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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145, 146, and 147

[Docket No. APHIS–2017–0055]

RIN 0579–AE37

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations governing the National Poultry Improvement Plan (NPIP) by updating and clarifying several provisions, including those concerning NPIP participation, voting requirements, testing procedures, and standards. The changes in this final rule were voted on and approved by the voting delegates at the Plan's 2016 National Plan Conference.

DATES: Effective July 19, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Denise Heard, DVM, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094–5104; (770) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (NPIP, also referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control poultry diseases. Participation in all Plan programs is voluntary, but breeding flocks, hatcheries, and dealers must first qualify as ''U.S. Pullorum-Typhoid Clean'' as a condition for participating in the other Plan programs.

The Plan identifies States, independent flocks, hatcheries, dealers, and slaughter plants that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145, 146, and 147 (referred to below as the regulations) contain the provisions of the Plan. The Animal and Plant Health Inspection Service (APHIS or the Service) amends these provisions from time to time to incorporate new scientific information and technologies within the Plan.

On April 9, 2018, we published in the **Federal Register** (83 FR 15082–15089, Docket No. APHIS–2017–0055) a proposal [1] to amend the regulations by updating and clarifying several provisions, including those concerning NPIP participation, voting requirements, testing procedures, and standards.

We solicited comments concerning our proposal for 30 days ending May 9, 2018. We received two comments by that date. One individual was generally opposed to the rule and the poultry industry, but did not address any specific provisions of the proposed rule. The other commenter also did not address the provisions of the proposed rule, but instead addressed his comments to the statements made by the first commenter.

Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget. Further, because this rule is not significant, it is not a regulatory action under Executive Order 13771.

We have prepared an analysis regarding the economic effects of this final rule on small entities. The 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**.

We are amending the NPIP, its auxiliary provisions, and the indemnity regulations for the control of H5 and H7 low pathogenic avian influenza to align the regulations with international standards and make them more transparent to stakeholders and the general public. The changes in this final rule were voted on and approved by the voting delegates at the 2016 NPIP National Plan Conference.

The establishments that will be affected by the rule—principally entities engaged in poultry production and processing—are predominantly small by Small Business Administration standards. In those instances in which an addition to or modification of requirements could potentially result in a cost to certain entities, we do not expect the costs to be significant. NPIP membership is voluntary. The changes contained in this final rule were decided upon by the NPIP General Conference Committee and voting delegates during the 2016 NPIP Biennial Conference; the changes were recognized by the poultry industry as being in their interest.

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 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 in conflict 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.

[1] To view the proposed rule, supporting document, and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0055.*

Paperwork Reduction Act

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

List of Subjects in 9 CFR Parts 145, 146, and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR parts 145, 146, and 147 as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

■ 1. The authority citation for part 145 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 145.1, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 145.1 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

§ 145.4 [Amended]

■ 3. In § 145.4, paragraph (d)(2) is amended by adding the words ''and any other disease for which the flock into which the birds are being introduced holds a disease classification'' after the words ''pullorum-typhoid''.

§ 145.10 [Amended]

■ 4. In § 145.10, paragraph (o) is amended by adding the citation ''§ 145.73(g),'' after the citation ''§ 145.53(f),''.

■ 5. Section 145.14 is amended as follows:

■ a. In the introductory text, in the third sentence, by adding the words ''unless otherwise specified within the Plan program,'' after the words ''30 birds per house,'' and in the last sentence, by adding the words '', unless otherwise specified within the Plan program'' after the words ''must be tested''; and

■ b. By revising paragraph (d)(2)(i)(A).

The revision reads as follows:

§ 145.14 Testing.

* * * * *

(d) * * *

(2) * * *

(i) * * *

(A) The RRT–PCR tests must be conducted using reagents approved by the Department and the Official State Agency. The RRT–PCR must be conducted using the National Veterinary Services Laboratories (NVSL) official protocol for RRT–PCR or a test kit licensed by the Department and approved by the Official State Agency and the State Animal Health Official, and must be conducted by personnel who have passed an NVSL proficiency test. For non-National Animal Health Laboratory Network (NAHLN) authorized laboratories:

(*1*) RRT–PCR testing may be used by primary breeder company authorized laboratories.

(*2*) RRT–PCR testing can only be performed on their own breeding flocks and only used for routine surveillance.

(*3*) The authorized laboratory must have a quality system that is accredited as ISO/IEC 17025 or equivalent to perform the avian influenza RRT–PCR assay.

(*4*) The use of the RRT–PCR test by the authorized laboratory must be approved in the memorandum of understanding (MOU) between the authorized laboratory, the Official State Agency, and the State Animal Health Official(s) of both the location of the authorized laboratory and the location where the breeding flocks reside.

(*5*) Split samples for testing must occur between the authorized laboratory and a NAHLN laboratory at a frequency designated in the MOU.

* * * * *

■ 6. In § 145.23, paragraph (b)(1) is revised to read as follows:

§ 145.23 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 7. In § 145.33, paragraph (b)(1) is revised to read as follows:

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 8. In § 145.43, paragraphs (b)(1) and (5) are revised to read as follows:

§ 145.43 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

■ 9. Section 145.45 is amended as follows:

■ a. By revising paragraph (a) introductory text; and

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

■ i. Paragraph (a)(1) introductory text;

■ ii. Paragraph (a)(1)(i);

■ iii. Paragraph (a)(1)(iii) introductory text;

■ iv. Paragraph (a)(1)(v);

■ v. Paragraph (a)(2)(iii); and

■ vi. Paragraph (a)(4).

The revision reads as follows:

§ 145.45 Terminology and classification; compartments.

(a) *US H5/H7 AI Clean Compartment.* This program is intended to be the basis from which the primary turkey breeding-hatchery industry may demonstrate the existence and implementation of a program that has

been approved by the Official State Agency and APHIS to establish a compartment consisting of a primary breeding-hatchery company that is free of H5/H7 avian influenza (AI). For the purpose of the compartment, avian influenza is defined according to the OIE Terrestrial Animal Health Code Chapter 10.4. This compartment has the purpose of protecting the defined subpopulation and avoiding the introduction and spread of H5/H7 AI within that subpopulation by prohibiting contact with other commercial poultry operations, other domestic and wild birds, and other intensive animal operations. The program shall consist of the following:

* * * * *

■ 10. Section 145.52 is amended by redesignating paragraphs (d)(7) and (d)(8) as paragraphs (d)(8) and (d)(9), respectively, and by adding a new paragraph (d)(7) to read as follows:

§ 145.52 Participation.

* * * * *

(d) * * *

(7) The NPIP hatchery approval number of the shipping hatchery;

* * * * *

■ 11. Section 145.53 is amended as follows:

■ a. By revising paragraphs (b)(1) and (b)(5);

■ b. In paragraph (c)(1)(i), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

■ c. By revising paragraph (c)(1)(ii) introductory text;

■ d. In paragraph (c)(1)(ii)(A), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place;

■ e. In paragraph (d)(1)(i), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

■ f. By revising paragraph (d)(1)(ii) introductory text; and

■ g. In paragraph (d)(1)(ii)(A), by adding the words ''trachea or'' before the word ''choanal'' and by removing the words ''palatine cleft/fissure area'' and adding the word ''cleft'' in their place.

The revisions read as follows:

§ 145.53 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program or serological examination monitoring program for game birds acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing: *And Provided further,* That when a flock is a hobbyist or exhibition waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

(c) * * *

(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks and from which a random sample of birds has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity. For flocks of more than 400 birds, 200 birds shall be tested. For flocks of 60 to 400 birds, 50 percent of the birds shall be tested. For flocks of fewer than 60 birds, all birds shall be tested up to a maximum of 30 birds: *Provided,* that to retain this classification, the flock shall be subjected to one of the following procedures:

* * * * *

(d) * * *

(1) * * *

(ii) It is a multiplier breeding flock that originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a random sample of birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity. For flocks of more than 400 birds, 200 birds shall be tested. For flocks of 60 to 400 birds, 50 percent of the birds shall be tested. For flocks of fewer than 60 birds, all birds shall be tested up to a maximum of 30 birds: *Provided,* that to retain this classification, the flock shall be subjected to one of the following procedures:

* * * * *

■ 12. Section 145.63 is amended by revising paragraphs (a)(1) and (a)(2)(i) to read as follows:

§ 145.63 Terminology and classification; flocks and products.

* * * * *

(a) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(i)(A) It is a multiplier or primary breeding flock of fewer than 300 birds in which a sample of 10 percent of the birds in a flock or at least 1 bird from each pen, whichever is more, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum;* or

(B) It is a multiplier or primary breeding flock of 300 birds or more in which a sample of a minimum of 30 birds has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

■ 13. Section 145.73 is amended as follows:

■ a. By revising paragraphs (b)(1) and (b)(2)(ii); and

■ b. By adding paragraph (g).

