian Federation), Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan. In addition, this proposed rule would prohibit the use of License Exception TMP to export or reexport any item controlled by proposed ECCN 0A501 and any shotgun with a barrel length less than 18 inches controlled under ECCN 0A502 that was shipped from or manufactured in Country Group D:5. It also would prohibit use of License Exception TMP to export or reexport any item controlled by proposed ECCN 0A501 that is shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan. These prohibitions would apply to temporary exports of firearms from the United States, and the export of firearms temporarily in the United States.

This proposed rule would limit temporary exports of firearms controlled under ECCN 0A501 and any shotgun with a barrel length less than 18 inches controlled under ECCN 0A502 pursuant to License Exception TMP to exhibition and demonstration (§ 740.9(a)(5) of the EAR) and inspection, test, calibration, and repair (§ 740.9(a)(6) of the EAR). Consistent with the ITAR requirements previously applicable to temporary exports of the firearms covered by this rule (*see* 22 CFR 123.17(c), 123.22), exporters would continue to be required to file Electronic Export Information (EEI) to the Automated Export System (AES) for transactions involving such firearms that are authorized pursuant to License Exception TMP (*See* § 758.1(a)(10) of the EAR).

The proposed rule would also authorize the use of License Exception TMP for the export of ECCN 0A501 firearms temporarily in the United States for a period of not more than one year subject to the requirement that the firearms not be imported from or

ultimately destined for certain proscribed or restricted countries. Certain information as described below would also be collected by CBP on behalf of BIS and done under existing or new Commerce paperwork collections. The proposed rule would also make eligibility to export under License Exception TMP for ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 subject to the following conditions:

Upon the entry portion of a temporary import, the temporary importer would be required to provide the required statement to U.S. Customs and Border Protection (CBP), as proposed in paragraph (b)(5)(iv)(A).

The temporary importer would be required to include on the invoice or other appropriate import-related documentation (or electronic equivalents) provided to CBP a complete list and description of the 0A501 firearms being imported, including their serial numbers, model, make, caliber, quantity, and U.S. dollar value, as proposed in paragraph (b)(5)(iv)(B).

If the firearms are temporarily imported for a trade show, exhibition, demonstration, or testing, the temporary importer must provide to CBP the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States, as proposed in paragraph (b)(5)(iv)(C).

At the time of export, the temporary importer or its agent as proposed in paragraph (b)(5)(v) would be required to provide the temporary import documentation (*i.e.*, the invoice used at the time of entry for the temporary importation or other appropriate temporary import-related documentation (or electronic equivalents)) related to paragraph (b)(5)(iv)(B) to CBP. This information would be used by CBP to confirm that such firearms were in fact temporarily imported under the EAR for subsequent export under License Exception TMP.

The proposed rule would include a note to License Exception TMP to direct temporary importers and exporters to contact CBP at the port of import or export for the proper procedures to provide any data or documentation required by BIS.

License Exception: Governments, International Organizations, International Inspections Under the Chemical Weapons Convention, and the International Space Station (GOV)

This proposed rule would revise the regulations at § 740.11 to limit the applicability of License Exception GOV for firearms, “parts” and “components” controlled by ECCN 0A501 and ammunition controlled by 0A505 to exports, reexports and transfers for official use by U.S. government agencies and official and personal use by U.S. government employees (and the immediate families and household employees of those government employees) (§ 740.11(b)(2)(i) and (ii) of the EAR). This proposed authorization under License Exception GOV would treat 0A501 firearms in the same manner that other items that are subject to the EAR may be exported to U.S. government employees under License Exception GOV. It would not impose certain restrictions that are imposed by the current ITAR license exemption. The ITAR exemption authorizes exports of only non-automatic firearms and “parts” and “components.” License Exception GOV would authorize non-automatic and semi-automatic firearms and “parts” and “components.”

The ITAR exemption (22 CFR 123.18) authorizes shipments consigned to and for the use of servicemen’s clubs, and for service members or civilian employees if the firearms are for personal use and the shipment is accompanied by a written authorization from the commanding officer concerned. The ITAR exemption also authorizes exports to other U.S. government employees for personal use if the chief of the U.S. diplomatic mission in the country of destination has approved in writing to the Department of State the specific types and qualities of firearms into that country. The exporter must present a copy of the written statement to the CBP Port Director. License Exception GOV would impose none of the foregoing limitations. BIS believes that the limitations are unnecessary. The EAR control exports for national security and foreign policy reasons. BIS believes that the restrictions imposed in the ITAR exemption primarily pertain to concerns over the security of U.S. government personnel and property located outside the United States. Those concerns may be addressed more appropriately through policies and procedures implemented by the U.S. government agencies whose personnel and properties are located outside the United States. Export license

requirements are not needed to implement such policies.

All other items that are the subject of this rule would be subject to the limits on use of License Exception GOV that apply to 600 series items generally, *i.e.*, § 740.11(b)—to, for or on behalf of the U.S. Government (including contractors, government employees, their families and household employees) or § 740.11(c) to a government in Country Group A:1 cooperating governments or an agency of NATO. However, this rule would add some additional restrictions for E:1 and E:2 countries. This proposed rule would exclude the use of License Exception GOV for any item listed in a 0x5zz ECCN for E:1 countries, unless authorized under paragraph (b)(2)(i) or (ii) when the items are solely for U.S. government official use. In addition, to better ensure compliance with section 6(j) of the EAA and address concerns with certain end users and uses in Country Group E:1 and E:2 countries, this proposed rule would add a new Note 1 to paragraph (b)(2), which would restrict the use of License Exception GOV for E:1 and E:2 countries for multilaterally controlled items and anti-terrorism (AT) controlled items when destined to certain end users or end uses of concern.

License Exception: Baggage (BAG)

This proposed rule would revise License Exception BAG, § 740.14, to allow United States citizens and permanent resident aliens leaving the United States temporarily to take up to three firearms controlled by proposed ECCN 0A501 and up to 1,000 rounds of ammunition for such firearms controlled under ECCN 0A505.a for personal use while abroad. This proposed change to License Exception BAG would be made to be consistent with 22 CFR 123.17(c), which authorizes U.S. persons to take up to three non-automatic firearms and up to 1,000 cartridges therefor abroad for personal use. This proposed amendment to License Exception BAG would apply to both non-automatic and semi-automatic firearms. Consistent with the ITAR requirements previously applicable to temporary exports of the firearms and associated ammunition covered by this rule, BIS is proposing to modify § 758.1 of the EAR to make clear that exporters would continue to be required to file Electronic Export Enforcement (EEI) to the Automated Export System (AES) for transactions involving such firearms and associated ammunition that are otherwise authorized pursuant to License Exception BAG. BIS is aware that U.S. Customs and Border Protection (CBP)

has temporarily suspended the requirement to file EEI to the AES for personally-owned firearms and ammunition that are “subject to the ITAR” being exported under 22 CFR 123.17(c), due to operational challenges related to implementation. See the following CBP website page for additional information: https://help.cbp.gov/app/answers/detail/a_id/323/-/traveling-outside-of-the-u.s.-/-temporarily-taking-a-firearm%2C-rifle%2C-gun%2C. BIS is proposing in this rule to ensure consistency with the current ITAR filing requirements and any measures that are being used at this time to track such temporary exports of personally-owned firearms and ammunition. Whether and how BIS includes this requirement in a final rule would be based on whether CBP is able to update its processes, and other agencies as needed, to allow for individuals to easily file EEI in AES by the time a final rule is published. If CBP is not able to do so, then the final rule may direct exporters to continue to use CBP’s existing process, which is the use of the CBP Certification of Registration Form 4457, until a workable solution is developed or CBP suggests an alternative simplified solution for gathering such information for temporary exports of personally-owned firearms and ammunition. BIS will also take into consideration any public comments submitted on this aspect of the proposed rule regarding imposing an EEI filing requirement in AES, as well as comments on the current practice of using the CBP Form 4457, as well as any other suggestions on alternative approaches for tracking such information.

Though BIS does not require prior authorization to use License Exception BAG, in order to facilitate the physical movement and subsequent importation of firearms authorized under this license exception, this information would need to be collected by CBP by requiring EEI filing in AES.

Travelers leaving the United States temporarily would be required to declare the 0A501 and 0A505 items to a CBP officer prior to departure from the United States and present the firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition they are exporting to the CBP officer for inspection, confirming that the authority for the export is License Exception BAG, that the exporter is compliant with its terms. Should exporters desire to contact CBP prior to departure, contact information and a list of U.S. air, land and sea ports of entry can be found at: <http://www.cbp.gov/xp/ggov/toolbox/ports/>.

This proposed rule also would revise License Exception BAG to allow nonresident aliens leaving the United States to take firearms, “accessories,” “attachments,” “components,” “parts,” and ammunition controlled by ECCN 0A501 or 0A505 that they lawfully brought into the United States. This change would be consistent with 22 CFR 123.17(d), which authorizes foreign persons leaving the United States to take firearms and ammunition controlled under Category I(a) of the USML (both non-automatic and semi-automatic) that they lawfully brought into the United States. This proposed rule would not make changes to the availability of License Exception BAG for shotguns and shotgun shells authorized under paragraph (e)(1) or (2).

As a clarification to License Exception BAG, this proposed rule would add two sentences to the introductory text of paragraph (b)(4) to highlight the special provisions that apply in paragraph (e) for firearms and ammunition and in paragraph (h) for personal protective equipment under ECCN 1A613.c or .d. These two sentences would not change the existing requirement and have been included to assist the public in better identifying these special provisions.

License Exception STA

This proposed rule would revise the regulations at § 740.20 to make firearms controlled under ECCN 0A501 and most “parts,” “components,” “accessories,” and “attachments” controlled under ECCN 0A501 ineligible for License Exception STA. Only those “parts,” “components,” “accessories,” and “attachments” that are controlled under paragraph .x (*i.e.*, those “specially designed” for 0A501 or ITAR-controlled firearms that are not specifically listed either on the CCL or USML) are eligible for export under License Exception STA. Items controlled under ECCNs 0A502 and 0A503 are also excluded from STA eligibility.

This proposed rule would exempt gun “parts,” “components,” “accessories” and “attachments” controlled under ECCN 0A501.x; test, inspection and production equipment and “parts,” “components,” “accessories” and “attachments” in ECCN 0B501; “software” in 0D501; and “technology” in ECCN 0E501 from the License Exception STA end-use limitation set forth in § 740.20(b)(3)(ii) that applies to “600 series” items. That end-use limitation is intended to ensure that the military-related items controlled by most 600 series ECCNs are ultimately used by appropriate agencies of the governments of certain U.S allies or multilateral export control regime

members. Because the aforementioned exempted items are not of a military nature, the limitation is not necessary. As a conforming change, this proposed rule also would remove ECCNs 0A985 and 0E987 in paragraph (b)(2)(ii) and add in their place 0A503 and 0E504. This change does not change the availability of License Exception STA, but simply reflects the fact that these items would now be controlled under ECCNs 0A503 and 0E504 and the License Exception STA exclusion would continue to apply to them.

Support Documentation for Firearms, Parts, Components, Accessories, and Attachments Controlled by ECCN 0A501

This proposed rule would require that for commodities controlled by ECCN 0A501 exported or reexported transactions for which a license would be required, the exporter or reexporter must obtain, prior to submitting an application, an import permit (or copy thereof) if the importing country requires such permits for import of firearms. That import permit would be a record that must be kept by the exporter or reexporter as required by part 762 of the EAR. The purpose of this requirement is to assure foreign governments that their regulations concerning the importation of firearms are not circumvented. Obtaining an import certificate or equivalent official document issued by member states of the Organization of American States meets this requirement. To implement this change, this proposed rule would revise § 748.12 to include the commodities controlled under ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f) and 0A505 (except 0A505.d) within the list of commodities that are subject to the requirement and would add a new paragraph (e) requiring that import certificates or permits be obtained from countries other than OAS member states if those states require such a certificate or permit.

Licenses for Firearms and Ammunition Would Be Limited to the Authorized End Use and End Users

Consistent with other BIS licenses, including “600 series” and 9x515 items, licenses for firearms and ammunition that move from the USML to the CCL would be limited to the authorized end use and end users specified on the license and supporting documentation submitted as part of the license application. This means any change in the authorized end use or end user for a licensed transaction would require a BIS authorization. This existing

requirement of BIS licenses is specified in § 750.7(a) and on the boiler plate text included on all BIS licenses. These requirements would also be applied to firearms and ammunition licenses. A change in end use or end user, including a change of authorized end use or end user within a single foreign country for a firearm or ammunition authorized under a BIS license, would require a BIS authorization. BIS does not propose any changes in this rule to these well-established and understood requirements on using BIS licenses. Applicants for firearms and ammunition licenses are also advised that BIS would continue to exercise its authority, as specified in § 748.11 in the Note 2 to paragraph (a), on a case-by-case basis to require a Statement by Ultimate Consignee and Purchaser as warranted.

The exporter, reexporter or transferor using a BIS license, including for firearms and ammunition licenses, would also be required pursuant to § 750.7(a) to inform the other parties identified on the license, such as the ultimate consignees and end users of the license’s scope and of the specific conditions applicable to them. As an additional safeguard for firearms and ammunition licenses, BIS would when warranted include a license condition that would require the exporter, reexporter or transferor to receive from the other parties identified on the license a confirmation in writing that those other parties had received and agreed to the terms and conditions of the license. For example, the condition may state “Prior to using this license, the exporter (reexporter or transferor) and other parties to the license must agree to the conditions in writing and the exporter (reexporter or transferor) must keep this on file with their other records.” The documents described in this paragraph would be required to be kept for EAR recordkeeping purposes under part 762 of the EAR.

Conventional Arms Reporting for Certain Exports of ECCN 0A501.a and .b Commodities

In § 743.4 (Conventional arms reporting), this rule would revise paragraphs (c)(1)(i) and (c)(2)(i) to add ECCN 0A501.a and .b as commodities that would require Wassenaar Arrangement reporting and United Nations reporting under this conventional arms reporting section of the EAR. This requirement would assist the United States Government to meet its multilateral commitments for the special reporting requirements for exports of certain items listed on the Wassenaar Arrangement Munitions List and the UN Register of Conventional

Arms when these items are authorized for export under License Exceptions LVS, TMP, RPL, STA, or GOV (see part 740 of the EAR) or the Validated End User authorization (see § 748.15 of the EAR) and for United Nations reporting. License Exceptions LVS and STA are identified in § 743.4(b)(1), but because ECCN 0A501.a and .b commodities are not eligible for those two license exceptions, the reporting requirements under § 743.4(c)(1)(i) and (c)(2)(i) would be limited to exports authorized License Exceptions TMP, GOV and RPL or the Validated End User authorization. This rule also adds contact information for these reports.

Changes to Export Clearance Requirements for Firearms Being Moved to the CCL

In part 758 (Export Clearance Requirements), this rule would make certain changes to clarify that a filing of Electronic Export Information (EEI) to the Automated Export System (AES) would be required for exports of the firearms transferred from the USML pursuant to this rule regardless of value or destination, including exports to Canada. As noted above, this requirement will also apply, as is presently the case under the ITAR, for temporary exports of such items pursuant to License Exception TMP or BAG.

In addition, this rule proposes to expand the data elements required as part of an AES filing for these items to include serial numbers, make, model and caliber. This requirement would ensure law enforcement officials are able to effectively verify that firearms exports are properly authorized and in conformance with all applicable regulations, including those associated with the temporary export and subsequent return of controlled firearms and unused ammunition. Similar to the description above regarding whether BIS would publish an EEI filing requirement in AES for personally-owned firearms and ammunition exported under License Exception BAG in the final rule, these expanded data elements required as part of an AES filing would be included in the final rule if CBP has made such data easily enterable in AES. If the necessary changes were not made by the time the final rule was to be published, CBP may continue to rely on CBP Form 4457 as described above.

Entry Clearance Requirements for Temporary Imports

Temporary imports are transactions that involve both the temporary entry of an item into the U.S. from a foreign

country and the subsequent export of that item from the U.S. To preserve the treatment of temporary import transactions for items in this rule that transfer from the USML in the ITAR to become subject to the EAR, BIS would need to create a process under the EAR to impose entry clearance requirements for temporary imports of such items based on BIS's authorities over U.S. exports.

Therefore, BIS proposes a temporary imports entry clearance requirement by adding new § 758.10. This new section would be limited to items in this rule that are both "subject to the EAR" and on the USMIL in 27 CFR 447.21. To allow such items to temporarily enter the U.S., this rule proposes a process to collect identifying information for the sole purpose of tracking items being temporarily imported for subsequent export. BIS would not impose a license requirement for such imports, but this information would be necessary to facilitate the export after a temporary import. The entry clearance requirement would be an EAR requirement and any false representation made under the new § 758.10 would be a violation of the EAR.

BIS is particularly interested in receiving comments on these temporary import provisions in § 758.10 and the subsequent export under paragraph (b)(5) of License Exception TMP. A license requirement is not being proposed for these temporary imports, but BIS is proposing an entry clearance requirement whereby, as described above, the exporter at the time of import would need to make a legal representation to the U.S. Government under the EAR that the item was being temporarily imported into the United States for subsequent export under paragraph (b)(5) of License Exception TMP. BIS also welcomes comments on whether there are advantages to how the ITAR regulates temporary imports of USMIL items that should be incorporated into the Commerce final rule.

Changes to EAR Recordkeeping Requirements for Firearms Being Moved to the CCL

In part 762 (Recordkeeping), this rule would make two changes to the recordkeeping requirements under the EAR. These changes would specify that certain records, that are already created and kept in the normal course of business, must be kept by the "exporter" or any other party to the transaction (see § 758.3 of the EAR), that creates or receives such records.

Specifically, in § 762.2 (Records to be retained), this rule would redesignate

paragraph (a)(11) as (a)(12) and add a new paragraph (a)(11) to specify the following information must be kept as an EAR record: Serial number, make, model, and caliber for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502. The "exporter" or any other "party to the transaction" that creates or receives such records would be the person responsible for retaining this record.

In § 762.3 (Records exempt from recordkeeping requirements), this rule would narrow the scope of an exemption from the EAR recordkeeping requirements for warranty certificates. This rule would narrow this exclusion to specify the exclusion from the recordkeeping requirements does not apply (meaning the record would need to be kept under the recordkeeping requirements) for warranty certificates for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502, when the certificate issued is for an address located outside the United States. This would be an expansion of the EAR recordkeeping requirements, but because warranty certificates are already created and kept as part of normal business recordkeeping purposes, this expansion is not anticipated to create any new or increased burden under the EAR, because it is a document that is created in the normal course of business and are records that should be easily accessible. These recordkeeping requirements would assist the United States Government because this information is important to have access to for law enforcement concerns for these types of items.

The public may submit comments on whether they agree with this BIS determination that these changes described above to the EAR recordkeeping requirements would not result in increased burdens under the EAR.

Alignment With the Wassenaar Arrangement Munitions List

This rule maintains the alignment with respect to firearms, guns and armament, and ammunition that exists between the USML and the WAML. USML Category I firearms that would be added to the CCL under ECCN 0A501 are controlled under category ML1 of the WAML. USML Category II guns and armament that would be added to the CCL under 0A602 are controlled under WAML category ML2.

Rather than strictly following the Wassenaar Arrangement Munitions List pattern of placing production

equipment, “software” and “technology” for munitions list items in categories ML 18, ML 21 and ML 22, respectively, this rule follows the existing CCL numbering pattern for test, inspection and production equipment (0B501, 0B602 and 0B505), “software” (0D501, 0D602 and 0D505) and “technology” (0E501, 0E602 and 0E505). BIS believes that including the ECCNs for test, inspection and production equipment, “software,” and “technology” in the same category as the items to which they relate results in an easier way to understand the CCL than using separate categories.

BIS believes that the controls in proposed ECCNs 0A501, 0A602 and 0A505 are consistent with controls imposed by the Wassenaar Arrangement.

Appropriate Delayed Effective Date for a Final Rule

BIS also invites comments from the public on the appropriate delayed effective date needed to prepare for the changes included in this proposed rule if published in final form. A 180-day delayed effective date was used for many of the other rules that moved items from the USML to the CCL, but certain rules included shorter delayed effective dates. BIS requests the public to provide comments on whether 180-day delayed effective date is warranted, or if some shorter period, such as 90-day delayed effective date is warranted for this proposed rule if published in final form.

Request for Comments

All comments on this proposed rule must be in writing and submitted via the Federal rulemaking portal www.regulations.gov or by mail or delivery to the address identified in the addresses section of this proposed rule. All comments (including any personal identifiable information) would be available for public inspection and copying. Anyone wishing to comment anonymously may do so by leaving the fields for information that would identify the commenter blank.

Export Administration Act

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017), has continued the Export Administration Regulations in effect under the International Emergency

Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222, as amended by Executive Order 13637.

Executive Order Requirements

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule has been designated a “significant regulatory action,” although not economically significant, under section 3(f) of Executive Order 12866. Although the items identified in this proposed rule have been determined to no longer warrant ITAR control by the President, the proliferation of such items has been identified as a threat to domestic and international security if not classified and controlled at the appropriate level under the EAR. Commerce estimates that the combined effect of all rules to be published adding items removed from the ITAR to the EAR would increase the number of license applications to be submitted to BIS by approximately 30,000 annually.

This proposed rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

To control these items under the EAR that no longer warrant ITAR control, appropriate controls on the CCL needed to be included in the Department of Commerce proposed rule. This includes creating new ECCNs and revising certain existing ECCNs, as well as making other changes to the EAR to control items that would be moved from these three USML categories to the CCL once the section 38(f) notification process is completed and a final rule is published and becomes effective. Adding new controls and other requirements to the EAR imposes regulatory burdens on exporters and some other parties involved with those items, but compared to the burdens these exporters and other parties faced under the ITAR, these regulatory burdens, including financial costs, would be reduced significantly. The EAR is a more flexible regulatory structure whereby the items can still be controlled appropriately, but in a much

more efficient way that would significantly reduce the burdens on exporters and other parties compared to the regulatory burdens they faced when the item were “subject to the ITAR.” Deregulatory does not mean a decontrol of these items.

For those items in USML Categories I, II and III that would move by this rule to the CCL, BIS would be collecting the necessary information using the form associated with OMB Control No. 0694–0088. BIS estimates that this form takes approximately 43.8 minutes for a manual or electronic submission. Using the State Department’s estimate that 10,000 applicants annually would move from the USML to the CCL and BIS’s estimate that 6,000 of the 10,000 applicants would require licenses under the EAR, that constitutes a burden of 4,380 hours for this collection under the EAR. Those companies are currently using the State Department’s forms associated with OMB Control No. 1405–0003 for which the burden estimate is 1 hour per submission, which for 10,000 applications results in a burden of 10,000 hours. Thus, subtracting the BIS burden hours of 4,380 from the State Department burden hours of 10,000, the burden is reduced by 5,620 hours. The other 4,000 applicants may use license exceptions under the EAR or the “no license required” designation, so these applicants would not be required to submit license applications under the EAR.

In addition to the reduced burden hours of 5,620 hours, there would also be direct cost savings to the State Department that would result from the 10,000 license applications no longer being required under the ITAR once these items are moved to the EAR. The Department of State charges a registration fee to apply for a license under the ITAR. Pursuant to the AECA, ITAR, and associated delegations of authority, every person who engages in the business of brokering activities, manufacturing, exporting, or temporarily importing any defense articles or defense services must register with the Department of State and pay a registration fee. The Department of State adopted the current fee schedule to align the registration fees with the cost of licensing, compliance and other related activities. The Department of Commerce would incur additional costs to administer these controls and process license applications. However, the Department of Commerce does not charge a registration fee to apply for a license under the EAR, and we are unable to estimate the increase in costs to the Department of Commerce to process the new license applications.

Therefore, we are unable to provide an estimate of the net change in resource costs to the government from moving these items from the ITAR to the EAR. It is the case, however, that the movement of these items from the ITAR would result in a permanent and recurring direct transfer of \$2,500,000 per year from the government to the exporting public, less the increased cost to taxpayers, because they would no longer pay fees to the State Department for licenses and there is no fee charged by the Department of Commerce to apply for a license.

Estimated Cost Savings

For purposes of E.O. 13771 of January 30, 2017 (82 FR 9339), the Department of State and Department of Commerce proposed rules are expected to be “net deregulatory actions.” The Department of Commerce has conducted this analysis in close consultation with the Department of State, because of how closely linked the two proposed rules are for the regulated public and the burdens imposed under the U.S. export control system.

E.O. 13771 and guidance provided to the agencies on interpreting the intended scope of the E.O. do not use the term “net deregulatory action,” but rather refer to deregulatory actions. As outlined above, the Departments of State and Commerce proposed rules are closely linked and are best viewed as a consolidated regulatory action although being implemented by two different agencies. Also, as noted above, items may not be subject to both sets of regulations. Therefore, the movement of a substantial number of items from the USML determined to no longer warrant ITAR control to the CCL would result in a significant reduction of regulatory burden for exporters and other persons involved with such items that were previously “subject to the ITAR.”

The Departments of State and Commerce for purposes of E.O. 13771 have agreed to equally share the cost burden reductions that would result from the publication of these two integral regulatory actions. The Department of State would receive 50% and the Department of Commerce would receive 50% for purposes of calculating the deregulatory benefit of these two integral regulatory actions.

Under this agreed formulation, the burden reductions will be calculated as follows:

For purposes of the Department of Commerce, the “net deregulatory actions” would result in a permanent and recurring cost savings of \$1,250,000 per year, and a reduction in burden hours by 2,810 hours. The reduction in

burden hours by 2,810 would result in an additional cost savings of¹ \$126,281 to the exporting public. Therefore, the total dollar cost savings would be \$1,376,281 for purposes of E.O. 13771 for the Department of Commerce.

For purposes of the Department of State, the “net deregulatory actions” would result in a permanent and recurring cost savings of \$1,250,000 per year, and a reduction in burden hours by 2,810 hours. The reduction in burden hours by 2,810 would result in an additional cost savings of \$126,281 to the exporting public. Therefore, the total dollar cost savings would be \$1,376,281 for purposes of E.O. 13771 for the Department of State.

The Department of Commerce welcomes comments from the public on the analysis under E.O. 13771 described here. Comments from companies that would no longer need to register with the Department of State because the company only deals with items under USML Category I, II, and/or III that would move to the CCL would be particularly helpful for the Department of Commerce and Department of State to receive. Comments are also encouraged on any of the other collections that may be relevant for the items that would move from the USML to the CCL. In particular, data on Department of State forms that would no longer need to be submitted would be helpful to receive.

Paperwork Reduction Act Requirements

Notwithstanding any other provision of law, no person may be required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number.

This proposed regulation involves four collections currently approved by OMB under these BIS collections and control numbers: Simplified Network Application Processing System (control number 0694–0088), which includes, among other things, license applications; License Exceptions and Exclusions (control number 0694–0137); Import Certificates and End-User Certificates (control number 0694–0093); Five Year Records Retention Period (control number 0694–0096); and the U.S. Census Bureau collection for

the Automated Export System (AES) Program (control number 0607–0152).

This proposed rule would affect the information collection, under control number 0694–0088, associated with the multi-purpose application for export licenses. This collection carries a burden estimate of 43.8 minutes for a manual or electronic submission for a burden of 31,833 hours. BIS believes that the combined effect of all rules to be published adding items removed from the ITAR to the EAR that would increase the number of license applications to be submitted by approximately 30,000 annually, resulting in an increase in burden hours of 21,900 (30,000 transactions at 43.8 minutes each) under this control number. For those items in USML Categories I, II and III that would move by this rule to the CCL, the State Department estimates that 10,000 applicants annually will move from the USML to the CCL. BIS estimates that 6,000 of the 10,000 applicants would require licenses under the EAR, resulting in a burden of 4,380 hours under this control number. Those companies are currently using the State Department’s forms associated with OMB Control No. 1405–0003 for which the burden estimate is 1 hour per submission, which for 10,000 applications results in a burden of 10,000 hours. Thus, subtracting the BIS burden hours of 4,380 from the State Department burden hours of 10,000, the burden would be reduced by 5,620 hours. (See the description above for the E.O. 13771 analysis for additional information on the cost benefit savings and designation of the two rules as “net deregulatory actions”.)

This proposed rule would also affect the information collection under control number 0694–0137, addressing the use of license exceptions and exclusions. Some parts and components formerly on the USML, and “software” and “technology” for firearms and their parts and components formerly on the USML, would become eligible for License Exception STA under this proposed rule. Additionally, test, inspection and production equipment and “software” and “technology” related to those firearms and “parts” may become eligible for License Exception STA. BIS believes that the increased use of License Exception STA resulting from the combined effect of all rules to be published adding items removed from the ITAR to the EAR would increase the burden associated with control number 0694–0137 by about 23,858 hours (20,450 transactions at 1 hour and 10 minutes each).

¹ The Department of Commerce used the Department of State’s estimate that the burden hour cost for completing a license application is \$44.94 per hour. Multiplied by the estimated burden hour savings of 2,810 equals a cost savings to the public of \$126,281.

BIS expects that this increase in burden as a result of the increased use of License Exception STA would be more than offset by a reduction in burden hours associated with approved collections related to the ITAR. This proposed rule addresses controls on firearms and “parts,” production equipment and “parts” and related “software” and “technology” and specifically non-automatic and semi-automatic firearms and their “parts” and “parts,” “components,” “attachments,” and “accessories” that are used in both semi-automatic and fully automatic firearms. BIS has made this determination on the basis that with few exceptions, the ITAR allows exemptions from license requirements only for exports to Canada, and requires a specific State Department authorization for most exports of firearms used for hunting and recreational purposes and exports of “parts,” “components,” “attachments,” and “accessories” that are common to military fully automatic firearms and their semi-automatic civilian counterparts, even when destined to NATO and other close allies and also requires State Department authorization for the exports necessary to produce “parts” and “components” for defense articles in the inventories of the United States and its NATO and other close allies. However, under the EAR, as specified in this proposed rule, a number of low-level parts would be eligible for export under License Exception STA and would therefore not require a license to such destinations.

This proposed rule would also affect the information collection under control number 0694–0096, for the five-year recordkeeping retention because of two changes this rule would make to part 762 of the EAR. This rule would add a new paragraph (a)(55) to specify the following information must be kept as an EAR record: Serial number, make, model, and caliber for any firearm controlled in ECCN 0A501.a and for shotguns with barrel length less than 18 inches controlled in 0A502. This rule would also require warranty certificates for these items to be retained for EAR recordkeeping. However, because these records are already created and kept as part of normal business recordkeeping, this expansion is not anticipated to create any new or increased burden under the EAR.

Even in situations in which a license would be required under the EAR, the burden would likely be reduced compared to a license requirement under the ITAR. In particular, license applications for exports of “technology” controlled by ECCN 0E501 would likely

be less complex and burdensome than the authorizations required to export ITAR-controlled technology, *i.e.*, Manufacturing License Agreements and Technical Assistance Agreements (as a result of the differences in the scope of the ITAR’s and the EAR’s technology controls).

This proposed rule would affect the information collection under control number 0694–0093, import certificates and end-user certificates because of the changes included in this proposed rule. First, this regulation would require that for shipments requiring a license of firearms, “parts,” “components,” “accessories,” and “attachments” controlled under ECCN 0A501, the exporter obtain a copy of the import certificate or permit if the importing country requires one for importing firearms. License applications for which an import or end-user certificate is already required under § 748.12 of the EAR would not be subject to this new requirement. BIS expects that this requirement would result in no change in the burden under control number 0694–0093. Second, this proposed rule also would require that prior to departure, travelers leaving the United States and intending to temporarily export firearms, parts, and components controlled under ECCN 0A501 under License Exception BAG declare the firearms and parts to a CBP officer and present the firearms and parts to the CBP officer for inspection. As the State Department also requires that persons temporarily exporting firearms, parts and components declare the items to CBP, BIS does not expect that the requirement in this proposed rule would result in a change in burden under control number 0694–0093.

Third, this proposed rule would affect the information collection under control number 0694–0093 by creating a new temporary import entry clearance requirement by adding § 758.10. This new section would be limited to items in this rule that are both “subject to the EAR” and on the United States Munitions List (USML) in 27 CFR 447.21. To allow such items to temporarily enter the U.S., this rule proposes a process to collect identifying information for the sole purpose of tracking items being temporarily imported for subsequent export under License Exception TMP. BIS would not impose a license requirement for such imports, but collecting this information would be necessary to facilitate the export after a temporary import. The temporary import entry clearance requirement in § 758.10 would also conform to the requirement in License Exception TMP under § 740.9(b)(5), so

providing this information to CBP at the entry after a temporary import would facilitate the export phase of a temporary import under License Exception TMP. At the time of entry for a temporary import, the importer would need to provide a statement to CBP indicating that this shipment was being temporarily imported in accordance with the EAR for subsequent export in accordance with and under the authority of License Exception TMP. The entry clearance requirement would be an EAR requirement and any false representation made under the new § 758.10 would be a violation of the EAR. The importer would also need to provide CBP an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the items being imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value. If imported for a trade show, exhibition, demonstration, or testing, the temporary importer would need to provide CBP with the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are temporarily in the United States. Lastly, at the time of exportation, as requested by CBP, the exporter, or an agent acting on his or her behalf, would have to provide the entry document number or a copy of the CBP document under which the “item” “subject to the EAR” on the USML was temporarily imported under this proposed entry clearance requirement. As the State Department also requires that persons temporarily importing items in this rule provide the same type of information to CBP, BIS expects that the requirement in this proposed rule would result in a change in burden under control number 0694–0093, but because of the decrease under the burden imposed under the State collection the burden on the public will not change.

This proposed rule would also affect the information collection under control number 0607–0152, for filing EEI in AES because of one change this rule would make to part 758 of the EAR. Under new paragraph (b)(10), EEI would be required for all exports of items controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada. Exports of these USML firearms and ammunition prior to

moving to the CCL required filing EEI in AES for all items “subject to the ITAR,” so the burden in this collection would not change for the exporter. For some exporters, however, there may be an EEI filing requirement that would otherwise not have existed, such as for the export of a firearm that would be controlled under ECCN 0A501.a authorized under License Exception BAG or the export of certain firearms or ammunition to Canada.

The proposed rule would include a requirement that, for all exports of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other required data for the associated EEI filing requirements, the exporter provide to CBP the serial number, make, model, and caliber for each firearm being exported. The Department of Commerce is carrying over the existing CBP filing requirements for items transferred from the USML to the CCL. The Department of Homeland Security currently is collecting these data elements for firearms “subject to the ITAR” under OMB Control Number 1651–0010 (CBP Form 4457, Certificate of Registration for Personal Effects Taken Abroad). There is no change to the information being collected or to the burden hours as a result of this rule. Separate from this rule, CBP will update the information collection to reflect the use of AES or some other simplified electronic alternative to CBP Form 4457.