The revisions and addition read as follows:

§ 145.73 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance

with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

(g) *U.S. Salmonella Monitored.* This program is intended to be the basis from which the primary egg-type breeder industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it that have met the following requirements, as determined by the Official State Agency:

(i) The flock is maintained in accordance with part 147 of this subchapter with respect to flock sanitation, cleaning and disinfection, and Salmonella isolation, sanitation, and management.

(ii) Measures shall be implemented to control Salmonella challenge through feed, feed storage, and feed transport.

(iii) Chicks shall be hatched in a hatchery whose sanitation is maintained in accordance with part 147 of this subchapter and sanitized or fumigated in accordance with part 147 of this subchapter.

(iv) An Authorized Agent shall take environmental samples from the hatchery every 30 days; *i.e.,* meconium or chick papers. An authorized laboratory for Salmonella shall examine the samples bacteriologically.

(v) An Authorized Agent shall take environmental samples in accordance with part 147 of this subchapter from each flock at 4 months of age and every 30 days thereafter. An authorized laboratory for Salmonella shall examine the environmental samples bacteriologically. All Salmonella isolates from a flock shall be serogrouped and shall be reported to the Official State Agency on a monthly basis.

(vi) Owners of flocks may vaccinate with a paratyphoid vaccine: *Provided,* That a sample of 350 birds, which will be banded for identification, shall remain unvaccinated until the flock reaches at least 4 months of age to allow for the serological testing required under paragraph (g)(1)(iv) of this section.

(vii) Any flock entering the production period that is in compliance with all the requirements of this paragraph (g) with no history of Salmonella isolations shall be considered ''Salmonella negative'' and may retain this definition as long as no environmental or bird Salmonella isolations are identified and confirmed from the flock or flock environment by sampling on four separate collection dates over a minimum of a 2-week period. Sampling and testing must be performed as described in paragraph (g)(1)(vi) of this section. An unconfirmed environmental Salmonella isolation shall not change this Salmonella negative status.

(2) The Official State Agency may monitor the effectiveness of the sanitation practices in accordance with part 147 of this subchapter.

(3) In order for a hatchery to sell products of paragraphs (g)(1)(i) through (vii) of this section, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

§ 145.74 [Amended]

■ 14. Section 145.74 is amended as follows:

■ a. In paragraph (a) introductory text, in the first sentence, by removing the words '', also referred to as notifiable avian influenza (NAI)'' and, in the second sentence, by removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place.

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

i. Paragraph (a)(1) introductory text;

ii. Paragraph (a)(1)(iii) introductory text;

iii. Paragraph (a)(1)(v);

iv. Paragraph (a)(2)(iii); and

v. Paragraph (a)(4).

■ c. By removing the word ''NAI-related'' and adding the words ''H5/H7 AI-related'' in its place in paragraph (a)(1)(i).

■ 15. Section 145.82 is amended by adding paragraph (d) to read as follows:

§ 145.82 Participation.

* * * * *

(d) Poultry must be protected from vectors known to be in the wild and thus must be housed in enclosed structures during brooding, rearing, grow-out, or laying periods with no intentional access to the outdoors, creatures found in the wild, or raised on open range or pasture, or be provided with untreated open source water such as that directly from a pond, stream, or spring that wild birds or vermin have access to for usage for drinking water, as a cooling agent, or during a wash down/clean out process.

■ 16. Section 145.83 is amended by revising paragraphs (b)(1) and (b)(2)(ii) to read as follows:

§ 145.83 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

(2) * * *

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by APHIS may be used in lieu of blood testing.

* * * * *

§ 145.84 [Amended]

■ 17. Section 145.84 is amended as follows:

■ a. In the introductory text of paragraph (a), in the first sentence, by removing the words '', also referred to as notifiable avian influenza (NAI)'' and, in the second sentence, by removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place; and

■ b. By removing the word ''NAI'' and adding the words ''H5/H7 AI'' in its place each time it appears in the following paragraphs:

i. Paragraph (a)(1) introductory text;

ii. Paragraph (a)(1)(iii) introductory text;

iii. Paragraph (a)(1)(v);

iv. Paragraph (a)(2)(iii); and

v. Paragraph (a)(4).

■ c. By removing the word ''NAI-related'' and adding the words ''H5/H7

AI-related'' in its place in paragraph (a)(1)(i).

■ 18. Section 145.93 is amended as follows:

■ a. By revising paragraph (b)(1);

■ b. In paragraph (b)(3)(viii), by removing the words ''paragraphs (a)(3)(i),'' and adding the words ''paragraphs (b)(3)(i),'' in their place;

■ c. In paragraph (b)(4), by removing the words ''paragraph (a)(3)'' and adding the words ''paragraph (b)(3)'' in their place; and

■ d. By revising paragraph (b)(5).

The revisions read as follows:

§ 145.93 Terminology and classification; flocks and products.

* * * * *

(b) * * *

(1) It has been officially blood tested within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum.*

* * * * *

(5) It is a primary breeding flock located in a State determined to be in compliance with provisions of paragraph (b)(3) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with either no reactors or reactors that, upon further bacteriological examination conducted in accordance with part 147 of this subchapter, fail to isolate *S. pullorum* or *S. gallinarum: Provided,* That when a flock is a primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

* * * * *

PART 146—NATIONAL POULTRY IMPROVEMENT PLAN FOR COMMERCIAL POULTRY

■ 19. The authority citation for part 146 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 20. In § 146.1, a definition of *NPIP Technical Committee* is added in alphabetical order to read as follows:

§ 146.1 Definitions.

* * * * *

NPIP Technical Committee. A committee made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics. The committee consists of representatives from the poultry and egg industries, universities, and State and Federal governments and is appointed by the Senior Coordinator and approved by the General Conference Committee. The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

§ 146.23 [Amended]

■ 21. In § 146.23, paragraphs (a)(1)(i) and (a)(2)(i) are amended by removing the number ''30'' and adding the number ''21'' in its place.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

■ 22. The authority citation for part 147 continues to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 23. In § 147.41, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 147.41 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

* * * * *

■ 24. In § 147.43, paragraph (b) is amended by adding a sentence after the second sentence to read as follows:

§ 147.43 General Conference Committee.

* * * * *

(b) * * * The ballots for electing regional committee members and their alternates will be printed in such a way as to allow the specific selection of one nominee for member, and one nominee for alternate from the remaining nominees. * * *

* * * * *

■ 25. In § 147.46, paragraph (d) is amended by adding a sentence after the last sentence to read as follows:

§ 147.46 Committee consideration of proposed changes.

* * * * *

(d) * * * Once completed, the combined committee report will be distributed electronically to the Official State Agencies prior to the delegates voting on the final day of the biennial conference.

* * * * *

■ 26. In § 147.51, the definition of *NPIP Technical Committee* is amended by adding three sentences after the last sentence to read as follows:

§ 147.51 Definitions.

* * * * *

NPIP Technical Committee. * * * The NPIP Technical Committee is divided into three subcommittees (Mycoplasma, Salmonella, and Avian Influenza). NPIP Technical Committee Members may serve on one, two, or all three subcommittees. The committee will evaluate proposed changes to the Provisions and Program Standards of the Plan which include, but are not limited to, tests and sanitation procedures, and provide recommendations to the Delegates of the National Plan Conference as to whether they are scientifically or technically sound.

■ 27. In § 147.52, paragraph (a) is revised to read as follows:

§ 147.52 Authorized laboratories.

* * * * *

(a) *Check-test proficiency.* The NPIP will serve as the lead agency for the coordination of available check tests from the National Veterinary Services Laboratories. Further, the NPIP may approve and authorize additional laboratories to produce and distribute a check test as needed. The authorized laboratory must use the next available check test for each assay that it performs.

* * * * *

■ 28. In § 147.54, paragraphs (a)(1), (3), and (4) are revised to read as follows:

§ 147.54 Approval of diagnostic test kits not licensed by the Service.

(a) * * *

(1) The sensitivity of the kit will be evaluated in at least three NPIP authorized laboratories by testing known positive samples, as determined by the official NPIP procedures found in the NPIP Program Standards or through other procedures approved by the Administrator. Field samples, for which the presence or absence of the target organism or analyte has been determined by the current NPIP test, are the preferred samples and should be used when possible. Samples from a variety of field cases representing a range of low, medium, and high analyte concentrations should be used. In some cases it may be necessary to utilize samples from experimentally infected animals. Spiked samples (clinical sample matrix with a known amount of pure culture added) should only be used in the event that no other sample types are available. When the use of spiked samples may be necessary, prior approval from the NPIP Technical Committee is required. Pure cultures should never be used. Additionally, laboratories should be selected for their experience with testing for the target organism or analyte with the current NPIP approved test. (*e.g.,* a Salmonella test should be evaluated by NPIP authorized laboratories that test for Salmonella routinely). If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.

* * * * *

(3) The kit will be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories must perform the assay exactly as stated in the supplied instructions. Each laboratory must test a panel of at least 25 known positive samples. In addition, each laboratory must test at least 50 known negative samples obtained from several sources, to provide a representative sampling of the general population. The cooperating laboratories must perform a current NPIP procedure or NPIP approved test on the samples alongside the test kit for comparison and must provide an outline of the method on the worksheet for diagnostic test evaluation. Reproducibility and robustness data should also be included.

(4) Cooperating laboratories will submit to the kit manufacturer all compiled output data regarding the assay response. Each sample tested will be reported as positive or negative, and the official NPIP procedure used to classify the sample must be submitted in addition to the assay response value. A completed worksheet for diagnostic test evaluation is required to be submitted with the compiled output data and may be obtained by contacting the NPIP Senior Coordinator. Data and the completed worksheet for diagnostic test evaluation must be submitted to the NPIP Senior Coordinator 4 months prior to the next scheduled General Conference Committee meeting, which is when approval will be sought.

* * * * *

Done in Washington, DC, this 13th day of June 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–13128 Filed 6–18–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1061; Airspace Docket No. 17–AEA–20]

RIN 2120–AA66

Amendment of Class D Airspace and Class E Airspace, and Removal of Class E Airspace; Binghamton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface; and removes Class E airspace designated as an extension to a Class D surface area; at Greater Binghamton Airport/Edwin A. Link Field (formerly Binghamton Regional Airport/Edwin A. Link Field), Binghamton, NY. This action accommodates airspace reconfiguration due to the decommissioning of the Binghamton VHF omni-directional radio range tactical air navigation aid (VORTAC), and cancellation of the VOR approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport, and corrects the airport's name. Additionally, this action replaces the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in Class D and E surface airspace descriptions.

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

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *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: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Ave., College Park, GA 30337; telephone (404) 305–6364.

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 amends Class D and Class E airspace at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY, to support IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal**

Register (83 FR 5750, February 9, 2018) for Docket No. FAA–2017–1061 to amend Class D airspace and Class E surface airspace, and Class E airspace extending upward from 700 feet or more above the surface at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY (formerly Binghamton Regional Airport/Edwin A. Link Field).

Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received requesting a graphic on the airspace proposal. The FAA has since posted a graphic to the docket.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004,and 6005, respectively, of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR part 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

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, 2016. 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.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 amends Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet or more above the surface at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY (formerly Binghamton Regional Airport/Edwin A. Link Field), due to the decommissioning of the Binghamton VORTAC, and cancellation of the VOR approaches. These changes enhance the safety and management of IFR operations at the airport.

The Class D airspace area is amended to within a 4.4-mile radius (from a 4.3-mile radius) of Greater Binghamton Airport/Edwin A. Link Field.

The Class E surface area airspace is amended to within a 4.4-mile radius (increased from a 4.3-mile radius) of Greater Binghamton Airport/Edwin A. Link Field. The Binghamton VORTAC is removed as it is being decommissioned. The SMITE LOM, and ILS Runway 34 Localizer navigation aids are no longer needed in the airspace redesign.

The Class E airspace designated as an extension to a Class D surface area is removed as this airspace was only necessary for the cancelled approaches.

Class E airspace extending upward from 700 feet above the surface is amended to within a 7-mile radius (initially from a boundary line formed by the geographic coordinates) of the airport. The exclusionary language contained in the legal description is removed to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters. Also, an editorial change is made by adding the airport's geographic coordinates to the airspace designation.

The geographic coordinates of the airport also are adjusted in the classes of airspace listed above to coincide with the FAA's aeronautical database, and the airport name is updated to Greater Binghamton Airport/Edwin A. Link Field, formerly Binghamton Regional Airport/Edwin A. Link Field.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY
(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 4.4-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA NY E2 Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY
(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from the surface within a 4.4-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NY E4 Binghamton, NY [Removed]

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AEA NY E5 Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY

(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Greater Binghamton Airport/Edwin A. Link Field.

Issued in College Park, Georgia, on June 6, 2018.

Ryan W. Almasy,

Manager, Operations Support Group, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2018–13050 Filed 6–18–18; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1231

[Docket No. CPSC–2015–0031]

Safety Standard for High Chairs

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Improvement Act of 2008 (CPSIA) directs the Commission to issue standards for durable infant or toddler products. To comply with section 104 of the CPSIA, CPSC is issuing a safety standard for high chairs. This rule incorporates by reference ASTM F404–18, *Standard Consumer Safety Specification for High Chairs* (ASTM F404–18). In addition, this rule amends the regulations regarding third party conformity assessment bodies to include the safety standard for high chairs in the list of Notices of Requirements (NORs).

DATES: The rule will become effective on June 19, 2019. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of June 19, 2019.

FOR FURTHER INFORMATION CONTACT: Keysha Walker, Office of Compliance and Field Operations, U.S. Consumer Product Safety Commission; 4330 East West Highway, Bethesda, MD 20814; email: *KWalker@cpsc.gov;* telephone: (301) 504–6820.

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

Congress enacted the CPSIA (Pub. L. 110–314, 122 Stat. 3016), as part of the Danny Keysar Child Product Safety Notification Act, on August 14, 2008. Section 104(b) of the CPSIA requires CPSC to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant or toddler products. Any standard CPSC adopts under this mandate must be substantially the same as the applicable voluntary standard, or more stringent than the voluntary standard if CPSC determines that more stringent requirements would further reduce the risk of injury associated with the product. Section 104(f)(1) of the CPSIA defines the term ''durable infant or toddler product'' as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years,'' and section 104(f)(2)(C) specifically identifies high chairs as a durable infant or toddler product.

On November 9, 2015, the Commission issued a notice of proposed rulemaking (NPR), proposing to incorporate by reference the then-current voluntary standard for high chairs, ASTM F404–15, with more stringent requirements for rearward stability and warnings on labels and in instructional literature. 80 FR 69144; 81 FR 3354 (January 21, 2016) (correcting an error in the NPR). After the Commission issued the NPR, ASTM revised the voluntary standard several times, as discussed in section V of this preamble, and published the current version of the standard, ASTM F404–18, in March 2018.

In this final rule, the Commission is incorporating by reference ASTM F404–18, with no modifications, as the mandatory safety standard for high chairs. As section 104(b)(1)(A) of the CPSIA requires, CPSC staff consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and the public to develop this standard, largely through the ASTM standard-development process. In addition, this final rule amends the list of NORs in 16 CFR part 1112 to include the standard for high chairs.

II. Product Description

ASTM F404–18 defines a ''high chair'' as ''a free standing chair for a child up to 3 years of age which has a seating surface more than 15 in. above the floor and elevates the child normally for the purposes of feeding or eating.'' The ASTM standard further specifies that a high chair may be sold with or without a tray, have adjustable heights, or recline for infants.[1]

High chairs are available in various designs, including four-legged A-frame styles, single-leg pedestals, Z-frame styles, and restaurant-style. Construction materials often include a plastic, wood, or metal frame, and a padded fabric seat. Some designs include a tray or mounted toy accessories, fold for storage and transport, or convert for continued use as a child grows. ASTM F404–18 requires high chairs to have a passive crotch restraint (*i.e.,* two separate bounded openings for the occupant's legs) and a three-point restraint system; some designs also include a rigid front torso support or a five-point restraint system with shoulder harnesses.

III. Market Description

CPSC staff has identified 59 domestic firms that currently supply high chairs to the U.S. market. Thirty-three of these firms manufacture high chairs and the remaining 26 firms are importers. Forty-three of the firms (26 manufacturers and 17 importers) are small, according to the U.S. Small Business Administration's (SBA) standards,[2] and the remaining 16 (7 manufacturers and 9 importers) are large. Of the 59 domestic firms, 43 market their high chairs only to consumers, and 4 sell their high chairs to both consumers and restaurants. In addition, staff identified 9 foreign firms that supply high chairs to the U.S. market, including 8 manufacturers and 1 importer. Staff also identified numerous high chairs that are manufactured outside the United States and bought domestically through online sales.

At the time CPSC staff assessed the high chairs market, 13 of the 26 small domestic manufacturers, and 9 of the 17 small domestic importers, reported that they complied with the ASTM standard for high chairs.

IV. Incident Data

CPSC receives data regarding product-related injuries from several sources.

[1] After the Commission issued the NPR, staff learned of a reclined infant seat accessory for a high chair product that is intended for young infants. The product consists of a high chair base that is sold separately from, but accommodates, several seat accessories that are appropriate for different ages and sizes of children. One of the seat accessories is a reclined seat that, when placed on the high chair base, allows infants to be raised to the height of a dining table. Based on the characteristics of the infant seat accessory, its intended use, and marketing materials, CPSC staff believes that these products also meet the definition of a high chair.