Any comments regarding the collection of information associated with this proposed rule, including suggestions for reducing the burden, may be sent to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to Jasmeet.K.Seehra@omb.eop.gov, or by fax to (202) 395–7285.

Administrative Procedure Act and Regulatory Flexibility Act Requirements

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.*, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, unless the agency certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities. Under section 605(b) of the RFA, however, if the head of an agency certifies that a proposed rule would not

substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis. Pursuant to section 605(b), the Chief Counsel for Regulation, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that this proposed rule would not have a significant impact on a substantial number of small entities.

Number of Small Entities

The Bureau of Industry and Security (BIS) does not collect data on the size of entities that apply for and are issued export licenses. Although BIS is unable to estimate the exact number of small entities that would be affected by this proposed rule, it acknowledges that this proposed rule would affect some unknown number.

Economic Impact

This proposed rule and the companion State rule would assist in making the United States Munitions List (22 CFR part 121) (USML) into a more “positive” list, *i.e.*, a list that does not use generic, catch-all controls on any “part,” “component,” “accessory,” “attachment,” or “end item” that was in any way specifically modified for a defense article, regardless of the article’s military or intelligence significance or non-military applications. At the same time, articles that are determined no longer to warrant control on the USML would become controlled on the Commerce Control List (CCL). Such items, along with certain military items that currently are on the CCL, would be identified in specific Export Control Classification Numbers (ECCNs) known as the “600 series” ECCNs. In addition, some items currently on the CCL would move from existing ECCNs to the new “600 series” ECCNs. This proposed rule addresses USML Category I, II and III articles that would be removed from the USML and added to the CCL.

Category I of the USML, entitled “Firearms, Close Assault Weapons and Combat Shotguns,” consists of small arms (typically up to a caliber of 0.50 inches) and related parts, components, accessories, attachments, production equipment, software, and technology. Fully automatic firearms would remain on the USML as would parts and components that are used only in fully automatic firearms. However, non-automatic and semi-automatic firearms, their parts and components and the parts and components common to them and to fully automatic firearms would become subject to the EAR. Department of State officials have informed BIS that license applications for such parts and

components are a high percentage of the license applications for USML articles reviewed by that department. Such parts and components are more likely to be produced by small businesses than are complete firearms.

Category II of the USML, entitled “Guns and Armament,” encompasses large guns (caliber over 0.50 inches) such as howitzers, mortars, cannon and recoilless rifles along with related parts, components, accessories, attachments, production equipment, software and technology. Modern large guns would remain on the USML. Guns and armament manufactured between 1890 and 1919 would be controlled on the CCL. Unless specified elsewhere on the CCL or the USML, “parts,” “components,” “accessories,” “attachments,” “production equipment,” “software” and “technology” for large guns would be controlled on the CCL.

Category III of the USML, entitled “Ammunition/Ordnance,” encompasses ammunition for a wide variety of firearms that may have military, law enforcement or civilian applications. Ammunition that has only or primarily military applications would remain on the USML as would parts, production equipment, “software” and “technology” therefor. Ammunition for firearms that have primarily civilian and sporting application and ammunition that is used in civilian, law enforcement and military small arms would move to the CCL. In most instances, these firearms have a caliber of 0.50 inches or less although ammunition for manual firearms with a caliber up to 0.72 inches is included. The proposed rule also applies to “parts,” “components,” production equipment, and “technology” related to that ammunition.

Changing the jurisdictional status of the articles described in this proposed rule would reduce the burden on small entities (and other entities as well) through elimination of some license requirements, simpler license application procedures, and reduced (or eliminated) registration fees. In addition, small entities would be able to take advantage of *de minimis* treatment under the EAR for all items that this proposed rule would transfer from the USML to the CCL, provided those items meet the applicable *de minimis* threshold level. In practice, the greatest impact of this proposed rule on small entities would likely be reduced administrative costs and reduced delay for exports of items that are now on the USML but would become subject to the EAR.

Small entities (and other entities as well) that are affected by this proposed

rule would benefit from the elimination of some license requirements implemented by this proposed rule. Six types of “parts” and “components,” identified in ECCN 0A501.y, would be designated immediately as “parts” and “components” that, even if “specially designed” for a military use or a Category I firearm, have little or no military significance. These “parts” and “components,” which under the ITAR require a license to nearly all destinations would, under the EAR, require a license to Cuba, Iran, Sudan, North Korea, Syria and the People’s Republic of China as well as to destinations subject to United Nations arms embargoes.

Furthermore, many exports and reexports of Category I firearms along with “parts” and “components” that would be placed on the CCL by this proposed rule, would become eligible for license exceptions that apply to shipments to United States government agencies, shipments valued at \$500 or less, “parts” and “components” being exported for use as replacement parts, and temporary exports. Similarly, exports and reexports of Category II firearms “parts,” “components,” “accessories,” and “attachments” that would be placed on the CCL by this proposed rule would become eligible for those license exceptions, although the value limit would be \$3,000. Category III ammunition placed on the CCL by this proposed rule would also become eligible with a value limit of \$100.

Even for exports and reexports in which a license would be required, the process would be simpler and less costly under the EAR. When a USML Category I, II, or III article is moved to the CCL, the number of destinations for which a license is required would remain largely unchanged. However, the burden on the license applicant would decrease because the licensing procedure for CCL items is simpler and more flexible than the licensing procedure for USML defense articles.

Under the USML licensing procedure, an applicant must include a purchase order or contract with its application. There is no such requirement under the CCL licensing procedure. This difference gives the CCL applicant at least two advantages. First, the applicant has a way of determining whether the U.S. Government would authorize the transaction before it enters into potentially lengthy, complex and expensive sales presentations or contract negotiations. Under the USML licensing procedure, the applicant would need to caveat all sales presentations with a reference to the need for government approval and

would more likely have to engage in substantial effort and expense with the risk that the government might reject the application. Second, a CCL license applicant need not limit its application to the quantity or value of one purchase order or contract. It may apply for a license to cover all of its expected exports or reexports to a particular consignee over the life of a license, reducing the total number of licenses for which the applicant must apply.

In addition, many applicants exporting or reexporting items that this proposed rule would transfer from the USML to the CCL would realize cost savings through the elimination of some or all registration fees currently assessed under the ITAR. This is particularly relevant to small- and medium-sized companies that manufacture or export parts and components for Category I firearms. Registration fees for manufacturers and exporters of articles on the USML start at \$2,250 per year, increase to \$2,750 for organizations applying for one to ten licenses per year and further increase to \$2,750 plus \$250 per license application (subject to a maximum of three percent of total application value) for those who need to apply for more than ten licenses per year. There are no registration or application processing fees for applications to export items currently listed on the CCL. Once the items that are the subject to this proposed rulemaking are removed from the USML and added to the CCL, entities currently applying for licenses from the Department of State could find their registration fees reduced if the number of USML licenses those entities need declines. If an entity’s entire product line is moved to the CCL, then its ITAR registration and registration fee requirement would be eliminated.

Finally, *de minimis* treatment under the EAR would become available for all items that this proposed rule would transfer from the USML to the CCL. Items subject to the ITAR remain subject to the ITAR when they are incorporated abroad into a foreign-made product regardless of the percentage of U.S. content in that foreign-made product. This proposed rule would apply that same principle to “600 series” items only if the foreign-made item is being exported to a country that is subject to a United States arms embargo. In all other cases, foreign-made products that incorporate items that this proposed rule would move to the CCL would be subject to the EAR only if their total controlled U.S.-origin content exceeded 25 percent. Because including small amounts of U.S.-origin content would not subject foreign-made products to the

EAR, foreign manufacturers would have less incentive to avoid such U.S.-origin “parts” and “components,” a development that potentially would mean greater sales for U.S. suppliers, including small entities.

For items currently on the CCL that would be moved from existing ECCNs to the new “600 series,” license exception availability would be narrowed somewhat. However, BIS believes that the increased burden imposed by those actions would be offset substantially by the reduction in burden attributable to the moving of items from the USML to CCL and the compliance benefits associated with the consolidation of all WAML items subject to the EAR in one series of ECCNs.

Conclusion

BIS is unable to determine the precise number of small entities that would be affected by this proposed rule. Based on the facts and conclusions set forth above, BIS believes that any burdens imposed by this proposed rule would be offset by a reduction in the number of items that would require a license, simpler export license applications, reduced or eliminated registration fees, and application of a *de minimis* threshold for foreign-made items incorporating U.S.-origin “parts” and “components,” which would reduce the incentive for foreign buyers to design out or avoid U.S.-origin content. For these reasons, the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted in final form, would not have a significant economic impact on a substantial number of small entities.

List of Subjects

15 CFR Parts 736 and 772

Exports.

15 CFR Parts 740 and 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 742

Exports, Terrorism.

15 CFR Part 743

Administrative practice and procedure, Reporting and recordkeeping requirements.

15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

15 CFR Parts 746 and 774

Exports, Reporting and recordkeeping requirements.

15 CFR Part 758

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

15 CFR Part 762

Administrative practice and procedure, Business and industry, Confidential business information, Exports, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, parts 736, 740, 742, 743, 744, 746, 748, 758, 762, 772 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are proposed to be amended as follows:

PART 736—GENERAL PROHIBITIONS

■ 1. The authority citation for 15 CFR part 736 is revised to read as follows:

Authority: 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 2151 note; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Notice of May 9, 2017, 82 FR 21909 (May 10, 2017); Notice of August 15, 2017, 82 FR 39005 (August 16, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017).

■ 2. Supplement No. 1 to part 736 is amended by revising paragraph (e)(3) to read as follows:

Supplement No. 1 to Part 736—General Orders

* * * * *

(e) * * *

(3) Prior commodity jurisdiction determinations. If the U.S. State Department has previously determined that an item is not subject to the jurisdiction of the ITAR and the item was not listed in a then existing “018” series ECCN (for purposes of the “600 series” ECCNs, or the 0x5zz ECCNs) or in a then existing ECCN 9A004.b or related software or technology ECCN (for purposes of the 9x515 ECCNs), then the item is per se not within the scope of a “600 series” ECCN, a 0x5zz ECCN, or a 9x515 ECCN. If the item was not listed elsewhere on the CCL at the time of such determination (i.e., the item was designated EAR99), the item shall remain designated as EAR99 unless specifically enumerated by BIS or DDTTC in an amendment to the CCL or to the USML, respectively.

* * * * *

PART 740—LICENSE EXCEPTIONS

■ 3. The authority citation for 15 CFR part 740 continues to read as follows:

Authority: 50 U.S.C. 4601 et seq.; 50 U.S.C. 1701 et seq.; 22 U.S.C. 7201 et seq.; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

- 4. Section 740.9 is amended by:
■ a. Adding five sentences at the end of paragraph (a) introductory text;
■ b. Adding one sentence at the end of paragraph (b)(1) introductory text;
■ c. Adding paragraph (b)(5); and
■ d. Redesignating notes 1 through 3 to paragraph (b) as notes 2 through 4 to paragraph (b);

The additions read as follows:

§ 740.9 Temporary imports, exports, reexports, and transfers (in-country) (TMP).

* * * * *

(a) * * * This paragraph (a) does not authorize any export of a commodity controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502 to, or any export of such an item that was imported into the United States from, a country in Country Group D:5 (Supplement No. 1 of this part), or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan. The only provisions of this paragraph (a) that are eligible for use to export such items are paragraph (a)(5) of this section (“Exhibition and demonstration”) and paragraph (a)(6) of this section (“Inspection, test, calibration, and repair”). In addition, this paragraph (a) may not be used to export more than 75 firearms per shipment. In accordance with the requirements in § 758.1(b)(10) and (g)(4) of the EAR, the exporter or its agent must provide documentation that includes the serial number, make, model, and caliber of each firearm being exported by filing these data elements in an EEI filing in AES. In accordance with the exclusions in License Exception TMP under paragraph (b)(5), the entry clearance requirements in § 758.1(b)(10) do not permit the temporary import of firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country; or that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan (except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are shipped from or manufactured

in a Country Group D:5 country, or from Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, because of the exclusions in License Exception TMP under paragraph (b)(5).

* * * * *

(b) * * *
(1) * * * No provision of paragraph (b) of this section, other than paragraph (b)(3), (4), or (5), may be used to export firearms controlled by ECCN 0A501.a, .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502.

* * * * *

(5) Exports of firearms and certain shotguns temporarily in the United States. This paragraph (b)(5) authorizes the export of no more than 75 end item firearms per shipment controlled by ECCN 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502 that are temporarily in the United States for a period not exceeding one year, provided that:

(i) The firearms were not shipped from or manufactured in a U.S. arms embargoed country, i.e., destination listed in Country Group D:5 in Supplement No. 1 to part 740 of the EAR;

(ii) The firearms were not shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan, except for any firearm model controlled by 0A501 that is specified under Annex A in Supplement No. 4 to part 740; and

(iii) The firearms are not ultimately destined to a U.S. arms embargoed country, i.e., destination listed in Country Group D:5 in Supplement No. 1 to part 740 of the EAR, or to Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Turkmenistan, Ukraine, or Uzbekistan;

(iv) When the firearms entered the U.S. as a temporary import, the temporary importer or its agent:

(A) Provided the following statement to U.S. Customs and Border Protection: “This shipment will be exported in accordance with and under the authority of License Exemption TMP (15 CFR 740.9(b)(5))”;

(B) Provided to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(C) Provided (if temporarily imported for a trade show, exhibition,

demonstration, or testing) to U.S. Customs and Border Protection the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States.

(v) In addition to the export clearance requirements of part 758 of the EAR, the exporter or its agent must provide the import documentation related to paragraph (b)(5)(iv)(B) of this section to U.S. Customs and Border Protection at the time of export.

Note 1 to paragraph (b)(5): *In addition to complying with all applicable EAR requirements for the export of commodities described in paragraph (b)(5), exporters and temporary importers should contact U.S. Customs and Border Protection (CBP) at the port of temporary import or export, or at the CBP website, for the proper procedures for temporarily importing or exporting firearms controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502, including regarding how to provide any data or documentation required by BIS.*

* * * * *

- 5. Section 740.11 is amended by:
 - a. Adding a sentence at the end of the introductory text;
 - b. Adding Note 2 to paragraph (b)(2); and
 - c. Redesignating note 1 to paragraph (c)(1) as note 3 to paragraph (c)(1) and notes 1 and 2 to paragraph (e) as notes 4 and 5 to paragraph (e).

The additions read as follows:

§ 740.11 Governments, international organizations, international inspections, under the Chemical Weapons Convention, and the International Space Station (GOV).

* * * Commodities listed in ECCN 0A501 are eligible only for transactions described in paragraphs (b)(2)(i) and (ii) of this section. Any item listed in a 0x5zz ECCN for export, reexport, or transfer (in-country) to an E:1 country are eligible only for transactions described in paragraphs (b)(2)(i) and (ii) solely for U.S. government official use of this section.

* * * * *

Note 2 to paragraph (b)(2): *Items controlled for NS, MT, CB, NP, FC or AT reasons may not be exported, reexported, or transferred (in-country) to, or for the use of military, police, intelligence entities, or other sensitive end-users of a government in a Country Group E:1, or E:2 country.*

* * * * *

- 6. Section 740.14 is amended by revising paragraph (b)(4), revising the heading to paragraph (e), and by adding paragraphs (e)(3) and (4) to read as follows:

§ 740.14 Baggage (BAG).

* * * * *

(b) * * *

(4) *Tools of trade.* Usual and reasonable kinds and quantities of tools, instruments, or equipment and their containers and also technology for use in the trade, occupation, employment, vocation, or hobby of the traveler or members of the household who are traveling or moving. For special provisions regarding firearms and ammunition, see paragraph (e) of this section. For special provisions regarding encryption commodities and software subject to EI controls, see paragraph (f) of this section. For a special provision that specifies restrictions regarding the export or reexport of technology under this paragraph (b)(4), see paragraph (g) of this section. For special provisions regarding personal protective equipment under ECCN 1A613.c or .d, see paragraph (h) of this section.

* * * * *

(e) *Special provisions for firearms and ammunition.* * * *

(3) A United States citizen or a permanent resident alien leaving the United States may export under this License Exception firearms, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505.a, subject to the following limitations:

(i) Not more than three firearms and 1,000 rounds of ammunition may be taken on any one trip.

(ii) “Parts,” “components,” “accessories,” and “attachments” exported pursuant to this paragraph must be of a kind and limited to quantities that are reasonable for the activities described in paragraph (e)(3)(iv) of this section or that are necessary for routine maintenance of the firearms being exported.

(iii) The commodities must be with the person’s baggage.

(iv) The commodities must be for the person’s exclusive use and not for resale or other transfer of ownership or control. Accordingly, except as provided in paragraph (e)(4) of this section, firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition, may not be exported permanently under this License Exception. All firearms, “parts,” “components,” “accessories,” or “attachments” controlled under ECCN 0A501 and all unused ammunition controlled under ECCN 0A505.a exported under this License Exception must be returned to the United States.

(v) Travelers leaving the United States temporarily are required to declare the

firearms, “parts,” “components,” “accessories,” “attachments,” and ammunition being exported under this license exception to a Customs and Border Protection (CBP) officer prior to departure from the United States and present such items to the CBP officer for inspection, confirming that the authority for the export is License Exception BAG and that the exporter is compliant with its terms.

(4) A nonresident alien leaving the United States may export or reexport under this License Exception only such firearms controlled under ECCN 0A501 and ammunition controlled under ECCN 0A505 as he or she brought into the United States under the provisions of Department of Justice Regulations at 27 CFR 478.115(d).

* * * * *

§ 740.16 [Amended]

■ 7. Section 740.16 is amended by removing “0A987” from paragraph (b)(2)(iv) and adding in its place “0A504”.