[2] Under SBA size standards, a high chair manufacturer is ''small'' if it has 500 or fewer employees, and an importer is ''small'' if it has 100 or fewer employees.

One source is the National Electronic Injury Surveillance System (NEISS), from which CPSC can estimate, based on a probability sample, the number of injuries that are treated in U.S. hospital emergency departments (U.S. EDs) nationwide that are associated with specific consumer products. Other sources include reports from consumers and others through the Consumer Product Safety Risk Management System (which also includes some NEISS data) and reports from retailers and manufacturers through CPSC's Retailer Reporting System—CPSC refers to these sources collectively as Consumer Product Safety Risk Management System data (CPSRMS).

The preamble to the NPR summarized reports of high chair-related incidents that occurred between January 1, 2011 and December 31, 2014, which CPSC received through CPSRMS sources. For the final rule, CPSC staff has updated this information to reflect newly reported high chair incidents that occurred between January 1, 2011 and December 31, 2014, as well as new incidents that occurred between January 1, 2015 and September 30, 2017. In total, CPSC has received 1,842 reports of high-chair related incidents that occurred between January 1, 2011 and September 30, 2017. These incidents involved 2 fatalities and 271 reported injuries.[3] Of the incidents that reported the age of the child involved, the majority of incidents involved children between 7 and 18 months old.

The preamble to the NPR also summarized NEISS estimates for high chair-related incidents that occurred between January 1, 2011 and December 31, 2014. After the Commission issued the NPR, complete injury data became available for 2015 and 2016, and CPSC staff has updated this information for the final rule. Including this new data and extrapolating from the probability sample, CPSC staff estimates that there were 49,900 high chair-related injuries treated in U.S. EDs between January 1, 2011 and December 31, 2016. There were no deaths reported through NEISS for this period. There was no statistically significant increase or decrease in the estimated injuries from year-to-year between 2011 and 2016, and there was no statistically significant trend in the data over this period.

[3] The NPR indicated that CPSC had received 1,296 reports of high chair-related incidents that occurred between January 1, 2011 and December 31, 2014, of which 1 was fatal and 138 reported injuries. Since the NPR, CPSC received an additional 546 reports of high-chair related incidents that occurred between January 1, 2011 and September 30, 2017, of which 1 was fatal and 133 reported injuries.

Similarly to the CPSRMS data, of the incidents that reported the age of the child involved, most incidents involved children between 7 and 23 months old.

A. Fatalities

CPSC is aware of two fatal incidents that occurred between January 1, 2011 and September 30, 2017. As the NPR stated, CPSC staff has been unable to collect detailed information about the fatal incident that was reported in 2014. CPSC received another report of a high chair-related fatality in 2016; this incident involved strangulation, but CPSC staff was unable to obtain additional details about the incident.

B. Nonfatal Injuries

Of the total 271 nonfatal injuries reported to CPSC through CPSRMS sources that occurred between January 1, 2011 and September 30, 2017, 1 involved a child who was admitted to the hospital with a skull fracture and retinal hemorrhage; 15 were treated in U.S. EDs for injuries including a puncture wound to the forehead, a broken collarbone, a compound fracture of the finger, lacerations, and contusions; and 1 reported a head injury and broken wrist, but did not indicate the treatment the child received. The remaining injuries primarily consisted of contusions, abrasions, and lacerations, resulting from falls or entrapment of limbs or extremities.

The injuries and treatments reported through NEISS for 2015 and 2016 were consistent with those for 2011 through 2014, described in the NPR. In most cases, the patient was treated in the U.S. ED and released (94 percent for 2011–2014, and 95 percent for 2015–2016). The most commonly injured body parts were the head (65 percent for 2011–2016) and face (17 percent for 2011–2016). The most common types of injuries were injuries to internal organs (48 percent for 2011–2014, and 51 percent for 2015–2016), contusions and abrasions (22 percent for 2011–2014, and 16 percent for 2015–2016), and lacerations (11 percent for 2011–2014, and 16 percent for 2015–2016).

CPSC staff also assessed NEISS data to determine the hazards associated with high chairs in restaurants. There were an estimated 1,600 injuries treated in U.S. EDs between 2011 and 2016, which were related to high chairs in restaurant settings. Most incidents involved users falling from the high chair. Of the reports that indicated the cause of the fall, it commonly occurred when a child attempted to climb into or out of the high chair; the high chair tipped over; or consumers did not use restraints or the restraints failed or were defeated.

C. Hazard Patterns

The hazards reported in the new incidents are consistent with the hazard patterns staff identified in the incidents presented in the NPR. The hazard in nearly all reported incidents, both those discussed in the NPR (96 percent) and in the new incidents (95 percent), involved issues with specific components of the high chair, including the frame, seat, restraint system, armrest, tray, toy accessories, and footrest. Design, stability, and other general product issues accounted for 4 percent of incidents discussed in the NPR and 3 percent of the new incidents.

Most of the NEISS incidents reported for 2015 and 2016 involved falls from high chairs, often when a child attempted to climb into or out of the high chair; when the chair tipped over when a child pushed back or rocked while in the high chair; or when a component of the high chair (*e.g.,* restraint, tray, lock) failed or disengaged.

V. ASTM F404–18

In this final rule, the Commission incorporates by reference ASTM F404–18. The Commission is incorporating by reference ASTM F404–18 because it includes provisions that are the same as, or consistent with, the requirements proposed in the NPR, and CPSC staff believes that the standard addresses the hazards associated with high chairs.

A. History of ASTM F404

ASTM F404, *Standard Consumer Safety Specification for High Chairs,* is the voluntary standard that addresses the hazard patterns associated with the use of high chairs. ASTM first approved and published the standard in 1975, as ASTM F404–75. ASTM has revised the standard numerous times since then. In the NPR, the Commission proposed to incorporate by reference ASTM F404–15, with modifications.

After the Commission issued the NPR, ASTM revised ASTM F404 five times. CPSC staff worked with representatives of manufacturers, consumer groups, retailers, and other industry members and groups on the ASTM subcommittee on high chairs to develop requirements to address the hazards associated with high chairs, including issues and requirements raised in the NPR, concerns raised by members of the ASTM subcommittee, and comments on the NPR. CPSC staff also participated in the ASTM Ad Hoc Committee on Standardized Wording for Juvenile Product Standards (Ad Hoc TG) to finalize recommendations for warning labels, entitled, ''Recommended

Language Approved by Ad Hoc Task Group, Revision C'' (November 10, 2017), to provide consistent and effective warnings for juvenile product standards. The most recent version of the standard, ASTM F404–18, reflects the work of these groups. ASTM approved ASTM F404–18 on February 15, 2018, and published it in March 2018.

B. ASTM F404–18: Comparison With the NPR and Assessment of Requirements

In the NPR, the Commission proposed to incorporate by reference ASTM F404–15, which addressed many of the hazard patterns associated with high chairs, with modifications to three areas of the standard. The Commission proposed more stringent requirements than those in ASTM F404–15 for rearward stability, warnings on labels, and instructional literature. Specifically, the Commission proposed:

- More stringent rearward stability requirements, including test procedures, a formula for determining a ''rearward stability index'' (RSI), and a requirement that high chairs have an RSI of at least 50;
- more stringent warning content, format, and placement requirements than those in ASTM F404–15; and
- warning content in instructional literature that aligned with the modified warning labels, as well as formatting requirements for warnings in instructions.

The requirements in ASTM F404–18 are largely the same as those the Commission proposed in the NPR. ASTM F404–18 includes the same scope, definitions, general requirements (*e.g.,* threaded fasteners; latching and locking mechanisms), performance requirements, and test methods that the Commission proposed to incorporate by reference from ASTM F404–15. In addition, ASTM F404–18 includes modifications to reflect the more stringent requirements the Commission proposed in the NPR, to address comments filed in response to the NPR, and to provide additional detail and clarity. The following discussion compares the areas in which the NPR and ASTM F404–18 differ, and describes CPSC staff's assessment of the ASTM F404–18 provisions.

1. Stability Requirements

In the NPR, the Commission proposed to require the forward and sideways stability requirements in ASTM F404–15 and more stringent rearward stability requirements, consisting of a test method and formula for determining the RSI for a high chair, and a minimum RSI of 50. ASTM F404–18 includes these requirements, with some additional details and minor changes for clarification. First, ASTM F404–18 includes additional details about how to perform stability testing (*e.g.,* using a low stretch cord), and, in particular, how to perform stability testing when product features vary (*e.g.,* reclining seat backs; high chairs without trays; when test weights cannot be centered on the seat). Second, ASTM F404–18 includes minor wording changes to provide clarity, such as describing the point at which a high chair becomes unstable (for purposes of calculating the RSI) as the point where it ''begins to tip over,'' instead of the point at which it is on ''the verge of tipping over.'' This wording maintains the meaning in the NPR, but adds clarity, in response to comments requesting clarification.

CPSC staff in the Division of Mechanical and Combustion Engineering has reviewed the stability requirements in ASTM F404–18 and believes that they adequately address the stability issues associated with high chairs. The stability requirements in ASTM F404–18 are largely the same as the more-stringent stability requirements the Commission proposed in the NPR (maintaining the same test method, formula, and RSI limit), which staff believes are effective, and the minor modifications added to ASTM F404–18 add clarity and detail.

2. Warning Label Requirements

In the NPR, the Commission proposed more stringent warning label content, format, and placement requirements than those in ASTM F404–15. ASTM F404–18 also includes more stringent warning label requirements than those in ASTM F404–15, but the requirements are not identical to those in the NPR.

Content. The content of the warnings in ASTM F404–18 are nearly identical to those the Commission proposed in the NPR, with minor changes to some wording. For example, ASTM F404–18 requires the phrase ''Fall Hazard'' to appear before the warning statement. In addition, one of the NPR warnings stated: ''children have suffered skull fractures after falling from high chairs''; in contrast, ASTM F404–18 states: ''children have suffered severe head injuries including skull fractures when falling from high chairs.'' ASTM F404–18 also includes some changes to how warnings are phrased, but conveys the same information as the wording in the NPR (*e.g.,* ''falls can happen quickly,'' versus ''falls can happen suddenly'').

CPSC staff in the Division of Human Factors (HF) has reviewed the warning label content requirements in ASTM F404–18 and believes that the warning content is largely consistent with that in the NPR, addressing the same general information, and staff concludes that the changes do not undermine the effectiveness of the warnings. Staff believes that warning of severe head injuries, coupled with citing skull fractures as one possible example of such an injury, is an effective way to warn users about the potential consequences of the fall hazard. Moreover, staff believes that this warning avoids the impression that the NPR language may have given, which is that skull fractures are the only type of potential injury. In addition, staff believes that the phrase, ''Fall Hazard,'' is unnecessary, but is not problematic.

Format. The NPR and ASTM F404–18 include the same requirements for size and organization of warning labels, but handle some other formatting requirements differently. After the Commission issued the NPR, the Ad Hoc TG finalized its recommendations for warning labels, which address warning format. The goal of the Ad Hoc TG recommendations is to provide consistent and effective warnings for juvenile products by addressing warning format issues that impact consumer attention, readability, hazard perception, and avoidance behaviors.

The Ad Hoc TG recommendations are based largely on the requirements of ANSI Z535.4, *American National Standard for Product Safety Signs and Labels* (ANSI Z535.4), with additional content to account for the wide range and unique nature of durable nursery products, the concerns of industry representatives, and CPSC staff's recommendations. ANSI Z535.4 addresses format topics, such as safety alert symbols, signal words, panel format, color, and letter style; and additional Ad Hoc TG recommendations address text size, alignment, and organization.

The warning format requirements in ASTM F404–18 align with the Ad Hoc TG recommendations. The warning format requirements in the NPR differ from ASTM F404–18 in the following ways:

- Where the NPR proposed a specific typeface and required certain words to be in bold, ASTM F404–18 only recommends avoiding certain kinds of typeface (*e.g.,* narrow); and
- where the NPR detailed specific requirements for colors, borders, typeface, and referred to ANSI Z535.4 for optional additional guidance, ASTM F404–18 simply requires conformance to ANSI Z535.4, which includes provisions on these topics.

HF staff has reviewed the warning label format requirements in ASTM

F404–18 and believes that they are appropriate. The warning format requirements in ASTM F404–18 are largely consistent with the provisions in the NPR, because the NPR discussed the same format topics and referenced ANSI Z535.4; and the requirements resolve many of the comments filed in response to the NPR by clarifying conflicting or unclear provisions. Because the requirements align with the Ad Hoc TG recommendations, staff believes they are effective.

Placement. The NPR proposed requiring all warning content to appear on one label that was visible both when putting a child in the high chair and once a child was in the high chair. ASTM F404–18 allows the warning content to appear on two labels. One label, addressing fall injuries and restraints, must be visible when putting a child in the high chair; the second label, addressing attendance, must be visible when a child is in the high chair.

HF staff has reviewed the warning label placement requirements in ASTM F404–18 and believes that they are sufficient. In response to the NPR, commenters identified challenges the placement requirements in the NPR posed. For example, commenters noted that it would be difficult for high chair models with design or size limitations to meet the placement requirements proposed in the NPR because the proposal required a single label with more content that was visible during all stages of use. After considering these comments, staff agrees that the two warning labels ASTM F404–18 requires are justified. Staff believes that the placement requirements in ASTM F404–18 are adequate because they require each of the warnings to be visible at the time the information is most relevant.

First, ASTM F404–18 requires the fall-related warnings to be visible to caregivers when putting a child into the high chair. Warning caregivers of the hazard, potential injuries, and how to avoid the hazard is most relevant when they are placing the child into the high chair, because it informs them of the risks from the outset of use, and may motivate them to use restraints appropriately. Thus, it is likely more important to include these warnings on a label that is visible when placing a child in the high chair, than on a label that is visible during use. Second, ASTM F404–18 requires the warning to ''stay near and watch child during use'' to be visible when the child is in the high chair. Reminding caregivers to supervise children is most relevant when a child is already in the high chair, and the caregiver may become distracted or leave the child unattended. Accordingly, it is likely more important to include this warning on a label that is visible during use, rather than on a label that is visible when initially putting a child into the high chair. Thus, although staff believes it would be ideal to convey all warning information in a place that is visible during all stages of use, given design and space limitations, the placement requirements in ASTM F404–18 are appropriate.

3. Instructional Literature Requirements

In the NPR, the Commission proposed more stringent content and design requirements for warnings in instructional literature than those in ASTM F404–15. ASTM F404–18 also requires more stringent instructional literature requirements than ASTM F404–15, although the design requirements are not identical to those in the NPR.

The warning content requirements for instructional literature in ASTM F404–18 are consistent with those in the NPR. Both the NPR and ASTM F404–18 required instructional literature to contain the warning statements specified for on-product warning labels, by referencing the applicable sections regarding on-product warning labels *(i.e.,* Section 8).

With respect to the design of warnings in instructional literature, the NPR proposed highly contrasting colors and referenced ANSI Z535.6, *Product Safety Information in Product Manuals, Instructions, and Collateral Materials* (ANSI Z535.6), for optional design guidance. Like the NPR, ASTM F404–18 references ANSI Z535.6, but also includes more-detailed requirements regarding text size, alignment, and organization, and requires conformance with ANSI Z535.4 (with some exceptions for areas that are not critical for instructions). These requirements eliminate some areas of confusion commenters noted regarding the requirements proposed in the NPR.

HF staff has reviewed the instructional literature requirements in ASTM F404–18 and believes they are effective. The requirements in ASTM F404–18 are consistent with the types of formatting and content provisions proposed in the NPR and are based on the Ad Hoc TG recommendations, which staff believes are effective and resolve areas of confusion raised in the NPR comments.

4. Restaurant-Style High Chairs

The NPR discussed whether a mandatory standard should apply to restaurant-style high chairs (*i.e.,* high chairs intended for use in restaurants, also known as ''food service high chairs'') or whether the hazards, environment, and product features useful in a restaurant, as well as compliance costs, justified fully or partially exempting restaurant-style high chairs from the final rule or creating different requirements for them. The ASTM standard does not distinguish restaurant-style high chairs from those intended for home use, and applies to all high chairs.

CPSC has determined that restaurant-style high chairs should remain within the scope of the final rule, consistent with ASTM F404–18. NEISS data indicate that an estimated 1,600 incidents related to high chairs occurred in restaurants and were treated in U.S. EDs between 2011 and 2016. The hazard patterns in these incidents appear similar to those in homes, primarily involving children falling from high chairs due to issues with restraints, tip overs, or when a child was climbing into or out of the high chair. In addition, CPSC staff identified four firms that sell restaurant-style high chairs to both restaurants and consumers. Finally, section 104 of the CPSIA requires the Commission to adopt a mandatory standard that is substantially the same as the voluntary standard, or more stringent than the voluntary standard. Because the voluntary standard for high chairs applies to all high chairs, including those used in restaurants, excluding them from the final rule or applying less stringent requirements for restaurant-style high chairs would be inconsistent with the CPSIA.

C. Incorporation by Reference

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. These regulations require the preamble to a final rule to summarize the material and discuss the ways in which the material the agency incorporates by reference is reasonably available to interested persons, and how interested parties can obtain the material. 1 CFR 51.5(b). In accordance with the OFR regulations, this section summarizes ASTM F404–18, and describes how interested parties may obtain a copy of the standard.