■ 8. Section 740.20 is amended by revising paragraph (b)(2)(ii) to read as follows:

§ 740.20 License Exception Strategic Trade Authorization (STA).

* * * * *

(b) * * *

(2) * * *

(ii) License Exception STA may not be used for:

(A) Any item controlled in ECCNs 0A501.a, .b, .c, .d, or .e; 0A981; 0A982; 0A983; 0A503, 0E504, 0E982; or

(B) Shotguns with barrel length less than 18 inches controlled in 0A502.

* * * * *

■ 9. Add Supplement No. 4 to part 740 to read as follows:

Supplement No. 4 to Part 740—Annex A Firearm Models

(a) *Pistols/revolvers.*

(1) German Model P08 Pistol = SMCR.

(2) IZH 34M, .22 Target pistol.

(3) IZH 35M, .22 caliber Target pistol.

(4) Mauser Model 1896 pistol = SMCR.

(5) MC–57–1 pistol.

(6) MC–1–5 pistol.

(7) Polish Vis Model 35 pistol = SMCR.

(8) Soviet Nagant revolver = SMCR.

(9) TOZ 35, .22 caliber Target pistol.

(10) MTs 440.

(11) MTs 57–1.

(12) MTs 59–1.

(13) MTs 1–5.

(14) TOZ–35M (starter pistol).

(15) Biathlon–7K.

(b) *Rifles.*

(1) BARS–4 Bolt Action carbine.

- (2) Biathlon target rifle, .22.
 (3) British Enfield rifle = SMCR.
 (4) CM2, .22 target rifle (also known as SM2, .22).
 (5) German model 98K = SMCR.
 (6) German model G41 = SMCR.
 (7) German model G43 = SMCR.
 (8) IZH-94.
 (9) LOS-7, bolt action.
 (10) MC-7-07.
 (11) MC-18-3.
 (12) MC-19-07.
 (13) MC-105-01.
 (14) MC-112-02.
 (15) MC-113-02.
 (16) MC-115-1.
 (17) MC-125/127.
 (18) MC-126.
 (19) MC-128.
 (20) Saiga.
 (21) Soviet Model 38 carbine = SMCR.
 (22) Soviet Model 44 carbine-SMCR.
 (23) Soviet Model 91/30 rifle = SMCR.
 (24) TOZ 18, .22 bolt action.
 (25) TOZ 55.
 (26) TOZ 78.
 (27) Ural Target, .22lr.
 (28) VEPR rifle.
 (29) Winchester Model 1895, Russian Model rifle = SMCR.
 (30) Sever—double barrel.
 (31) IZH18MH single barrel break action.
 (32) MP-251 over/under rifle.
 (33) MP-221 double barrel rifle.
 (34) MP-141K.
 (35) MP-161K.
 (36) MTs 116-1.
 (37) MTs 116M.
 (38) MTs 112-02.
 (39) MTs 115-1.
 (40) MTs 113-02.
 (41) MTs 105-01.
 (42) MTs 105-05.
 (43) MTs 7-17 combination gun.
 (44) MTs 7-12-07 rifle/shotgun.
 (45) MTs 7-07.
 (46) MTs 109-12-07 rifle.
 (47) MTs 109-07 rifle.
 (48) MTs 106-07 combination.
 (49) MTs 19-97.
 (50) MTs 19-09.
 (51) MTs 18-3M.
 (52) MTs 125.
 (53) MTs 126.
 (54) MTs 127.
 (55) Berkut-2.
 (56) Berkut-2M1.
 (57) Berkut-3.
 (58) Berkut-2-1.
 (59) Berkut-2M2.
 (60) Berkut-3-1.
 (61) Ots-25.
 (62) MTs 20-07.
 (63) LOS-7-1.
 (64) LOS-7-2.
 (65) LOS-9-1.
 (66) Sobol (Sable).
 (67) Rekord.

- (68) Bars-4-1.
 (69) Saiga.
 (70) Saiga-M.
 (71) Saiga-308.
 (72) Saiga-308-1.
 (72) Saiga-308-2.
 (74) Saiga-9.
 (75) Korshun.
 (76) Ural-5-1.
 (77) Ural 6-1.
 (78) Ural-6-2.
 (79) SM-2.
 (80) Biatlon-7-3.
 (81) Biatlon-7-4.
 (82) Rekord-1.
 (83) Rekord-2.
 (84) Rekord-CISM.
 (85) Rekord-1-308.
 (86) Rekord-2-308.
 (87) Rekord-1-308-CISM.
 (88) VEPR.
 (89) VEPR Super.
 (90) VEPR Pioneer.
 (91) VEPR Safari.
 (92) TOZ 109.
 (93) KO 44-1.
 (94) TOZ 78-01.
 (95) KO 44.
 (96) TOZ 99.
 (97) TOZ 99-01.
 (98) TOZ 55-01 Zubr.
 (99) TOZ 55-2 Zubr.
 (100) TOZ 120 Zubr.
 (101) MTs 111.
 (102) MTs 109.
 (103) TOZ 122.
 (104) TOZ 125.
 (105) TOZ 28.
 (106) TOZ 300.

PART 742—CONTROL POLICY—CCL BASED CONTROLS

- 10. The authority citation for part 742 is revised to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; Sec. 1503, Pub. L. 108-11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003-23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017).

- 11. Section 742.6 is amended by revising the first and sixth sentences of paragraph (b)(1)(i) and adding a seventh sentence at the end of paragraph (b)(1)(i) to read as follows:

§ 742.6 Regional stability.

- * * * * *
- (b) * * *
- (1) * * *

(i) Applications for exports and reexports of ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0A504, 0D505, 0E501, 0E504, and 0E505 items; 9x515 items and “600 series” items and will be reviewed on a case-by-case basis to determine whether the transaction is contrary to the national security or foreign policy interests of the United States, including the foreign policy interest of promoting the observance of human rights throughout the world.
 * * * When destined to the People’s Republic of China or a country listed in Country Group E:1 in supplement no. 1 to part 740 of the EAR, items classified under ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 or any 9x515 ECCN will be subject to a policy of denial. In addition, applications for exports and reexports of ECCN 0A501, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, 0E504, and 0E505 items; when there is reason to believe the transaction involves criminal organizations, rebel groups, street gangs, or other similar groups or individuals, that may be disruptive to regional stability, including within individual countries, will be subject to a policy of denial.
 * * * * *

- 12. Section 742.7 is amended by revising paragraphs (a)(1) through (4) and (c) to read as follows:

§ 742.7 Crime control and detection.

(a) * * *

(1) Crime control and detection instruments and equipment and related “technology” and “software” identified in the appropriate ECCNs on the CCL under CC Column 1 in the Country Chart column of the “License Requirements” section. A license is required to countries listed in CC Column 1 (Supplement No. 1 to part 738 of the EAR). Items affected by this requirement are identified on the CCL under the following ECCNs: 0A502, 0A504, 0A505.b, 0A978, 0A979, 0E502, 0E505 (“technology” for “development” or for “production” of buckshot shotgun shells controlled under ECCN 0A505.b), 1A984, 1A985, 3A980, 3A981, 3D980, 3E980, 4A003 (for fingerprint computers only), 4A980, 4D001 (for fingerprint computers only), 4D980, 4E001 (for fingerprint computers only), 4E980, 6A002 (for police-model infrared viewers only), 6E001 (for police-model infrared viewers only), 6E002 (for police-model infrared viewers only), and 9A980.

(2) Shotguns with a barrel length greater than or equal to 24 inches, identified in ECCN 0A502 on the CCL under CC Column 2 in the Country Chart column of the “License

Requirements” section regardless of end-user to countries listed in CC Column 2 (Supplement No. 1 to part 738 of the EAR).

(3) Shotguns with barrel length greater than or equal to 24 inches, identified in ECCN 0A502 on the CCL under CC Column 3 in the Country Chart column of the “License Requirements” section only if for sale or resale to police or law enforcement entities in countries listed in CC Column 3 (Supplement No. 1 to part 738 of the EAR).

(4) Certain crime control items require a license to all destinations, except Canada. These items are identified under ECCNs 0A982, 0A503, and 0E982. Controls for these items appear in each ECCN; a column specific to these controls does not appear in the Country Chart (Supplement No. 1 to part 738 of the EAR).

* * * * *

(c) *Contract sanctity*. Contract sanctity date: August 22, 2000. Contract sanctity applies only to items controlled under ECCNs 0A982, 0A503 and 0E982 destined for countries not listed in CC Column 1 of the Country Chart (Supplement No. 1 to part 738 of the EAR).

* * * * *

- 13. Section 742.17 is amended by:
- a. Revising the first sentence of paragraph (a); and
 - b. Revising paragraph (f) to read as follows:

§ 742.17 Exports of firearms to OAS member countries.

(a) *License requirements*. BIS maintains a licensing system for the export of firearms and related items to all OAS member countries. * * *

* * * * *

(f) *Items/Commodities*. Items requiring a license under this section are ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f), and 0A505 (except 0A505.d). (See Supplement No. 1 to part 774 of the EAR).

* * * * *

§ 742.19 [AMENDED]

- 14. Section 742.19(a)(1) is amended by:
- a. Removing “0A986” and adding in its place “0A505.c”; and
 - b. Removing “0B986” and adding in its place “0B505.c”.

PART 743—SPECIAL REPORTING AND NOTIFICATION

- 15. The authority citation for 15 CFR part 743 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR,

2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; 78 FR 16129; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

- 16. Section 743.4 is amended by adding paragraphs (c)(1)(i) and (c)(2)(i) and revising paragraph (h) to read as follows:

§ 743.4 Conventional arms reporting.

* * * * *

(c) * * *

(1) * * *

(i) ECCN 0A501.a and .b.

* * * * *

(2) * * *

(i) ECCN 0A501.a and .b.

* * * * *

(h) *Contacts*. General information concerning the Wassenaar Arrangement and reporting obligations thereof is available from the Office of National Security and Technology Transfer Controls, Tel. (202) 482–0092, Fax: (202) 482–4094. Information concerning the reporting requirements for items identified in paragraphs (c)(1) and (2) of this section is available from the Office of Nonproliferation and Treaty Compliance (NPTC), Tel. (202) 482–4188, Fax: (202) 482–4145.

PART 744—CONTROL POLICY: END-USER AND END-USE BASED

- 17. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017); Notice of September 18, 2017, 82 FR 43825 (September 19, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of January 17, 2018, 83 FR 2731 (January 18, 2018).

§ 744.9 [AMENDED]

- 18. Section 744.9 is amended by removing “0A987” from paragraphs (a)(1) and (b) and adding in its place “0A504”.

PART 746—EMBARGOS AND OTHER SPECIAL CONTROLS

- 19. The authority citation for 15 CFR part 746 is revised to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O.

12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007–7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Notice of May 9, 2017, 82 FR 21909 (May 10, 2017); Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

§ 746.3 [AMENDED]

- 20. Section 746.3 is amended by removing “0A986” from paragraph (b)(2) and adding in its place “0A505.c”.

§ 746.7 [AMENDED]

- 21. Section 746.7 is amended in paragraph (a)(1) by:
- a. Adding “0A503” immediately before “0A980”; and
 - b. Removing “0A985”.

PART 748—APPLICATIONS (CLASSIFICATION, ADVISORY, AND LICENSE) AND DOCUMENTATION

- 22. The authority citation for 15 CFR part 748 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

- 23. Section 748.12 is amended by:
- a. Revising the heading;
 - b. Adding introductory text;
 - c. Revising paragraphs (a) introductory text and (a)(1);
 - d. Redesignating the note to paragraph (c)(8) as note 1 to paragraph (c)(8); and
 - e. Adding paragraph (e).
- The revisions and additions read as follows.

§ 748.12 Firearms import certificate or import permit.

License applications for certain firearms and related commodities require support documents in accordance with this section. For destinations that are members of the Organization of American States (OAS), an FC Import Certificate or equivalent official document is required in accordance with paragraphs (a) through (d) of this section. For other destinations that require a firearms import or permit, the firearms import certificate or permit is required in accordance with paragraphs (e) through (g) of this section.

(a) *Requirement to obtain document for OAS member states*. Unless an exception in § 748.9(c) applies, an FC Import Certificate is required for license applications for firearms and related commodities, regardless of value, that

are destined for member countries of the OAS. This requirement is consistent with the OAS Model Regulations described in § 742.17 of the EAR.

(1) *Items subject to requirement.*

Firearms and related commodities are those commodities controlled for “FC Column 1” reasons under ECCNs 0A501 (except 0A501.y), 0A502, 0A504 (except 0A504.f) or 0A505 (except 0A505.d).

(e) *Requirement to obtain an import certificate or permit for other than OAS member states.* If the country to which firearms, parts, components, accessories, and attachments controlled under ECCN 0A501, or ammunition controlled under ECCN 0A505, are being exported or reexported requires that a government-issued certificate or permit be obtained prior to importing the commodity, the exporter or reexporter must obtain and retain on file the original or a copy of that certificate or permit before applying for an export or reexport license unless:

- (1) A license is not required for the export or reexport; or
- (2) The exporter is required to obtain an import or end-user certificate or other equivalent official document pursuant to paragraphs (a) thorough (d) of this section and has, in fact, complied with that requirement.

(3)(i) The number or other identifying information of the import certificate or permit must be stated on the license application.

(ii) If the country to which the commodities are being exported does not require an import certificate or permit for firearms imports, that fact must be noted on any license application for ECCN 0A501 or 0A505 commodities.

Note 2 to paragraph (e). *Obtaining a BIS Statement by Ultimate Consignee and Purchaser pursuant to § 748.11 of the EAR does not exempt the exporter or reexporter from the requirement to obtain a certification pursuant to paragraph (a) of this section because that statement is not issued by a government.*

PART 758—EXPORT CLEARANCE REQUIREMENTS

■ 24. The authority citation for part 758 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 25. Section 758.1 is amended as follows:

- a. By revising paragraphs (b)(7), (8) and (9) and adding paragraph (b)(10);
- b. By revising paragraph (c)(1); and

■ c. By adding paragraph (g)(4) to read as follows:

§ 758.1 The Electronic Export Enforcement (EEI) filing to the Automated Export System (AES).

* * * * *

(b) * * *

(7) For all items exported under authorization Validated End-User (VEU);

(8) For all exports of tangible items subject to the EAR where parties to the transaction, as described in § 748.5(d) through (f) of the EAR, are listed on the Unverified List (Supplement No. 6 to part 744 of the EAR), regardless of value or destination;

(9) For items that fall under ECCNs that list CC Column 1 and 3 and RS Column 2 (see Supplement No. 1 to part 738 of the EAR) as reasons for control and such items are for export, regardless of value, to India; or

(10) For all exports of items controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505 except for .c, regardless of value or destination, including exports to Canada.

(c) * * *

(1) License Exception Baggage (BAG), except for exports of items controlled under ECCNs 0A501.a or .b, shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, or ammunition controlled under ECCN 0A505, as set forth in § 740.14 of the EAR. See 15 CFR 30.37(x) of the FTR;

* * * * *

(g) * * *

(4) *Exports of Firearms and Related Items.* For any export of items controlled under ECCNs 0A501.a or .b, or shotguns with a barrel length less than 18 inches controlled under ECCN 0A502, in addition to any other required data for the associated EEI filing, you must report the manufacturer, model number, caliber and serial number of the exported items.

* * * * *

■ 26. Add § 758.10 to read as follows:

§ 758.10 Entry clearance requirements for temporary imports.

(a) *Scope.* This section specifies the temporary import entry clearance requirements for firearms “subject to the EAR” that are on the United States Munitions Import List (USMIL, 27 CFR 447.21). These firearms are controlled in ECCN 0A501.a or .b or shotguns with a barrel length less than 18 inches controlled in ECCN 0A502. Items that are temporarily exported under the EAR for permanent return to the United

States are outside of the scope of this section because the items are not considered temporary imports, but these items must have met the export clearance requirements specified in § 758.1 of the EAR. See paragraph (a)(2) of this section for permanent import requirements.

(1) An authorization under the EAR is *not* required for the temporary import of “items” that are “subject to the EAR,” including for “items” “subject to the EAR” that are on the USMIL. Temporary imports of firearms described in this section must meet the entry clearance requirements specified in paragraph (b) of this section.

(2) Permanent imports are regulated by the Attorney General under the direction of the Department of Justice’s Bureau of Alcohol, Tobacco, Firearms and Explosives (see 27 CFR parts 447, 478, 479, and 555).

(b) *EAR procedures for temporary imports and subsequent exports.* To the satisfaction of the Port Directors of U.S. Customs and Border Protection, the temporary importer must comply with the following procedures:

(1) At the time of entry into the U.S. of the temporary import:

(i) Provide the following statement to U.S. Customs and Border Protection: “This shipment is being temporarily imported in accordance with the EAR. This shipment will be exported in accordance with and under the authority of License Exception TMP (15 CFR 740.9(b)(5));”

(ii) Provide to U.S. Customs and Border Protection an invoice or other appropriate import-related documentation (or electronic equivalents) that includes a complete list and description of the firearms being temporarily imported, including their model, make, caliber, serial numbers, quantity, and U.S. dollar value; and

(iii) Provide (if temporarily imported for a trade show, exhibition, demonstration, or testing) to U.S. Customs and Border Protection the relevant invitation or registration documentation for the event and an accompanying letter that details the arrangements to maintain effective control of the firearms while they are in the United States.