ASTM F404–18 contains requirements concerning:

- Threaded fasteners;
- sharp edges and points;
- small parts;
- wood parts;
- latching or locking mechanisms;
- permanency of labels;
- openings;
- lead in paint;

- forward, sideways, and rearward stability;
- exposed coil springs;
- scissoring, shearing, and pinching;
- restraint systems;
- structural integrity;
- tray latch release mechanisms;
- side containment;
- protrusions;
- protective components;
- tray or front torso support;
- static loads on the seat, step, footrest, and tray;
- bounded openings;
- warnings and labels; and
- instructional literature.

The standard also includes test methods to assess conformance with these requirements.

Interested parties may obtain a copy of ASTM F404–18 from ASTM, through its website (*http://www.astm.org*), or by mail from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428. Alternatively, interested parties may inspect a copy of the standard at CPSC's Office of the Secretary.

VI. Comments Filed in Response to the NPR

CPSC received 16 comments in response to the NPR. The comments are available in the docket for this rulemaking, CPSC–2015–0031, at: *www.regulations.gov.* A summary of the comments, grouped by topic, and CPSC staff's responses are below.

A. Effective Date

Comment: CPSC received a comment from four consumer advocate groups that supported the proposed 6-month effective date. Another commenter, representing juvenile product manufacturers, requested a 1-year effective date, stating that additional time would be necessary to change products to meet the new requirements, particularly for warning labels and instructional literature.

Response: The warning label and instructional literature requirements in the final rule should require less-burdensome product changes than the proposed rule, particularly because the final rule allows for two separate labels with distinct placement requirements. This reduces the need for a longer effective date. However, some firms will need to modify their products to meet the final rule. For 49 percent of small firms, CPSC staff cannot rule out the possibility that the final rule will have a significant economic impact. In addition, staff believes that some firms may not be aware of the ASTM standard or that CPSC is issuing a rule on high chairs. A longer effective date would reduce this impact. Accordingly, the Commission is providing a longer effective date for the final rule than proposed. The rule will take effect 12 months after publication of this final rule.

B. Passive Crotch Restraint

Comment: One commenter stated that the ASTM requirement that passive crotch restraints must be permanently attached to a high chair or tray before shipment (section 6.9.1.5) should not apply to high chairs for which consumers assemble every component, with instructions.

Response: CPSC believes that this exception would be inappropriate for two reasons. First, CPSC staff believes that it is important for passive restraints to be attached permanently to a high chair or tray before shipment, because it helps ensure that users do not intentionally or inadvertently assemble or use a high chair without the passive restraint. This requirement is intended to reduce the likelihood of death from positional asphyxia. Second, section 104 of the CPSIA does not permit CPSC to create such an exception. Section 104 requires the Commission to adopt a mandatory standard for high chairs that is ''substantially the same as'' or ''more stringent than'' the voluntary standard. Because ASTM F404 requires permanent attachment of passive restraints (and has since 2015), creating an exception to this requirement would be less stringent than the voluntary standard.

C. Rearward Stability

Two commenters raised issues regarding the clarity and repeatability of the proposed rearward stability requirements.

Comment: One commenter pointed out that § 1231.2(b) of the proposed rule, which the Commission proposed to replace section 6.5 of ASTM F404–15, would have required compliance with sections 7.7.2.4 to 7.7.2.4.6 of ASTM F404, instead of all of section 7.7.

Response: Some section references were mistakenly omitted from the ASTM standard when ASTM revised the stability requirements in the standard. Correspondingly, the NPR included incomplete section references. ASTM corrected this error in later revisions to ASTM F404. Section 6.5 of ASTM F404–18, which the Commission incorporates by reference in this final rule, now properly references all of section 7.7.

Comment: One commenter stated that the phrase ''verge of tipping over,'' used to determine the RSI, is subjective, and will cause variation in measurements of tipping distance.

Response: ASTM revised this language in ASTM F404–18 to add clarity, and the provision now states: ''the point that [the high chair] becomes unstable and begins to tip over,'' which CPSC staff believes addresses this issue.

Comment: One commenter stated that the rearward tipping force load application ''must be reached in at least 5 seconds'' and suggested that the load force varies, depending on how quickly or slowly a particular tester applies this load, leading to variation in the RSI of about 4 points.

Response: ASTM F404–15, which was in effect at the time the Commission issued the NPR, stated: ''Gradually apply the force over a period of 5 s.'' In the NPR, the Commission proposed to modify this language to state: ''Gradually increase the horizontal force over a period of at least 5 seconds.'' ASTM F404–18 includes the language proposed in the NPR, which makes it clear that 5 seconds is a minimum, not a maximum, timeframe, and to emphasize that testers should apply the load slowly and steadily. As in other ASTM standards that include stability requirements, the 5-second reference is not meant to be an upper time limit during which testers must hurriedly apply force. If testers apply force sufficiently slowly, negligible dynamic force should factor into the equation and maximum tip-over force readings will be consistent.

Comment: One commenter stated that the wording, diagram, and calculation formula for rearward stability in the NPR are confusing and flawed, including confusing identifiers, crossed out words, and multiple definitions of ''F.''

Response: ASTM revised the diagram in ASTM F404–18 to resolve these issues, removing crossed out words and defining the forces more clearly, by designating F1 and F2 as unique and clearly identified forces. Likewise, the RSI calculation in ASTM F404–18 includes the maximum F2 force, rather than the original, ambiguous force F. The new diagram is in ASTM F404–18 Figure 10, and the RSI formula is in section 7.7.2.6(4).

D. Warning Labels

1. Content

CPSC received five comments that discussed issues related to warning content. One commenter supported the Commission's proposed warning content, particularly the statement: ''Falls can happen quickly if child is not restrained properly.'' Another

commenter supported the warning content in ASTM F404–15, rather than the NPR, but did not provide specific reasons for preferring the ASTM content. The remaining three comments discussed the following issues.

Comment: Two commenters were concerned about the increased length of the proposed warning, and one of the two was concerned with the proposed requirement that all warning information appear on a single label.

Response: These comments address two related issues—spreading warning content across multiple labels, and the length of warning content. With respect to the first issue, the NPR proposed to require all warnings to appear on a single label. The NPR and staff's supporting briefing package explained the reasons for that proposed requirement. As an example, in ASTM F404–15, the warning: ''Never leave child unattended,'' did not appear on the same label that described the fall hazard and potential consequences. However, never leaving a child unattended is one behavior consumers can use to avoid the fall hazard. Consequently, staff believed that the warning would be more effective if the mitigating behavior appeared on the same label as the information about the hazard and consequences. Unlike the NPR, ASTM F404–18 spreads the required warnings across two labels. As section V of this notice discusses, HF staff believes that spreading the warnings across two labels is acceptable.

With respect to the length of warning content, the warnings the Commission proposed in the NPR were longer than the warnings in ASTM F404–15. ASTM F404–18 includes revised warning content that is consistent with the NPR. CPSC staff worked with ASTM to ensure that ASTM F404–18 includes the essentials of the warnings the NPR proposed, but also addresses comments submitted in response to the NPR, and ASTM subcommittee members' concerns. This final rule incorporates by reference ASTM F404–18, without modifications. CPSC staff maintains that the additional warning content proposed in the NPR, and the analogous content in ASTM F404–18, is appropriate, because it addresses deficiencies in the warning content in ASTM F404–15. For example, the description of injuries that could be sustained from high chair incidents in ASTM F404–15 (*i.e.,* ''serious injury or death'') was vague. Research suggests that more explicit descriptions improve consumer compliance with recommended hazard-avoidance behaviors. Similarly, the warning in ASTM F404–15 did not describe the speed with which incidents can occur. This information is important because consumers have reported that they may not use restraints on high chairs because they think they can notice and stop emerging incidents in time. In addition, the warning did not state that a tray is not intended to restrain a child. This information is necessary because consumers have reported that they consider the tray, functionally, to be part of a high chair's restraint system, and some incidents suggest that consumers rely on the tray alone to restrain the child. Finally, the warning lacked a statement about properly adjusting the restraint system. There have been fall-related incidents where children were restrained, but the restraint system was loose or otherwise allowed the child to wriggle out.

Staff acknowledges that consumers are more likely to fully read short warnings than longer ones. However, brevity is only one factor to consider when designing a warning. A short warning is unlikely to be effective if it does not convey all key information about the hazards, and carefully selected additional content can enhance consumer compliance with warnings. In addition, staff does not consider the warnings in the NPR and ASTM F404–18 to be unusually long, or so long that they would dissuade consumers from reading the full content.