Note 1 to paragraph (b)(1): *In accordance with the exclusions in License Exception TMP under § 740.9(b)(5) of the EAR, the entry clearance requirements in § 758.1(b)(10) do not permit the temporary import of firearms controlled in ECCN 0A501.a or .b that are shipped from or manufactured in a Country Group D:5 country; or that are shipped from or manufactured in Russia, Georgia, Kazakhstan, Kyrgyzstan, Moldova,*

List of Items Controlled

Related Controls: (1) Firearms that are fully automatic, and magazines with a capacity of 50 rounds or greater, are “subject to the ITAR.” (2) See ECCN 0A502 for shotguns and their “parts” and “components” that are subject to the EAR. (3) See ECCN 0A504 and USML Category XII for controls on optical sighting devices.

Related Definitions: N/A

Items:

- a. Non-automatic and semi-automatic firearms of caliber less than or equal to .50 inches (12.7 mm).
- b. Non-automatic and non-semi-automatic rifles, carbines, revolvers or pistols with a caliber greater than .50 inches (12.7 mm) but less than or equal to .72 inches (18.0 mm).
- c. The following types of “parts” and “components” if “specially designed” for a commodity controlled by paragraph .a or .b of this entry, or USML Category I (unless listed in USML Category I(g) or (h)): Barrels, cylinders, barrel extensions, mounting blocks (trunnions), bolts, bolt carriers, operating rods, gas pistons, trigger housings, triggers, hammers, sears, disconnectors, pistol grips that contain fire control “parts” or “components” (e.g., triggers, hammers, sears, disconnectors) and buttstocks that contain fire control “parts” or “components.”
- d. Detachable magazines with a capacity of greater than 16 rounds “specially designed” for a commodity controlled by paragraph .a or .b of this entry.
- e. Receivers (frames) and complete breech mechanisms, including castings, forgings or stampings thereof, “specially designed” for a commodity by controlled by paragraph .a or .b of this entry.
- f. through w. [Reserved]
- x. “Parts” and “components” that are “specially designed” for a commodity classified under paragraphs .a through .c of this entry or the USML and not elsewhere specified on the USML or CCL.
- y. Specific “parts,” “components,” “accessories” and “attachments” “specially designed” for a commodity subject to control in this ECCN or common to a defense article in USML Category I and not elsewhere specified in the USML or CCL.
 - y.1. Stocks or grips, that do not contain any fire control “parts” or “components” (e.g., triggers, hammers, sears, disconnectors);”
 - y.2. Scope mounts or accessory rails;
 - y.3. Iron sights;
 - y.4. Sling swivels;
 - y.5. Butt plates or recoil pads; and
 - y.6. Bayonets.

Technical Note 1 to 0A501: *The controls on “parts” and “components” in ECCN 0A501 include those “parts” and “components” that are common to firearms described in ECCN 0A501 and to those firearms “subject to the ITAR.”*

Note 1 to 0A501: *Antique firearms (i.e., those manufactured before 1890) and reproductions thereof, muzzle loading black powder firearms except those designs based on centerfire weapons of a post 1937 design, BB guns, pellet rifles, paint ball, and all other air rifles are EAR99 commodities.*

0A502 Shotguns; complete trigger mechanisms; magazines and magazine

extension tubes; complete breech mechanisms; except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use.

License Requirements

Reason for Control: RS, CC, FC, UN, AT, NS

Control(s)	Country chart (see supp. No. 1 to part 738)
NS applies to shotguns with a barrel length less than 18 inches (45.72 cm).	NS Column 1
RS applies to shotguns with a barrel length less than 18 inches (45.72 cm).	RS Column 1
FC applies to entire entry.	FC Column 1
CC applies to shotguns with a barrel length less than 24 in. (60.96 cm) and shotgun “components” controlled by this entry regardless of end user.	CC Column 1
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm), regardless of end user.	CC Column 2
CC applies to shotguns with a barrel length greater than or equal to 24 in. (60.96 cm) if for sale or resale to police or law enforcement.	CC Column 3
UN applies to entire entry.	See § 746.1(b) of the EAR for UN controls
AT applies to shotguns with a barrel length less than 18 inches (45.72 cm).	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: This entry does not control combat shotguns and fully automatic shotguns. Those shotguns are “subject to the ITAR.”

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

0A503 Discharge type arms; non-lethal or less-lethal grenades and projectiles, and “specially designed” “parts” and “components” of those projectiles; and devices to administer electric shock, for example, stun guns, shock batons, shock shields, electric cattle prods, immobilization guns and projectiles;

except equipment used exclusively to treat or tranquilize animals, and except arms designed solely for signal, flare, or saluting use; and “specially designed” “parts” and “components,” n.e.s.

License Requirements

Reason for Control: CC, UN

Control(s)	Country chart (see supp. No. 1 to part 738)
CC applies to entire entry.	A license is required for ALL destinations, except Canada, regardless of end use. Accordingly, a column specific to this control does not appear on the Commerce Country Chart. (See part 742 of the EAR for additional information)
UN applies to entire entry.	See § 746.1(b) of the EAR for UN controls

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: Law enforcement restraint devices that administer an electric shock are controlled under ECCN 0A982. Electronic devices that monitor and report a person’s location to enforce restrictions on movement for law enforcement or penal reasons are controlled under ECCN 3A981.

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

0A504 Optical sighting devices for firearms (including shotguns controlled by 0A502); and “components” as follows (see List of Items Controlled).

License Requirements

Reason for Control: FC, RS, CC, UN

Control(s)	Country chart (see Supp. No. 1 to part 738)
RS applies to paragraph .i.	RS Column 1
FC applies to paragraphs .a, .b, .c, d, .e, .g and .i of this entry.	FC Column 1
CC applies to entire entry.	CC Column 1
UN applies to entire entry.	See § 746.1(b) of the EAR for UN controls

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: N/A
GBS: N/A

**Supplement No. 1 to Part 774—
[Amended]**

■ 36. In Supplement No. 1 to part 774, Category 0, remove ECCNs 0A918, 0A984, 0A985, 0A986, and 0A987.
 ■ 37. In Supplement No. 1 to part 774, Category 0, add, before the entry for ECCN 0B521, entries for ECCNs 0B501 and 0B505 to read as follows:

0B501 Test, inspection, and production “equipment” and related commodities for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A501 or USML Category I as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry except equipment for ECCN 0A501.y.	NS Column 1
RS applies to entire entry except equipment for ECCN 0A501.y.	RS Column 1
UN applies to entire entry.	See § 746.1 of the EAR for UN controls
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used to ship any item in this entry.

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

- a. Small arms chambering machines.
- b. Small arms deep hole drilling machines and drills therefor.
- c. Small arms rifling machines.
- d. Small arms spill boring machines.
- e. Dies, fixtures, and other tooling “specially designed” for the “production” of the items controlled in 0A501.a through .x. or USML Category I.

0B505 Test, inspection, and production “equipment” and related commodities “specially designed” for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A505 or USML Category III, except equipment for the hand loading of cartridges and shotgun shells, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to paragraphs .a and .x.	NS Column 1
RS applies to paragraphs .a and .x.	RS Column 1
UN applies to entire entry.	See § 746.1 of the EAR for UN controls
AT applies to paragraphs .a, .d and .x.	AT Column 1
AT applies to paragraph .c.	A license is required for export or re-export of these items to North Korea for anti-terrorism reasons

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0B505.

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

- a. Tooling, templates, jigs, mandrels, molds, dies, fixtures, alignment mechanisms, and test equipment, not enumerated in USML Category III that are “specially designed” for the “production” of commodities controlled by ECCN 0A505.a or .x or USML Category III.
- b. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.b.
- c. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.c.
- d. Equipment “specially designed” for the “production” of commodities in ECCN 0A505.d.
- e. through .w [Reserved]
- x. “Parts” and “components” “specially designed” for a commodity subject to control in paragraph .a of this entry.

■ 38. In Supplement No. 1 to part 774, Category 0, add, between entries for ECCNs 0B521 and 0B604, an entry for ECCN 0B602 to read as follows:

0B602 Test, inspection, and production “equipment” and related commodities “specially designed” for the “development” or “production” of commodities enumerated or otherwise described in ECCN 0A602 or USML Category II as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>
NS applies to entire entry.	NS Column 1
RS applies to entire entry.	RS Column 1
UN applies to entire entry.	See § 746.1 of the EAR for UN controls
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$3,000
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0B602.

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

- a. The following commodities if “specially designed” for the “development” or “production” of commodities enumerated in ECCN 0A602.a or USML Category II:
 - a.1. Gun barrel rifling and broaching machines and tools therefor;
 - a.2. Gun barrel rifling machines;
 - a.3. Gun barrel trepanning machines;
 - a.4. Gun boring and turning machines;
 - a.5. Gun honing machines of 6 feet (183 cm) stroke or more;
 - a.6. Gun jump screw lathes;
 - a.7. Gun rifling machines; and
 - a.8. Gun straightening presses.
- b. Jigs and fixtures and other metal-working implements or accessories of the kinds exclusively designed for use in the manufacture of items in ECCN 0A602 or USML Category II.
- c. Other tooling and equipment, “specially designed” for the “production” of items in ECCN 0A602 or USML Category II.
- d. Test and evaluation equipment and test models, including diagnostic instrumentation and physical test models, “specially designed” for items in ECCN 0A602 or USML Category II.

**Supplement No. 1 to Part 774—
[Amended]**

■ 39. In Supplement No. 1 to part 774, Category 0, remove ECCN 0B986.

■ 40. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0D001 and 0D521, entries for ECCNs 0D501 and 0D505 to read as follows:

0D501 “Software” “specially designed” for the “development,” “production,” operation or maintenance of commodities controlled by 0A501 or 0B501.

License Requirements

Reason for Control: NS, RS, UN, AT

<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>	<i>Control(s)</i>	<i>Country chart (see Supp. No. 1 to part 738)</i>	<i>Related Definitions: N/A Items: "Software" "specially designed" for the "development," "production," operation, or maintenance of commodities controlled by ECCN 0A602 and ECCN 0B602.</i>
NS applies to entire entry except "software" for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in ECCN 0A501.y.	NS Column 1	AT applies to "software" for commodities in ECCN 0A505.a, .d or .x and equipment in ECCN 0B505.a, .d or .x.	AT Column 1	<p>■ 42. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0E018 and 0E521, entries for ECCNs 0E501, 0E502, 0E504, and 0E505 to read as follows:</p> <p>0E501 "Technology" "required" for the "development," "production," operation, installation, maintenance, repair, or overhaul of commodities controlled by 0A501 or 0B501 as follows (see List of Items Controlled).</p>
RS applies to entire entry except "software" for commodities in ECCN 0A501.y or equipment in ECCN 0B501 for commodities in ECCN 0A501.y.	RS Column 1	<p>List Based License Exceptions (See Part 740 for a Description of All License Exceptions)</p> <p><i>CIV: N/A</i> <i>TSR: N/A</i></p> <p>Special Conditions for STA</p> <p>STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any "software" in 0D505.</p>		<p>License Requirements</p> <p><i>Reason for Control: NS, RS, UN, AT</i></p>
UN applies to entire entry.	See § 746.1 of the EAR for UN controls	<p>List of Items Controlled</p> <p><i>Related Controls:</i> "Software" required for and directly related to articles enumerated in USML Category III is "subject to the ITAR" (See 22 CFR 121.1, Category III).</p> <p><i>Related Definitions: N/A</i></p> <p><i>Items:</i> The list of items controlled is contained in this ECCN heading.</p> <p>■ 41. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0D521 and 0D604, an entry for ECCN 0D602 to read as follows:</p>		<p>Control(s)</p> <p>NS applies to entire entry.</p> <p>RS applies to entire entry.</p> <p>UN applies to entire entry.</p> <p>AT applies to entire entry.</p>
AT applies to entire entry.	AT Column 1	<p>0D602 "Software" "specially designed" for the "development," "production," operation or maintenance of commodities controlled by 0A602 or 0B602 as follows (see List of Items Controlled).</p> <p>License Requirements</p> <p><i>Reason for Control: NS, RS, UN, AT</i></p>		<p><i>Country chart (see Supp. No. 1 to part 738)</i></p> <p>NS Column 1</p> <p>RS Column 1</p> <p>See § 746.1 of the EAR for UN controls</p> <p>AT Column 1</p>
List Based License Exceptions (See Part 740 for a Description of All License Exceptions)		List of Items Controlled		List Based License Exceptions (See Part 740 for a Description of All License Exceptions)
<i>CIV: N/A</i> <i>TSR: N/A</i>		<i>Related Controls:</i> "Software" required for and directly related to articles enumerated in USML Category I is "subject to the ITAR" (See 22 CFR 121.1, Category I).		<i>CIV: N/A</i> <i>TSR: N/A</i>
Special Conditions for STA		<i>Related Definitions: N/A</i>		Special Conditions for STA
STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any "software" in 0D501.		<i>Items:</i> The list of items controlled is contained in this ECCN heading.		STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used to ship any "technology" in ECCN 0E501.
List of Items Controlled		0D505 "Software" "specially designed" for the "development," "production," operation or maintenance of commodities controlled by 0A505 or 0B505.		List of Items Controlled
<i>Related Controls:</i> "Software" required for and directly related to articles enumerated in USML Category I is "subject to the ITAR" (See 22 CFR 121.1, Category I).		License Requirements		<i>Related Controls:</i> Technical data required for and directly related to articles enumerated in USML Category I are "subject to the ITAR."
<i>Related Definitions: N/A</i>		<i>Reason for Control: NS, RS, UN, AT</i>		<i>Related Definitions: N/A</i>
<i>Items:</i> The list of items controlled is contained in this ECCN heading.		Control(s)		<i>Items:</i>
0D505 "Software" "specially designed" for the "development," "production," operation or maintenance of commodities controlled by 0A505 or 0B505.		NS applies to entire entry.		a. "Technology" "required" for the "development," or "production" of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.
License Requirements		RS applies to entire entry.		b. "Technology" "required" for the operation, installation, maintenance, repair, or overhaul of commodities controlled by ECCN 0A501 (other than 0A501.y) or 0B501.
<i>Reason for Control: NS, RS, UN, AT</i>		UN applies to entire entry.		0E502 "Technology" "required" for the "development" or "production," of commodities controlled by 0A502.
Control(s)		AT applies to entire entry.		License Requirements
NS Column 1		List Based License Exceptions (See Part 740 for a Description of All License Exceptions)		<i>Reason for Control: CC, UN</i>
NS applies to "software" for commodities in ECCN 0A505.a and .x and equipment in ECCN 0B505.a .and .x.		<i>CIV: N/A</i> <i>TSR: N/A</i>		Controls
RS applies to "software" for commodities in ECCN 0A505.a and .x and equipment in ECCN 0B505.a and .x.		Special Conditions for STA		<i>Country chart (see Supp. No. 1 part 738)</i>
RS Column 1		STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0D602.		CC Column 1
UN applies to entire entry.		List of Items Controlled		See § 746.1(b) of the EAR for UN controls
See § 746.1 of the EAR for UN controls		<i>Related Controls:</i> (1) "Software" required for and directly related to articles enumerated in USML Category II is controlled under USML Category II(k). (2) See ECCN 0A919 for foreign-made "military commodities" that incorporate more than a <i>de minimis</i> amount of U.S.-origin "600 series" items.		

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

0E504 “Technology” “required” for the “development,” or “production” of commodities controlled by 0A504 that incorporate a focal plane array or image intensifier tube.

License Requirements

Reason for Control: RS, UN, AT

Controls	Country chart (see Supp. No. 1 to part 738)
RS applies to entire entry.	RS Column 1
UN applies to entire entry.	See § 746.1(b) of the EAR for UN controls
AT applies to entire entry.	AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

0E505 “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing of commodities controlled by 0A505.

License Requirements

Reason for Control: NS, RS, UN, CC, AT

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing commodities in 0A505.a and .x; for equipment for those commodities in 0B505; and for “software” for that equipment and those commodities in 0D505.	NS Column 1

Control(s) Country chart
(see Supp. No. 1
to part 738)

RS applies to entire entry except “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing commodities in 0A505.a and .x; for equipment for those commodities in 0B505 and for “software” for those commodities and that equipment in 0D505.

UN applies to entire entry. See § 746.1 of the EAR for UN controls

CC applies to “technology” for the “development” or “production” of commodities in 0A505.b. CC Column 1

AT applies to “technology” for “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing commodities in 0A505.a, .d and .x. AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any “technology” in 0E505.

List of Items Controlled

Related Controls: Technical data required for and directly related to articles enumerated in USML Category III are “subject to the ITAR” (See 22 CFR 121.1, Category III).

Related Definitions: N/A

Items: The list of items controlled is contained in this ECCN heading.

■ 43. In Supplement No. 1 to part 774, Category 0, add, between the entries for ECCNs 0E521 and 0E604, an entry for ECCN 0E602:

0E602 “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, overhaul or refurbishing of commodities controlled by 0A602 or 0B602, or “software” controlled by 0D602 as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, RS, UN, AT

Control(s) Country chart
(see Supp. No. 1
to part 738)

NS applies to entire entry. NS Column 1

RS applies to entire entry. RS Column 1

UN applies to entire entry. See § 746.1 of the EAR for UN controls

AT applies to entire entry. AT Column 1

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 0E602.

List of Items Controlled

Related Controls: Technical data directly related to articles enumerated in USML Category II are “subject to the ITAR.”

Related Definitions: N/A

Items: “Technology” “required” for the “development,” “production,” operation, installation, maintenance, repair, or overhaul of commodities controlled by ECCN 0A602 or 0B602, or “software” controlled by ECCN 0D602.

Supplement No. 1 to Part 774— [Amended]

■ 44. In Supplement No. 1 to part 774, Category 0, remove ECCN 0E918.

■ 45. In Supplement No. 1 to part 774, Category 0, revise ECCN 0E982 to read as follows.

0E982 “Technology” exclusively for the “development” or “production” of equipment controlled by 0A982 or 0A503.

License Requirements

Reason for Control: CC

Control(s)
CC applies to “technology” for items controlled by 0A982 or 0A503. A license is required for ALL destinations, except Canada, regardless of end-use. Accordingly, a column specific to this control does not appear on the Commerce Country Chart. (See part 742 of the EAR for additional information.)

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading.

Control(s) *Country chart (see Supp. No. 1 to part 738)*

CB applies to “technology” for equipment controlled by 2B350 to 2B352, valves controlled by 2A226 having the characteristics of those controlled by 2B350.g, and software controlled by 2D351.

AT applies to entire entry. AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: Yes, except N/A for MT

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “development” of “software” specified in the License Exception STA paragraph in the License Exception section of ECCN 2D001 or for the “development” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: See also 2E101, 2E201, and 2E301

Related Definitions: N/A

Items: The list of items controlled is contained in the ECCN heading

Note: ECCN 2E001 includes “technology” for the integration of probe systems into coordinate measurement machines specified by 2B006.a.

■ 52. In Supplement No. 1 to part 774, Category 2, revise ECCN 2E002 to read as follows:

2E002 “Technology” according to the General Technology Note for the “production” of equipment controlled by 2A (except 2A983, 2A984, 2A991, or 2A994), or 2B (except 2B991, 2B993, 2B996, 2B997, 2B998, or 2B999).

License Requirements

Reason for Control: NS, MT, NP, CB, AT

Control(s) *Country chart ≤(see Supp. No. 1 to part 738)*

NS applies to “technology” for equipment controlled by 2A001, 2B001 to 2B009. NS Column 1

Control(s) *Country chart ≤(see Supp. No. 1 to part 738)*

MT applies to “technology” for equipment controlled by 2B004, 2B009, 2B104, 2B105, 2B109, 2B116, 2B117, or 2B119 to 2B122 for MT reasons.

NP applies to “technology” for equipment controlled by 2A225, 2A226, 2B001, 2B004, 2B006, 2B007, 2B009, 2B104, 2B109, 2B116, 2B201, 2B204, 2B206, 2B207, 2B209, 2B225 to 2B233 for NP reasons.

NP applies to “technology” for equipment controlled by 2A290 or 2A291 for NP reasons. NP Column 2

CB applies to “technology” for equipment controlled by 2B350 to 2B352 and for valves controlled by 2A226 having the characteristics of those controlled by 2B350.g. CB Column 2

AT applies to entire entry. AT Column 1

Reporting Requirements

See § 743.1 of the EAR for reporting requirements for exports under License Exceptions, and Validated End-User authorizations.

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

CIV: N/A
TSR: Yes, except N/A for MT

Special Conditions for STA

STA: License Exception STA may not be used to ship or transmit “technology” according to the General Technology Note for the “production” of equipment as follows: ECCN 2B001 entire entry; or “Numerically controlled” or manual machine tools as specified in 2B003 to any of the destinations listed in Country Group A:6 (See Supplement No.1 to part 740 of the EAR).

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items: The list of items controlled is contained in the ECCN heading.

■ 53. In Supplement No. 1 to part 774, Category 7, revise ECCN 7A611 to read as follows:

7A611 Military fire control, laser, imaging, and guidance equipment, as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, MT, RS, AT, UN

Control(s) *Country chart (see Supp. No. 1 to part 738).*

NS applies to entire entry except 7A611.y. NS Column 1

MT applies to commodities in 7A611.a that meet or exceed the parameters in 7A103.b or .c. MT Column 1

RS applies to entire entry except 7A611.y. RS Column 1

AT applies to entire entry. AT Column 1

UN applies to entire entry except 7A611.y. See § 746.1(b) of the EAR for UN controls

List Based License Exceptions (See Part 740 for a Description of All License Exceptions)

LVS: \$1,500
GBS: N/A
CIV: N/A

Special Conditions for STA

STA: Paragraph (c)(2) of License Exception STA (§ 740.20(c)(2) of the EAR) may not be used for any item in 7A611.

List of Items Controlled

Related Controls: (1) Military fire control, laser, imaging, and guidance equipment that are enumerated in USML Category XII, and technical data (including software) directly related thereto, are subject to the ITAR. (2) See Related Controls in ECCNs 0A504, 2A984, 6A002, 6A003, 6A004, 6A005, 6A007, 6A008, 6A107, 7A001, 7A002, 7A003, 7A005, 7A101, 7A102, and 7A103. (3) See ECCN 3A611 and USML Category XI for controls on countermeasure equipment. (4) See ECCN 0A919 for foreign-made “military commodities” that incorporate more than a *de minimis* amount of U.S. origin “600 series” controlled content.

Related Definitions: N/A

Items:

a. Guidance or navigation systems, not elsewhere specified on the USML, that are “specially designed” for a defense article on the USML or for a 600 series item.

b. to w. [RESERVED]
x. “Parts,” “components,” “accessories,” and “attachments,” including accelerometers, gyros, angular rate sensors, gravity meters (gravimeters), and inertial measurement units (IMUs), that are “specially designed” for defense articles controlled by USML Category XII or items controlled by 7A611, and that are NOT:

1. Enumerated or controlled in the USML or elsewhere within ECCN 7A611;
2. Described in ECCNs 6A007, 6A107, 7A001, 7A002, 7A003, 7A101, 7A102 or 7A103; or

3. Elsewhere specified in ECCN 7A611.y or 3A611.y.
y. Specific “parts,” “components,” “accessories,” and “attachments” “specially designed” for a commodity subject to control in this ECCN or a defense article in Category

XII and not elsewhere specified on the USML or in the CCL, as follows, and “parts,” “components,” “accessories,” and “attachments” “specially designed” therefor:
y.1 [RESERVED]

Dated: May 4, 2018.

Richard E. Ashooh,
Assistant Secretary for Export Administration.

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Part III

Department of State

22 CFR Parts 121, 123, 124, et al.

International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III; Proposed Rule

DEPARTMENT OF STATE**22 CFR Parts 121, 123, 124, 126, and 129**

[Public Notice 10094]

RIN 1400-AE30

International Traffic in Arms Regulations: U.S. Munitions List Categories I, II, and III**AGENCY:** Department of State.**ACTION:** Proposed rule.

SUMMARY: The Department of State (the Department) proposes to amend the International Traffic in Arms Regulations (ITAR) to revise Categories I (firearms, close assault weapons and combat shotguns), II (guns and armament) and III (ammunition and ordnance) of the U.S. Munitions List (USML) to describe more precisely the articles warranting export and temporary import control on the USML. Items removed from the USML would become subject to the Export Administration Regulations (EAR).

DATES: The Department will accept comments on this proposed rule until July 9, 2018.

ADDRESSES: Interested parties may submit comments within 45 days of the date of publication by one of the following methods:

- *Email:* DDTCTPublicComments@state.gov with the subject line, "ITAR Amendment—Categories I, II, and III."
- *Internet:* At www.regulations.gov, search for this notice using Docket DOS-2017-0046.

Comments received after that date will be considered if feasible, but consideration cannot be assured. Those submitting comments should not include any personally identifying information they do not desire to be made public or information for which a claim of confidentiality is asserted, because those comments and/or transmittal emails will be made available for public inspection and copying after the close of the comment period via the Directorate of Defense Trade Controls website at www.pmdtc.state.gov. Parties who wish to comment anonymously may do so by submitting their comments via www.regulations.gov, leaving the fields that would identify the commenter blank and including no identifying information in the comment itself.

FOR FURTHER INFORMATION CONTACT: Robert Monjay, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663-2817; email DDTCTPublicComments@state.gov.

ATTN: Regulatory Change, USML Categories I, II, and III.

SUPPLEMENTARY INFORMATION: The Directorate of Defense Trade Controls (DDTC), U.S. Department of State, administers the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120 through 130). The items subject to the jurisdiction of the ITAR, *i.e.*, "defense articles," are identified on the ITAR's U.S. Munitions List (USML) (22 CFR 121.1). With few exceptions, items not subject to the export control jurisdiction of the ITAR are subject to the jurisdiction of the Export Administration Regulations (EAR, 15 CFR parts 730 through 774, which includes the Commerce Control List (CCL) in Supplement No. 1 to part 774), administered by the Bureau of Industry and Security (BIS), U.S. Department of Commerce. Both the ITAR and the EAR impose license requirements on exports and reexports. The Department of Commerce is publishing a companion rule in this edition of the **Federal Register**.

Pursuant to section 38(a)(1) of the Arms Export Control Act (AECA), all defense articles controlled for export or import are part of the United States Munitions List under the AECA. All references to the USML in this rule, however, are to the list of AECA defense articles that are controlled for purposes of export or temporary import pursuant to the ITAR, and not to the list of AECA defense articles on the United States Munitions Import List (USMIL) that are controlled by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for purposes of permanent import under its regulations at 27 CFR part 447. References to the USMIL are to the list of AECA defense articles controlled by ATF for purposes of permanent import.

Section 38(b)(1)(A)(ii) of the AECA, requires, with limited exceptions, registration of persons who engage in the business of brokering activities with respect to the manufacture, export, import, or transfer of any defense article or defense service designated by the President as such under section 38(a)(1) and licensing for such activities. Through Executive Order 13637, the President delegated the responsibility for registration and licensing of brokering activities to the Department of State with respect to defense articles or defense services controlled either for purposes of export by the Department of State or for purposes of permanent import by ATF. Section 129.1(b) of the ITAR states this requirement. As such, all defense articles described in the USMIL or the USML are subject to the brokering controls administered by the

U.S. Department of State in part 129 of the ITAR. The transfer of defense articles from the ITAR's USML to the EAR's CCL for purposes of export controls does not affect the list of defense articles controlled on the USMIL under the AECA for purposes of permanent import or brokering controls for any brokering activity, including facilitation in their manufacture, export, permanent import, transfer, reexport, or retransfer. This rule proposes adding a new paragraph (b)(2)(vii) to § 129.2 to update the enumerated list of actions that are not considered brokering. This change is a conforming change and is needed to address the movement of items from the USML to the CCL that will be subject to the brokering controls, to ensure that the U.S. government does not impose a double licensing requirement on the export, reexport or retransfer of such items.

The Department of State is engaged in an effort to revise the U.S. Munitions List so that its scope is limited to those defense articles that provide the United States with a critical military or intelligence advantage or, in the case of weapons, are inherently for military end use. The articles now controlled by USML Categories I, II, and III that would be removed from the USML under this proposed rule do not meet this standard, including many items which are widely available in retail outlets in the United States and abroad.

Revision of Category I

This proposed rule revises USML Category I, covering firearms and related articles, to control only defense articles that are inherently military or that are not otherwise widely available for commercial sale. In particular, the revised category will not include non-automatic and semi-automatic firearms to caliber .50 (12.7mm) inclusive, currently controlled under paragraph (a), and all of the parts, components, accessories, and attachments specially designed for those articles. Such items will be subject to the new controls in Export Control Classification Numbers 0A501, 0A502, 0A503, 0A504, 0A505, 0B501, 0B505, 0D501, 0D505, 0E501, and 0E502. Such controls in Category 0 of the CCL will be published in a separate rule by the Department of Commerce.

Paragraph (a) of USML Category I will cover firearms that fire caseless ammunition. Paragraph (b) will continue to cover fully automatic firearms to caliber .50 (12.7mm) inclusive. Paragraph (c) will cover firearms specially designed to integrate fire control, automatic tracking, or automatic firing systems, and all

weapons previously described in paragraph (c) that remain on the USML will be covered by paragraph (a), (b) or (c) of this category or by Category II. Paragraph (d) will cover fully automatic shotguns. Paragraph (e) will continue to cover silencers, mufflers, sound suppressors, and specially designed parts and components; flash suppressors will be subject to the EAR. Paragraph (f) will be reserved, as riflescopes and other firearms sighting devices may be controlled in USML Category XII if they have night vision or infrared capabilities, and other riflescopes will be subject to the EAR. Paragraph (g) will continue to cover barrels, receivers (frames), bolts, bolt carriers, slides, or sears, specially designed for the firearms in Category I. Paragraph (h) will cover high capacity (greater than 50 rounds) magazines, and parts and components to convert a semi-automatic firearm into a fully automatic firearm, and accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting. Paragraph (i) will continue to cover the technical data and defense services.

A new (x) paragraph will be added to USML Category I, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category I *and* are described in the purchase documentation submitted with the license application.

The note to Category I will be retained, with conforming revisions. A new second note will be added to clarify the terms “firearm,” “fully automatic,” and “caseless ammunition”.

Revision of Category II

This proposed rule revises USML Category II, covering guns and armament, establishing a bright line between the USML and the CCL for the control of these articles.

Most significantly, paragraph (j), controlling parts and components, will be revised to enumerate the articles controlled therein.

Paragraph (a) will be revised to enumerate the articles controlled in that paragraph. The articles currently covered in paragraph (c) (apparatus and devices for launching or delivering ordnance) still warranting control on the ITAR will be included in new paragraph (a)(4). A new paragraph (a)(5) will be added for developmental guns and armaments funded by the Department of Defense and the specially designed parts and components of those developmental guns and armaments. The articles currently controlled in paragraph (f),

engines for self-propelled guns and howitzers in paragraph (a), will be on the CCL in ECCN 0A606. Tooling and equipment for the production of articles controlled in USML Category II, currently in paragraph (g), will be on the CCL in ECCN 0B602. Test and evaluation equipment, currently in paragraph (h), will be on the CCL in ECCN 0B602. Certain autoloading systems controlled in paragraph (i) will be moved to paragraphs (j)(9) and (11).

A new (x) paragraph will be added to USML Category II, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category II *and* are described in the purchase documentation submitted with the application.

Revision of Category III

This proposed rule revises USML Category III, covering ammunition and ordnance, to establish a bright line between the USML and the CCL for the control of these articles and to be consistent with the changes to Category I.

Most significantly, paragraphs (a) and (d) will be revised to remove broad catch-alls and enumerate the articles to be controlled therein. For example, paragraph (a), which controls ammunition for articles in USML Categories I and II, will be revised to specifically list the ammunition that it controls. A new paragraph (a)(10) will be added for developmental ammunition funded by the Department of Defense and the parts and components specially designed for such developmental ammunition. Ammunition not enumerated in paragraph (a) will be subject to the EAR. Likewise, revised paragraph (d), which controls parts and components, will enumerate the articles it controls; those articles not identified but currently captured via the catch-all will be subject to the EAR.

Additionally, paragraph (c), which controls production equipment and tooling, will be removed and placed into reserve. The articles currently covered by this paragraph will be subject to the EAR.

A new (x) paragraph will be added to USML Category III, allowing ITAR licensing for commodities, software, and technology subject to the EAR, provided those commodities, software, and technology are to be used in or with defense articles controlled in USML Category III *and* are described in the purchase documentation submitted with the application.

Conforming ITAR Changes

Additionally, conforming changes will be made to several sections of the ITAR that refer to the current controls in USML Category I(a). These sections will be amended because they all refer to firearms that will be controlled on the CCL. Section 123.16(b)(2) will be revised to remove reference to the firearms exemptions at § 123.17(a) through (e), which describe the firearms exemptions, because the paragraphs will be removed as a consequence of the control of non-automatic and semi-automatic firearms on the CCL. For the same reason, § 123.16(b)(6) will be revised to describe only the remaining exemption at § 123.17 (personal protective gear), and § 123.16(b)(7) will be reserved. Section 123.17 will be amended to remove paragraphs (a) through (e), consistent with changes made to the USML. Section 123.18, as it describes exemptions for firearms that will be controlled for export by the Department of Commerce, will be removed and placed into reserve. Revision of § 124.14(c)(9) will remove the example of “sporting firearms for commercial resale.” The policy guidance on Zimbabwe in § 126.1(s) will be revised to remove reference to the firearms exemption in § 123.17.

Section 129.1(b) of the ITAR will be revised to clarify that the regulations on brokering activities in part 129 apply to those defense articles and defense services designated as such on the USML and those items described on the USMIL (27 CFR 447.21). Section 129.4 of the ITAR will also be revised to clarify brokering requirements for items on the USMIL that are subject to the brokering requirements of the AECA. The items that will move to the CCL for export control purposes, yet are on the USMIL for permanent import purposes, remain subject to the brokering requirements of part 129 with respect to all brokering activities, including facilitation in their manufacture, export, permanent import, transfer, reexport, or retransfer. The revisions also clarify that foreign defense articles that are on the USMIL require brokering authorizations.

Request for Comments

The Department welcomes comments from the public and specifically requests input on the following matters:

(1) A key goal of this rulemaking is to ensure the USML and the CCL together control all the items that meet Wassenaar Arrangement commitments embodied in its Munitions List Categories 1, 2 and 3 (WA-ML1, WA-ML2 and WA-ML3). Readers are asked to identify any potential gap in coverage

brought about by the changes for USML Categories I, II and III contained in this notice and the new Category 0, 0x5zz ECCNs published separately by the Department of Commerce when reviewed together.

(2) The Department seeks to establish clear distinctions between the USML and the CCL for the control of firearms, large guns, armaments, ordnance and ammunition. The public should provide any specific examples of firearms (or parts, components, accessories thereof), large guns, armaments, ordnance or ammunition whose jurisdiction is unclear based on this revision.