Comment: Two commenters stated that referring to serious injuries broadly, such as ''serious injury or death,'' is likely to be more effective than a specific and limited reference to ''skull fractures.'' One of these commenters stated that referring to skull fractures alone, may cause caregivers to ignore other, more frequent risks.

Response: ASTM F404–18 includes broader language (*i.e.,* ''severe head injuries'') than the Commission proposed in the NPR, in addition to the specific injuries (*i.e.,* ''skull fractures'') referenced in the NPR warning. Staff believes that including the broader language avoids the perception that skull fractures are the only type of serious injuries that occur. Staff believes that coupling the broad and specific injuries, rather than stating only the broader injury, is important to improve consumer compliance with the recommended hazard-avoidance behavior because research shows that more explicit or detailed information in a warning increases warning effectiveness, and vividness increases the salience of the message, which triggers the reader's motivation to act.

Comment: Two commenters noted that CPSC should not require the warning statement about trays (*i.e.,* ''Tray is not designed to hold child in chair'') for high chairs that do not have trays.

Response: CPSC agrees with this comment. ASTM F404–18 requires the same warning regarding trays as the Commission proposed in the NPR, but only requires this warning for high chairs that are designed to be used with a tray.

2. Format

CPSC received several comments regarding the warning format requirements proposed in the NPR. A summary of the comments, and staff's responses, are below. First, however, is a general discussion of the changes to warning format requirements in the ASTM standard since the NPR. These changes are the result of the Ad Hoc TG's efforts and address comments CPSC received about warning format.

After the Commission issued the NPR, there were several developments related to warning format and design. In short, the Ad Hoc TG finalized and published recommendations for warning format, and ASTM revised the warning requirements in ASTM F404–18 to be consistent with the Ad Hoc TG recommendations.

The Ad Hoc TG was formed to develop standardized language across ASTM juvenile products standards, and was developing recommendations for warning format when the Commission issued the high chairs NPR. HF staff serves on the Ad Hoc TG, as well as the ANSI Z535 Committee on Safety Signs and Colors. In this capacity, staff collaborated with the other members of the Ad Hoc TG to develop the finalized recommendations for warning format.

With the goal of providing consistent formatting requirements for all juvenile-product standards and addressing warning format issues that impact the effectiveness of warnings, the Ad Hoc TG recommendations require warning content to be ''easy to read and understand''; not contradict information elsewhere on the product; be in English (at a minimum); and meet various formatting requirements. The formatting requirements include minimum text size; text alignment; bullet, lists, outline, and paragraph forms for hazard-avoidance statements; and compliance with sections of ASNI Z535.4—specifically, sections 6.1 to 6.4 (which include requirements for safety alert symbols, signal words, and warning panel format, arrangement, and shape), 7.2 to 7.6.3 (which include color requirements), and 8.1 (which addresses letter style). The Ad Hoc TG recommendations also include

recommended requirements for general labeling issues, such as labeling permanency, and content related to manufacturer contact information and date of manufacture.

The Ad Hoc TG recommendations and the resulting changes to ASTM F404–18 address many of the comments filed in response to the proposed warning format requirements in the NPR. Below are the comments CPSC received on that topic, and staff's responses.

Comment: Four commenters objected to the NPR proposal to require ''key words'' to appear in boldface, because the phrase is open to interpretation. One commenter also noted that because the NPR proposed to require warnings to ''address'' the specified warning content, rather than state it exactly as phrased in the standard, a rule could not designate specific words as ''key words.''

Response: The commenter is correct that the standard does not define ''key words'' and requires warning statements to ''address'' the specified warning content, rather than state it exactly as it is worded in the standard. ASTM F404–18 does not include this proposed requirement.

Comment: Three commenters stated that there is no clear definition or understanding of ''non-condensed'' sans serif typeface, and this provision may be misinterpreted or confusing. One commenter also stated that some compressed and narrow typefaces are easy to read, and therefore, the rule should not preclude them.

Response: There is no formal definition of ''non-condensed typeface,'' and some condensed typefaces could be adequately legible. ASTM F404–18 does not include the proposed provision or prohibit the use of condensed type, but it does include a note that recommends avoiding typefaces with ''large height-to-width ratios, which are commonly identified as 'condensed,' 'compressed,' 'narrow,' or similar.''

Comment: Two commenters stated that the proposed note, referring readers to ANSI Z535.4 for ''optional additional guidance,'' may not be clear to manufacturers or test laboratories.

Response: ASTM F404–18 does not include the proposed note; instead, the standard includes specific warning format requirements and requires conformance to the 2011 version of ANSI Z535.4.

Comment: Two commenters stated that the reference to ''instructions'' in section 8.4.2 of the NPR is inappropriate because section 8 of the standard addresses warnings, not instructions (which are addressed in section 9).

Response: ASTM F404–18 corrects this inconsistency, referring to ''marking or labeling'' rather than ''labels or written instructions.''

Comment: One commenter stated that the NPR proposal that warning message text must be black on a white background conflicts with the NPR proposal that warning statements be in ''highly contrasting colors.''

Response: ASTM F404–18 does not include the proposed requirements as they were stated in the NPR. Instead, ASTM F404–18 requires conformance with ANSI Z535.4–2011, section 7.3, which requires message panel text to be black lettering on a white background or white lettering on a black background. These color requirements apply unless special circumstances preclude the use of these colors (section 7.6.3), in which case the warning text must contrast with the background.

Comment: One commenter stated that the proposed warning requirements should apply only to the warnings that the standard requires, and not to additional warnings that are not requirements.

Response: Since the Commission issued the NPR, CPSC staff has continued to work with the Ad Hoc TG to develop final warning format recommendations, which ASTM F404–18 includes. Consistent with the Ad Hoc TG recommendations, ASTM F404–18 requires all warnings to meet the format requirements in the standard. CPSC staff believes that all warning statements should meet these format requirements because they are important to capture consumer attention, improve readability, and increase hazard perception and avoidance behavior.

Comment: Two commenters recommended that CPSC wait to issue a mandatory standard for warnings until the Ad Hoc TG completes its work on general warning format requirements.

Response: The Ad Hoc TG has completed and published its recommendations, and ASTM F404–18 includes updates to reflect those recommendations.

3. Placement

Comment: Four commenters discussed warning placement. One commenter supported the proposed placement requirements (*i.e.,* that the warning be visible while placing the child in the high chair and while the child is seated in the high chair) and the remaining three commenters did not. These three commenters raised general concerns about limited space on some high chairs, especially models with low seatbacks. The commenters stated that it would be difficult, and perhaps impossible, to meet the proposed placement requirements on those models, suggesting that manufacturers would have to redesign or discontinue the models. The commenters emphasized the need for flexibility. One commenter stated that there is no clear evidence that a label that is visible when a child is in a high chair, or a secondary label if the seatback is not high enough, will actually change caregivers' behaviors.

Response: Consistent with these comments, ASTM F404–18 includes modified warning placement requirements, which provide greater flexibility than the requirements proposed in the NPR. ASTM F404–18 requires two labels, each with respective placement requirements, which CPSC staff believes are sufficient. ASTM F404–18 requires that fall-related warnings be visible to a caregiver only when placing a child into the high chair. CPSC staff believes this is sufficient because this allows caregivers to see the warning about the hazard, its consequences, and the key actions to avoid the hazard, immediately before this information is relevant. Although the warning may not be visible once a child is in the high chair, the warning likely would be visible when the high chair is not in use, exposing consumers to the message at other times, such as when cleaning or moving the high chair.

ASTM F404–18 also requires a second warning statement (which may appear on a separate label), instructing caregivers to ''stay near and watch child during use.'' This warning must be ''conspicuous'' (*i.e.,* visible to a person standing near the high chair when a child is in the high chair, but not necessarily visible from all positions). Commenters and ASTM high chair subcommittee members have pointed out that this warning statement also applies to hazards other than falls, such as choking hazards. CPSC staff agrees and believes that this warning, in a conspicuous location, separate from the fall-related warning, will serve as a general reminder to remain with a child who is in the high chair. Because the warning statement must be visible when the child is still seated in the high chair, caregivers will be more likely to see the warning when they are about to leave the seated child than if the warning statement were included as part of the warning that must be visible while placing the child into the high chair.

4. Miscellaneous Comments About Warning Labels

Comment: Three commenters stated that there is no justification to revise the ASTM F404–15 warning requirements.

Two of these commenters noted that ASTM F404–15 had only recently been adopted, so there is no evidence that the warning requirements are ineffective.

Response: In accordance with the statutory language in the CPSIA, when assessing an ASTM standard for rulemaking under section 104, CPSC staff considers whether more stringent requirements would further reduce the risk of injury associated with the product. Accordingly, for this rulemaking, staff considered whether more stringent warning requirements for high chairs would further reduce the risk of injury, were appropriate, and were supported by scientific and technical literature. Based on staff's assessment, the NPR proposed more stringent warning requirements, many of which ASTM F404–18 includes.