(3) The Department has, in the past, adopted a delayed effective date of 180 days for rules revising entire categories of the USML and moving items to the CCL. The Department seeks to allow industry sufficient time to implement this rule, including time to make changes to IT systems, technology controls plans, and other business processes. The public should provide input on the time necessary to implement any final rule for these categories, as well as a description of any increased burden that, in the view of the commenter, would be imposed on businesses or individuals should this rule be adopted.

Regulatory Analysis and Notices

Administrative Procedure Act

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States government and that rules implementing this function are exempt from sections 553 (rulemaking) and 554 (adjudications) of the Administrative Procedure Act (APA). Although the Department is of the opinion that this proposed rule is exempt from the rulemaking provisions of the APA and without prejudice to its determination that controlling the import and export of defense services is a foreign affairs function, the Department is publishing this proposed rule with a 45-day provision for public comment.

Regulatory Flexibility Act

Since the Department is of the opinion that this proposed rule is exempt from the rulemaking provisions of 5 U.S.C. 553, it does not require analysis under the Regulatory Flexibility Act.

Unfunded Mandates Reform Act of 1995

This proposed amendment does not involve a mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rulemaking has been found not to be a major rule within the meaning of the Small Business Regulatory Enforcement Fairness Act of 1996.

Executive Orders 12372 and 13132

This rulemaking 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. Therefore, in accordance with Executive Order 13132, it is determined that this rulemaking does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributed impacts, and equity). The Department believes that the benefits of this rulemaking largely outweigh any costs, in that many items currently controlled on the more-restrictive USML are being moved to the CCL. We request comment from the public on any impact that would be imposed on the public if this rule were adopted.

Executive Order 13563 emphasizes the importance of considering both benefits and costs, both qualitative and quantitative, of harmonizing rules, and of promoting flexibility. This rule has been designated a "significant regulatory action," although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

The Department believes the effect of this proposed rule would decrease the number of license applications

submitted to the Department under OMB Control No. 1405-0003 by approximately 10,000 annually, for which the average burden estimates are one hour per form, which results in a burden reduction of 10,000 hours per year.

The Department of Commerce estimates that 4,000 of the 10,000 licenses that were required by the Department will be eligible for license exceptions or otherwise not require a separate license under the EAR. The Department of Commerce estimates that 6,000 transactions will require an individual validated license. The Department of Commerce will be collecting the information necessary to process license applications under OMB Control No. 0694-0088. The Department of Commerce estimates that OMB Control No. 0694-0088 takes approximately 43.8 minutes for a manual or electronic submission. The Department of Commerce estimates that the 6,000 licenses constitute a burden of 4,380 hours for this collection. The Department estimates a reduction in burden of 10,000 hours due to the proposed transition of these items to the Department of Commerce. The Department of Commerce estimates that the burden of submitting license applications for these items to the Department of Commerce will be 4,380 burden hours. Therefore, the net burden would be reduced by 5,620 hours. The Department estimates that the burden hour cost for completing a license application is \$44.94 per hour. Therefore, the estimated net reduction of 5,620 burden hours per year is estimated to result in annual burden hour cost reduction of \$252,562.80. There may also be other State Department forms that will no longer need to be submitted and that may further reduce the burden hours for applicants. The Department is seeking comments on the reduction from the other forms, as referenced below.

In addition to the reduction in burden hours, there will be direct cost savings to the State Department that would result from the 10,000 license applications no longer being required under the ITAR once these items are moved to the EAR. Pursuant to the AECA, ITAR, and associated delegations of authority, every person who engages in the business of brokering activities, manufacturing, exporting, or temporarily importing any defense articles or defense services must register with the Department of State and pay a registration fee. The Department of State adopted the current fee schedule to align the registration fees with the cost of licensing, compliance and other

related activities. The Department of Commerce would incur additional costs to administer these controls and process license applications. However, the Department of Commerce does not charge a registration fee to exporters under the EAR and we are unable to estimate the increase in costs to the Department of Commerce to process the new license applications. Therefore, we are unable to provide an estimate of the net change in resource costs to the government from moving these items from the ITAR to the EAR. It is the case, however, that the movement of these items from the ITAR would result in a direct transfer of \$2,500,000 per year from the government to the exporting public, less the increased cost to taxpayers, because they would no longer pay fees to the State Department and there is no fee charged by the Department of Commerce to apply for a license.

The Department welcomes comments from the public on the net reduction in burden described within this section, particularly if there are additional burden reductions that are not reflected here (please provide number of hours or cost) or if the estimates noted here appear otherwise inaccurate.

Estimated Cost Savings

The Department of State is of the opinion that controlling the import and export of defense articles and services is a foreign affairs function of the United States government and that rules implementing this function are exempt from Executive Order 13771 (82 FR 9339, February 3, 2017). Although the Department is of the opinion that this proposed rule is exempt from E.O. 13771 and without prejudice to its determination that controlling the import and export of defense services is a foreign affairs function, this proposed rule is expected to be an E.O. 13771 deregulatory action. The Department has conducted this analysis in close consultation with the Department of Commerce. The total annual recurring dollar cost savings is estimated to be \$1,376,281 for purposes of E.O. 13771 for the Department of State.

Executive Order 12988

The Department of State has reviewed this rulemaking in light of sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

Executive Order 13175

The Department of State has determined that this rulemaking will not have tribal implications, will not

impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal law. Accordingly, Executive Order 13175 does not apply to this rulemaking.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to, nor is subject to a penalty for failure to comply with, a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number.

The Department of State believes there would be a reduction in burden for OMB Control No. 1405–0003, Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data. This form is an application that, when completed and approved by Department of State, constitutes the official record and authorization for the commercial export of unclassified U.S. Munitions List articles and technical data, pursuant to the AECA and ITAR. For an analysis of the reduction in burden for OMB Control No. 1405–0003, see the above Section for E.O. 12866. The Department of State requests comments on the collection of information or potential reduction in burden be sent also to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Department of State, at OIRA_Submission@omb.eop.gov or Attention: Desk Officer for Department of State, Office of Information and Regulatory Affairs of OMB, 725 17th St. NW, Washington, DC 20503.

List of Subjects in 22 CFR Parts 121, 123, 124, 126, and 129

Arms and munitions, Exports.

Accordingly, for the reasons set forth above, title 22, chapter I, subchapter M, parts 121, 123, 124, 126, and 129 are proposed to be amended as follows:

PART 121—THE UNITED STATES MUNITIONS LIST

■ 1. The authority citation for part 121 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; Pub. L. 105–261, 112 Stat. 1920; Section 1261, Pub. L. 112–239; E.O. 13637, 78 FR 16129.

■ 2. Section 121.1 is amended by revising U.S. Munitions List Categories I, II, and III to read as follows:

§ 121.1 The United States Munitions List.

* * * * *

Category I—Firearms and Related Articles

*(a) Firearms using caseless ammunition.

*(b) Fully automatic firearms to .50 caliber (12.7 mm) inclusive.

*(c) Firearms specially designed to integrate fire control, automatic tracking, or automatic firing (*e.g.*, Precision Guided Firearms (PGFs)), and specially designed parts and components therefor.

Note to paragraph (c): Integration does not include only attaching to the firearm or rail.

*(d) Fully automatic shotguns regardless of gauge.

*(e) Silencers, mufflers, and sound suppressors, and specially designed parts and components therefor.

(f) [Reserved]

(g) Barrels, receivers (frames), bolts, bolt carriers, slides, or sears specially designed for the articles in paragraphs (a), (b), and (d) of this category.

(h) Parts, components, accessories, and attachments, as follows:

(1) Drum and other magazines for firearms to .50 caliber (12.7 mm) inclusive with a capacity greater than 50 rounds, regardless of jurisdiction of the firearm, and specially designed parts and components therefor;

(2) Parts and components specially designed for conversion of a semi-automatic firearm to a fully automatic firearm.

(3) Accessories or attachments specially designed to automatically stabilize aim (other than gun rests) or for automatic targeting, and specially designed parts and components therefor.

(i) Technical data (*see* § 120.10 of this subchapter) and defense services (*see* § 120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), (g), and (h) of this category and classified technical data directly related to items controlled in ECCNs 0A501, 0B501, 0D501, and 0E501 and defense services using the classified technical data. (*See* § 125.4 of this subchapter for exemptions.)

(j)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (*see* § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (*see* § 123.1(b) of this subchapter).

Note 1 to Category I: Paragraphs (a), (b), (d), (e), (g), (h), and (i) of this category exclude: Any non-automatic or semi-

automatic firearms to .50 caliber (12.7 mm) inclusive; non-automatic shotguns; BB, pellet, and muzzle loading (e.g., black powder) firearms; and parts, components, accessories, and attachments of firearms and shotguns in paragraphs (a), (b), (d), and (g) of this category that are common to non-automatic firearms and shotguns. The Department of Commerce regulates the export of such items. See the Export Administration Regulations (15 CFR parts 730 through 774).

Note 2 to Category I: The following interpretations explain and amplify the terms used in this category:

(1) A firearm is a weapon not over .50 caliber (12.7 mm) which is designed to expel a projectile by the deflagration of propellant.

(2) A fully automatic firearm or shotgun is any firearm or shotgun which shoots, is designed to shoot, or can readily be restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger.

(3) Caseless ammunition is firearm ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

Category II—Guns and Armament

(a) Guns and armament greater than .50 caliber (12.7 mm), as follows:

* (1) Guns, howitzers, artillery, and cannons;

* (2) Mortars;

* (3) Recoilless rifles;

* (4) Grenade launchers; or

(5) Developmental guns and armament greater than .50 caliber (12.7 mm) funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(5): This paragraph does not control guns and armament greater than .50 caliber (12.7 mm) (a) in production, (b) determined to be subject to the EAR via a commodity jurisdiction determination (see § 120.4 of this subchapter), or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(5): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(5): This provision is applicable to those contracts or other funding authorizations that are dated (one year after publication of the final rule), or later.

Note 1 to paragraph (a): This paragraph does not include: Non-automatic and non-semi-automatic rifles, carbines, and pistols between .50 (12.7 mm) and .72 caliber (18.288 mm) that are controlled on the CCL under ECCN 0A501; shotguns controlled on the CCL under ECCN 0A502; or black powder guns and armaments manufactured between 1890 and 1919 controlled on the CCL under ECCN 0A602.

Note 2 to paragraph (a): Guns and armament when integrated into their carrier (e.g., ships, ground vehicles, or aircraft) are controlled in the category associated with the carrier. Self-propelled guns and armament are controlled in USML Category VII. Towed guns and armament and stand-alone guns and armament are controlled under this category.

(b) Flame throwers with a minimum effective range of 20 meters.

(c) [Reserved]

* (d) Kinetic energy weapon systems specially designed for destruction or rendering mission-abort of a target.

Note to paragraph (d): Kinetic energy weapons systems include but are not limited to launch systems and subsystems capable of accelerating masses larger than 0.1g to velocities in excess of 1.6 km/s, in single or rapid fire modes, using methods such as: Electromagnetic, electrothermal, plasma, light gas, or chemical. This does not include launch systems and subsystems used for research and testing facilities subject to the EAR, which are controlled on the CCL under ECCN 2B232.

(e) Signature reduction devices specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category (e.g., muzzle flash suppression devices).

(f)–(i) [Reserved]

(j) Parts, components, accessories, and attachments, as follows:

(1) Gun barrels, rails, tubes, and receivers specially designed for the weapons controlled in paragraphs (a) and (d) of this category;

(2) Sights specially designed to orient indirect fire weapons;

(3) Breech blocks for the weapons controlled in paragraphs (a) and (d) of this category;

(4) Firing mechanisms for the weapons controlled in paragraphs (a) and (d) of this category and specially designed parts and components therefor;

(5) Systems for firing superposed or stacked ammunition and specially designed parts and components therefor;

(6) Servo-electronic and hydraulic elevation adjustment mechanisms;

(7) Muzzle brakes;

(8) Bore evacuators;

(9) Independently powered ammunition handling systems and platform interface components as follows:

(i) Mounts;

(ii) Carriages;

(iii) Gun pallets;

(iv) Hydro-pneumatic equilibration cylinders; or

(v) Hydro-pneumatic systems capable of scavenging recoil energy to power howitzer functions;

Note to paragraph (j)(9): For weapons mounts specially designed for ground vehicles, see Category VII.

(10) Recoil systems to mitigate the shock associated with the firing process of guns integrated into air platforms and specially designed parts and components therefor;

(11) Independent ammunition handling systems for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(12) Ammunition containers/drums, ammunition chutes, ammunition conveyor elements, and ammunition container/drum entrance and exit units, specially designed for the guns and armament controlled in paragraphs (a), (b), and (d) of this category;

(13) Aircraft/gun interface units to support gun systems with a designed rate of fire greater than 100 rounds per minute and specially designed parts and components therefor;

(14) Prime power generation, energy storage, thermal management, conditioning, switching, and fuel-handling equipment, and the electrical interfaces between the gun power supply and other turret electric drive components specially designed for kinetic weapons controlled in paragraph (d) of this category;

(15) Kinetic energy weapon target acquisition, tracking fire control, and damage assessment systems and specially designed parts and components therefor; or

* (16) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(k) Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter) directly related to the defense articles described in paragraphs (a), (b), (d), (e), and (j) of this category and classified technical data directly related to items controlled in ECCNs 0A602, 0B602, 0D602, and 0E602 and defense services using the classified technical data. (See § 125.4 of this subchapter for exemptions.)

(l)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (*see* § 123.1(b) of this subchapter).

Category III—Ammunition and Ordnance

* (a) Ammunition, as follows:

(1) Ammunition that incorporates a projectile controlled in paragraph (d)(1) or (3) of this category;

(2) Ammunition preassembled into links or belts;

(3) Shotgun ammunition that incorporates a projectile controlled in paragraph (d)(2) of this category;

(4) Caseless ammunition manufactured with smokeless powder;

Note to paragraph (a)(4): Caseless ammunition is ammunition without a cartridge case that holds the primer, propellant, and projectile together as a unit.

(5) Ammunition, except shotgun ammunition, based on non-metallic cases, or non-metallic cases that have only a metallic base, which result in a total cartridge mass 80% or less than the mass of a brass- or steel-cased cartridge that provides comparable ballistic performance;

(6) Ammunition employing pyrotechnic material in the projectile base and any ammunition employing a projectile that incorporates tracer materials of any type having peak radiance above 710 nm and designed to be observed primarily with night vision optical systems;

(7) Ammunition for fully automatic firearms or guns that fire superposed or stacked projectiles;

(8) Electromagnetic armament projectiles or billets for weapons with a design muzzle energy exceeding 5 MJ;

(9) Ammunition, not specified above, for the guns and armaments controlled in Category II; or

(10) Developmental ammunition funded by the Department of Defense and specially designed parts and components therefor.

Note 1 to paragraph (a)(10): This paragraph does not control ammunition (a) in production, (b) determined to be subject to the EAR via a commodity jurisdiction determination (*see* § 120.4 of this subchapter), or (c) identified in the relevant Department of Defense contract or other funding authorization as being developed for both civil and military applications.

Note 2 to paragraph (a)(10): Note 1 does not apply to defense articles enumerated on the U.S. Munitions List, whether in production or development.

Note 3 to paragraph (a)(10): This provision is applicable to those contracts or other

funding authorizations that are dated (one year after publication of the final rule), or later.

(b) Ammunition/ordnance handling equipment specially designed for the articles controlled in this category, as follows:

(1) Belting, linking, and de-linking equipment; or

(2) Fuze setting devices.

(c) [Reserved]

(d) Parts and components for the articles in this category, as follows:

(1) Projectiles that use pyrotechnic tracer materials that incorporate any material having peak radiance above 710 nm or are incendiary, explosive, steel tipped, or contain a core or solid projectile produced from one or a combination of the following: tungsten, steel, or beryllium copper alloys;

(2) Shotgun projectiles that are flechettes, incendiary, tracer, or explosive;

Note to paragraph (d)(2): This paragraph does not include explosive projectiles specially designed to produce noise for scaring birds or other pests (*e.g.*, bird bombs, whistlers, crackers).

(3) Projectiles of any caliber produced from depleted uranium;

(4) Projectiles not specified above, guided or unguided, for the items controlled in USML Category II, and specially designed parts and components therefor (*e.g.*, fuzes, rotating bands, cases, liners, fins, boosters);

(5) Canisters or sub-munitions (*e.g.*, bomblets or minelets), and specially designed parts and components therefor, for the guns or armament controlled in USML Category II;

(6) Hardened cores, regardless of caliber, produced from one or a combination of the following: tungsten, steel, or beryllium copper alloy;

(7) Cartridge cases, powder bags, or combustible cases for the items controlled in USML Category II;

(8) Non-metallic cases, including cases that have only a metallic base, for the ammunition controlled in paragraph (a)(5) of this category;

(9) Cartridge links and belts for fully automatic firearms and guns controlled in USML Categories I or II;

(10) Primers other than Boxer, Berdan, or shotshell types;

Note to paragraph (d)(10): This paragraph does not control caps or primers of any type in use prior to 1890.

(11) Safing, arming, and fuzing components (to include target detection and proximity sensing devices) for the ammunition in this category and specially designed parts therefor;

(12) Guidance and control components for the ammunition in this

category and specially designed parts therefor;

(13) Terminal seeker assemblies for the ammunition in this category and specially designed parts and components therefor;

(14) Illuminating flares or target practice projectiles for the ammunition controlled in paragraph (a)(9) of this category; or

* (15) Any part, component, accessory, attachment, equipment, or system that:

(i) Is classified;

(ii) Contains classified software; or

(iii) Is being developed using classified information.

“Classified” means classified pursuant to Executive Order 13526, or predecessor order, and a security classification guide developed pursuant thereto or equivalent, or to the corresponding classification rules of another government or intergovernmental organization.

(e) Technical data (*see* § 120.10 of this subchapter) and defense services (*see* § 120.9 of this subchapter) directly related to the defense articles enumerated in paragraphs (a), (b), and (d) of this category and classified technical data directly related to items controlled in ECCNs 0A505, 0B505, 0D505, and 0E505 and defense services using the classified technical data. (*See* § 125.4 of this subchapter for exemptions.)

(f)–(w) [Reserved]

(x) Commodities, software, and technology subject to the EAR (*see* § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation includes commodities, software, or technology subject to the EAR (*see* § 123.1(b) of this subchapter).

Notes to Category III: 1. This category does not control ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

2. This category does not control cartridge and shell casings that, prior to export, have been rendered useless beyond the possibility of restoration for use as a cartridge or shell casing by means of heating, flame treatment, mangling, crushing, cutting, or popping.

3. Grenades containing non-lethal or less lethal projectiles are under the jurisdiction of the Department of Commerce.

* * * * *

PART 123—LICENSES FOR THE EXPORT OF DEFENSE ARTICLES

■ 3. The authority citation for part 123 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90–629, 90 Stat. 744 (22 U.S.C. 2752, 2778,

2797); 22 U.S.C. 2753; 22 U.S.C. 2651a; 22 U.S.C. 2776; Pub. L. 105-261, 112 Stat. 1920; Sec 1205(a), Pub. L. 107-228; Sec. 520, Pub. L. 112-55; Section 1261, Pub. L. 112-239; E.O. 13637, 78 FR 16129.

■ 4. Section 123.15 is amended by revising paragraph (a)(3) to read as follows:

§ 123.15 Congressional certification pursuant to Section 36(c) of the Arms Export Control Act.

(a) * * *

(3) A license for export of defense articles controlled under Category I paragraphs (a) through (g) of the United States Munitions List, § 121.1 of this subchapter, in an amount of \$1,000,000 or more.

* * * * *

■ 5. Section 123.16 is amended by revising paragraphs (b)(2) introductory text and (b)(6) and removing and reserving paragraph (b)(7) to read as follows:

§ 123.16 Exemptions of general applicability.

* * * * *

(b) * * *

(2) Port Directors of U.S. Customs and Border Protection shall permit the export of parts or components without a license when the total value does not exceed \$500 in a single transaction and:

* * * * *

(6) For exemptions for personal protective gear, refer to § 123.17.

* * * * *

■ 6. Section 123.17 is amended by revising the section heading, removing and reserving paragraphs (a) through (e), and revising paragraph (j) to read as follows:

§ 123.17 Exemption for personal protective gear.

* * * * *

(j) If the articles temporarily exported pursuant to paragraphs (f) through (i) of this section are not returned to the United States, a detailed report must be submitted to the Office of Defense Trade Controls Compliance in accordance with the requirements of § 127.12(c)(2) of this subchapter.

* * * * *

§ 123.18 [Removed and Reserved]

■ 7. Section 123.18 is removed and reserved.

PART 124—AGREEMENTS, OFFSHORE PROCUREMENT, AND OTHER DEFENSE SERVICES

■ 8. The authority citation for part 124 continues to read as follows:

Authority: Secs. 2, 38, and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2797); 22 U.S.C. 2651a; 22 U.S.C. 2776; Section 1514, Pub. L. 105-261; Pub. L. 111-266; Section 1261, Pub. L. 112-239; E.O. 13637, 78 FR 16129.

■ 9. Section 124.14 is amended by revising paragraph (c)(9) to read as follows:

§ 124.14 Exports to warehouses or distribution points outside the United States.

* * * * *

(c) * * *

(9) Unless the articles covered by the agreement are in fact intended to be distributed to private persons or entities (e.g., cryptographic devices and software for financial and business applications), the following clause must be included in all warehousing and distribution agreements: "Sales or other transfers of the licensed article shall be limited to governments of the countries in the distribution territory and to private entities seeking to procure the licensed article pursuant to a contract with a government within the distribution territory, unless the prior written approval of the U.S. Department of State is obtained."

* * * * *

PART 126—GENERAL POLICIES AND PROVISIONS

■ 10. The authority citation for part 126 continues to read as follows:

Authority: Secs. 2, 38, 40, 42 and 71, Pub. L. 90-629, 90 Stat. 744 (22 U.S.C. 2752, 2778, 2780, 2791 and 2797); 22 U.S.C. 2651a; 22 U.S.C. 287c; E.O. 12918, 59 FR 28205; 3 CFR, 1994 Comp., p. 899; Sec. 1225, Pub. L. 108-375; Sec. 7089, Pub. L. 111-117; Pub. L. 111-266; Section 7045, Pub. L. 112-74; Section 7046, Pub. L. 112-74; E.O. 13637, 78 FR 16129.

■ 11. Section 126.1 is amended by revising paragraph(s) to read as follows:

§ 126.1 Prohibited exports, imports, and sales to or from certain countries.

* * * * *

(s) Zimbabwe. It is the policy of the United States to deny licenses or other approvals for exports or imports of defense articles and defense services destined for or originating in Zimbabwe,

except that a license or other approval may be issued, on a case-by-case basis, for the temporary export of firearms and ammunition for personal use by individuals (not for resale or retransfer, including to the Government of Zimbabwe).

* * * * *

PART 129—REGISTRATION AND LICENSING OF BROKERS

■ 12. The authority citation for part 129 continues to read as follows:

Authority: Section 38, Pub. L. 104-164, 110 Stat. 1437, (22 U.S.C. 2778); E.O. 13637, 78 FR 16129.

■ 13. Section 129.1 is amended by revising paragraph (b) to read as follows:

§ 129.1 Purpose.

* * * * *

(b) All brokering activities identified in this subchapter apply equally to those defense articles and defense services designated in § 121.1 of this subchapter and those items designated in 27 CFR 447.21 (U.S. Munitions Import List).

■ 14. Section 129.2 is amended by:

- a. In paragraph (b)(2)(v), removing the word "or" at the end of the paragraph;
■ b. Removing the period at the end of paragraph (b)(2)(vi) and adding "; or" in its place; and
■ c. Adding paragraph (b)(2)(vii).
The addition reads as follows:

§ 129.2 Definitions.

* * * * *

(b) * * *

(2) * * *

(vii) Activities by persons to facilitate the export, reexport, or transfer of an item subject to the EAR that has been approved pursuant to a license or license exception under the EAR or a license or other approval under this subchapter.

* * * * *

■ 15. Section 129.4 is amended by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 129.4 Requirement for approval.

(a) * * *

(1) Any foreign defense article or defense service enumerated in part 121 of this subchapter (see § 120.44 of this subchapter, and § 129.5 for exemptions) and those foreign origin items on the U.S. Munitions Import List (see 27 CFR 447.21); or

(2) * * *

(i) Firearms and other weapons of a nature described by Category I(a) through (d), Category II(a) and (d), and Category III(a) of § 121.1 of this subchapter or Category I(a) through (c), Category II(a), and Category III(a) of the

U.S. Munitions Import List (*see* 27 CFR 447.21);

* * * * *

■ 16. Section 129.6 is amended by revising paragraph (b)(3)(i) to read as follows:

§ 129.6 Procedures for obtaining approval.

* * * * *

(b) * * *

(3) * * *

(i) The U.S. Munitions List (*see* § 121.1 of this subchapter) or U.S. Munitions Import List (*see* 27 CFR 447.21) category and sub-category for each article;

* * * * *

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Part IV

The President

Proclamation 9750—National Safe Boating Week, 2018

Proclamation 9751—Emergency Medical Services Week, 2018

Proclamation 9752—World Trade Week, 2018

Proclamation 9753—Armed Forces Day, 2018

Proclamation 9754—Honoring the Victims of the Tragedy in Santa Fe,
Texas

Presidential Documents

Title 3—

Proclamation 9750 of May 18, 2018

The President

National Safe Boating Week, 2018

By the President of the United States of America

A Proclamation

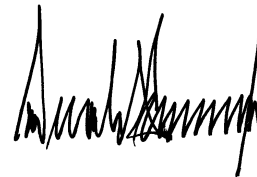
As summer approaches, Americans across the country will begin to enjoy time out on the water with their families and friends. Whether fishing, watching beautiful sunsets, learning how to navigate, or continuing family traditions, boating promises fun and lasting memories. Realizing the joy of boating, however, requires that we follow safe boating practices. During National Safe Boating Week, I urge all Americans to prepare for boating activities by becoming familiar with proper safety procedures.

Americans should take precautionary actions to ensure that everyone makes it home unharmed after fun on the water. Inspecting your boat thoroughly and participating in a free vessel safety check offered through the Coast Guard can help ensure both you and your boat are ready for the water. A pre-departure checklist can help remind you to monitor the weather and bring required equipment, and filing a float plan with a reliable person helps ensure that the Coast Guard is notified if you do not return as planned. Boaters should also wear life jackets and make sure there is always someone onboard who is unimpaired and capable of operating the boat. The Coast Guard and its Federal, State, and local partners estimate that avoiding alcohol and wearing a life jacket can prevent more than 80 percent of boating fatalities.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to proclaim annually the 7-day period before Memorial Day weekend as “National Safe Boating Week.”

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, do hereby proclaim May 19 through May 25, 2018, as National Safe Boating Week. I encourage all Americans who participate in boating activities to observe this occasion by learning more about safe boating practices and taking advantage of boating safety education opportunities. I also encourage the Governors of the States and Territories, and appropriate officials of all units of government, to join me in encouraging boating safety through events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

A handwritten signature in black ink, appearing to be "Donald Trump", located on the right side of the page.

Presidential Documents

Proclamation 9751 of May 18, 2018

Emergency Medical Services Week, 2018

By the President of the United States of America

A Proclamation

During Emergency Medical Services Week, we recognize the outstanding contributions and lifesaving actions of our Nation's Emergency Medical Services (EMS) providers. With their unwavering courage, acute skill, and tireless efforts, career and volunteer first responders serve our communities throughout all hours of the day and night, providing emergency medical treatment in times of dire need. We also honor the memory and inspiring legacy of the EMS providers who have lost their lives as they helped save others.

Last year, as historic wildfires and devastating hurricanes swept through the country, EMS providers repeatedly came to the aid of their fellow Americans. They spent days on duty without pause, moving thousands of homebound residents out of harm's way, rescuing people from fires and floods, and providing medical care to individuals in shelters. Citizens from all backgrounds bravely volunteered to assist these first responders, reminding us that no challenge is too great for the American people.

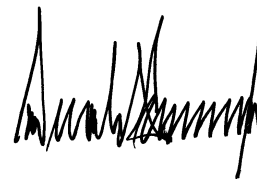
On the front lines of the opioid crisis, EMS providers routinely face situations of tremendous danger. Recently, the Office of National Drug Control Policy issued guidance on how EMS personnel and other first responders can balance safety with mobility and efficiency when responding to scenes where the presence of heroin, fentanyl, or other highly toxic drugs is suspected. My Administration is committed to working with State and local partners to ensure first responders are adequately trained and equipped to respond to every crisis, safely and effectively.

This year marks the conclusion of *EMS Agenda 2050*—a collaborative effort led by the EMS community with support from the Department of Health and Human Services, the National Highway Traffic Safety Administration, and the Department of Homeland Security. *EMS Agenda 2050* will set forth a strategic vision for the future of EMS in America. We welcome this effort to empower EMS professionals to play a central role in the well-being of our communities through data-driven, evidence-based, innovative, and safe approaches to prevention, response, and clinical care.

This week, and throughout the year, we extend our sincere respect and gratitude to all EMS providers throughout our Nation. Despite danger, chaos, and daunting obstacles, they consistently protect the safety and health of others. For this, our country is deeply grateful.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 20 through May 26, 2018, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by showing their support for local EMS professionals through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.

A handwritten signature in black ink, appearing to be Donald Trump, located on the right side of the page.

Presidential Documents

Proclamation 9752 of May 18, 2018

World Trade Week, 2018

By the President of the United States of America

A Proclamation

America's trade relationships are critical to our economic vitality and world leadership. During World Trade Week, we reaffirm our Nation's unwavering commitment to trading regimes that are free, fair, and reciprocal.

Our Nation has entered a new era in trade policy that is based on the recognition that our economic security is critical to our national security. My trade agenda aims to accelerate American exports through policies that are focused on rebuilding our industries, strengthening the defense industrial base in the United States, and equipping our workforce with state-of-the-art skills. As part of this strategy, I will continue to renegotiate and modernize our trade agreements to meet the challenges of the 21st century. My Administration is also enforcing our well-established trade laws once again, as well as eliminating burdensome and unnecessary regulations and foreign barriers to our products and services. We are focused on promoting American industries and goods; as a result of vigorous tax, trade, and regulatory policies, we are attracting a new wave of investment into our Nation's commercial enterprises.

Over the past year, the United States has made tremendous strides in restoring our Nation's economy. American firms, however, are still vastly underrepresented in international markets. My Administration is taking concrete actions to restore America's capacity to compete in an increasingly international market. We are dedicated to a renewed and equitable North American Free Trade Agreement that promotes the export of American products rather than American jobs. The recent agreement in principle on the United States–Korea Free Trade Agreement offers an opportunity to rebalance an unfair trade relationship. By strongly enforcing trading rules, our Nation's businesses and manufacturers will be better positioned to gain strength domestically and in export markets throughout the world.

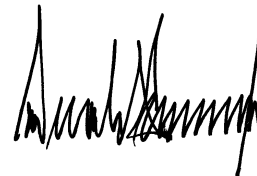
The United States will no longer tolerate any foreign nations gaining unfair advantages on American industries by stealing or forcing the transfer of our companies' technology or intellectual property, subsidizing their exporters, illegally dumping products into our markets, and building excessive and unnecessary capacity. These unfair and distortionary trade practices flood global markets, depress prices, and harm our companies and workers. We will not allow these practices to compromise our leadership in intellectual property, digital products, innovative technology, manufacturing, agriculture, and numerous industrial sectors.

My Administration recognizes the importance of prioritizing the interests of American workers and businesses by promoting reciprocal trade based on open, fair, and competitive markets. By adhering to these fundamental principles of international trade, we will expand trade in a way that is fair for the United States and leads to a more effective and balanced world trading system.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 20 through May 26, 2018, as World Trade Week. I encourage Americans to observe

this week with events, trade shows, and educational programs that celebrate the benefits of trade to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



Presidential Documents

Proclamation 9753 of May 18, 2018

Armed Forces Day, 2018

By the President of the United States of America

A Proclamation

On Armed Forces Day, we pay tribute to the extraordinary men and women who serve our Nation with valor and distinction in all branches of the military. This annual observance honors their steadfast service in preserving our Nation's peace, preserving our freedom, and defending our founding principles.

Throughout our history, in times of war and peace, our service members have served with bravery, skill, and unwavering devotion to duty. There is no fighting force that rivals that of the United States military. The precious liberties all Americans enjoy are possible because, every day and without exception, our Armed Forces relentlessly and tirelessly carry out the critical mission of protecting our country, our freedoms, and our way of life.

Taking care of our Armed Forces is one of the highest priorities of my Administration. Our military has made tremendous gains against ISIS and al-Qa'ida in Syria and Iraq, with ISIS having lost nearly 100 percent of the territory it formerly occupied. These successes underscore the importance of continuing to support, grow, and modernize our military forces—we must ensure that our Armed Forces remain second to none. Earlier this year, I signed into law legislation that does just that, providing nearly \$700 billion in funding for national defense. These funds will increase our military's capacity—investing billions in new equipment, maintenance, and troop readiness.

We will never be able to repay fully our heroes for their selfless service. We must, therefore, guarantee that we support them and their families here at home so that they can effectively execute their missions abroad. I was very pleased to sign into law legislation that gave our troops a 2.4 percent pay raise—their largest pay raise in 8 years. I was also proud to sign an Executive Order this month to enhance employment opportunities for the spouses of our service members. My Administration will not stop in our efforts to encourage all sectors of our country—private and public—to find ways to support our troops and their loved ones.

On this day, and every day, we owe a debt of gratitude to our service members stationed at home and those deployed around the world. All across America, we enjoy the blessings of liberty because our Nation's finest men and women willingly accept the call to service. We proudly salute our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen, and recognize the families who serve alongside them for their courage and commitment.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the tradition of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

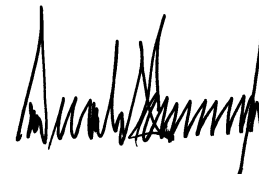
I invite the Governors of the States and Territories and other areas subject to the jurisdiction of the United States to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the

Armed Forces of the United States. I also invite veterans, civic, and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes and businesses on Armed Forces Day, and I urge citizens to learn more about military service by attending and participating in the local observances of the day.

Proclamation 9615 of May 19, 2017, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



Presidential Documents

Proclamation 9754 of May 18, 2018

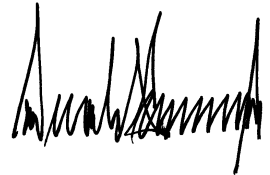
Honoring the Victims of the Tragedy in Santa Fe, Texas

By the President of the United States of America

A Proclamation

Our Nation grieves with those affected by the shooting at Santa Fe High School in Texas. May God heal the injured and may God comfort the wounded, and may God be with the victims and with the victims' families. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on May 18, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, May 22, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of May, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



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S.J. Res. 57/P.L. 115-172

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit

Opportunity Act". (May 21, 2018; 132 Stat. 1290)

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