Comment: One commenter stated that large warning labels would be sufficient to address the hazards associated with high chairs.

Response: Staff does not believe that warnings, alone, are sufficient to address the demonstrated hazards. Literature on safety and warnings consistently identifies a hierarchy of approaches to controlling hazards. In this hierarchy, warnings are less effective at eliminating or reducing exposure to hazards than designing the hazard out of a product or guarding consumers from the hazard. Warnings are less effective than these other approaches because they do not prevent consumer exposure to the hazard. Rather, warnings rely on educating consumers about the hazard and then persuading them to alter their behavior to avoid the hazard. For warnings to be effective, consumers need to behave consistently, which may not be the case when situational factors, such as fatigue, stress, or social influences, impact precautionary behavior. As a result, warnings should supplement, rather than replace, design standards or provisions that attempt to guard consumers from a hazard, unless those alternatives are not possible.

Comment: One commenter recommended adding pictograms to the warning provisions in the standard to convey the hazard effectively and reduce language barriers.

Response: Well-designed graphics may be useful to convey the fall hazard associated with high chairs. However, designing effective graphics can be difficult. Some seemingly obvious graphics can be misinterpreted. Consequently, CPSC staff believes that it is appropriate to permit supporting graphics in high chair warnings, but not require them.

Comment: One commenter noted that the NPR included warning requirements for high chairs that have seats that are also used as seats in strollers, but does not address high chairs with seats that also function as booster seats.

Response: A product with a seat that functions as a seat for a high chair and a booster seat must meet the requirements in both the high chair and booster seat standards. CPSC staff believes that manufacturers are capable of meeting the requirements of both standards, and therefore, staff does not believe that revisions to the requirements are necessary.

E. Instructional Literature

Comment: Three commenters expressed confusion about the proposed color requirements for instructional literature in the NPR. Two commenters stated that the requirements were contradictory, and another commenter stated that the proposed color requirements take away the flexibility to use other colors.

Response: CPSC agrees that the proposed color requirements for instructional literature may be unclear and that manufacturers should have some flexibility in choosing colors for instructional literature. After the Commission issued the NPR, the Ad Hoc TG published recommendations for the format of warnings in instructional literature. The instructional literature requirements in ASTM F404–18 are based on those recommendations, and CPSC believes that the requirements are appropriate and address commenters' concerns. ASTM F404–18, section 9.3, clarifies that instructional literature is not required to meet the same color requirements as on-product labels. Instead, section 9.4 of ASTM F404–18 provides flexibility, stating that warnings must stand out within instructional literature, by requiring ''the signal word and safety alert symbol [to] contrast with the background of the signal word panel, and the warnings [to] contrast with the background of the instructional literature.''

Comment: Two commenters stated that the sentence ''Additional warnings similar to the statements included in this section shall also be included,'' which was in proposed § 1231.2(e)(1) in the NPR, was unclear.

Response: The ASTM high chairs subcommittee replaced this statement in ASTM F404–18 with a new section 9.3, which states: ''The instructions shall address the following additional warnings.'' This modification should resolve any confusion.

Comment: Two commenters stated that the note proposed in the NPR, referring readers to ANSI Z535.6 for ''optional additional guidance,'' may not be clear to manufacturers or test laboratories.

Response: ASTM standards regularly use ''notes'' to make suggestions that are not mandatory requirements. Because other ASTM standards include notes, manufacturers and test laboratories understand their meaning and know that they are not requirements. In addition, the Ad Hoc TG recommendations, which were developed in collaboration with industry members, reference ANSI Z535.6 for additional guidance on the design of warnings in instructional literature. In accordance with that recommendation, ASTM F404–18 includes the note referring to ANSI Z535.6.

F. Restaurant-Style High Chairs

Comment: CPSC received three comments about restaurant-style high chairs. Commenters suggested that stability or warning and instructional requirements, alone, would be adequate for restaurant-style high chairs; that there should be a separate commercial high chair standard; or that no standard is necessary for these products. Commenters cited several reasons to create a different standard for restaurant-style high chairs. For example, commenters noted that restaurant settings make particular features useful in a high chair, such as large seats, trayless designs, and the ability to stack multiple high chairs. In addition, consumer behavior, such as more-attentive supervision of children, may occur in restaurant settings. Moreover, commenters stated, injury data do not indicate a need to regulate these products. One manufacturer noted receiving complaints about a restaurant-style high chair that conformed to ASTM F404. The complaints stated that it was difficult for children to get in and out of the chair, the chair did not accommodate children wearing bulky clothing, and the chair did not accommodate children over one-year old. One commenter noted that some restaurant-style high chairs are only available through commercial portals, while another commenter noted that restaurant-style high chairs are sold to the public for home use. Commenters suggested using educational efforts, such as affixing labels or instructions to restaurant-style high chairs to inform consumers and restaurant staff about proper use, the intended setting, and hazards; or providing similar information on packaging, product websites, and at points of sale.

Response: CPSC understands that there may be differences in the useful features and level of supervision in restaurant settings and homes. It is possible that requiring restaurant-style high chairs to meet ASTM F404–18 would interfere with design features that make high chairs useful in a restaurant setting, such as large leg openings. In addition, it is possible that design features that meet ASTM F404–18 could contribute to injuries in a restaurant setting. For example, small leg openings could make it more difficult to remove children from a high chair when they are wearing bulky outerwear or shoes; or consumers may opt for potentially hazardous alternatives to a high chair if the high chair is inconvenient to use, such as placing children on an unsecured and elevated chair. However, CPSC staff does not have evidence that these possibilities will occur.

To the contrary, CPSC has several reasons to believe that the final rule should apply to all high chairs, including restaurant-style high chairs. First, after issuing the NPR, CPSC staff further examined incident data to determine the extent to which high chair-related injuries occur in restaurant settings. Staff found that between 2011 and 2016, there were an estimated 1,600 injuries treated in U.S. EDs that involved high chairs in restaurant settings. Most incidents involved children falling from high chairs, commonly when climbing into or out of the high chair, when the high chair tipped over, or when restraints were not used, failed, or were defeated. These hazard patterns are consistent with high chair incidents in homes. As a result, CPSC believes that there is no safety justification to exclude restaurant-style high chairs from the final rule.

Second, although only a small number of firms sell restaurant-style high chairs directly to consumers for use in their homes, these sales indicate that the features and settings for restaurant-style high chairs do not provide a basis for distinguishing them from home-use high chairs. CPSC staff identified four firms that supply high chairs to the U.S. market that sell their high chairs to both consumers and restaurants.

Third, CPSIA section 104 requires the Commission to adopt a mandatory standard that is substantially the same as the voluntary standard, or more stringent than the voluntary standard. Because ASTM F404 applies to all high chairs, excluding restaurant-style products from the mandatory standard would make the mandatory standard less stringent than the voluntary standard, contrary to the CPSIA requirement.

VII. Final Rule

Section 1231.2(a) of the final rule requires high chairs to comply with ASTM F404–18 and incorporates the standard by reference. Section V of this preamble describes the OFR requirements for incorporating material by reference. In accordance with those requirements, section V summarizes ASTM F404–18, explains how the standard is reasonably available to interested parties, and how interested parties may obtain a copy of the standard.

The final rule also amends 16 CFR part 1112 to add a new § 1112.15(b)(44) that lists 16 CFR part 1231, *Safety Standard for High Chairs,* as a children's product safety rule for which the CPSC has issued an NOR. Section XIII of this preamble provides additional information about certifications and NORs.

VIII. Effective Date

The Administrative Procedure Act (5 U.S.C. 551–559) generally requires that agencies set an effective date for a final rule that is at least 30 days after the **Federal Register** publishes the final rule. 5 U.S.C. 553(d). The NPR proposed that the final rule for high chairs, and the amendment to part 1112, would take effect 6 months after publication. CPSC received comments requesting an implementation date of 1 year, asserting that additional time would be necessary for firms to modify products to meet the standard. CPSC believes that 1 year is sufficient for firms to modify their products to meet the new standard. Therefore, this rule will take effect 1 year after publication in the **Federal Register**, and will apply to products manufactured or imported on or after that date.

IX. Paperwork Reduction Act

This rule contains information collection requirements that are subject to public comment and Office of Management and Budget (OMB) review under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501–3521). Under the PRA, CPSC must estimate the ''burden'' associated with each ''collection of information.'' 44 U.S.C. 3506(c).

In this rule, section 8 of ASTM F404–18 contains labeling requirements that meet the definition of ''collection of information'' in the PRA. 44 U.S.C. 3502(3). In addition, section 9 of ASTM F404–18 requires instructions to be provided with high chairs; however, CPSC believes this requirement can be excluded from the PRA burden estimate. OMB allows agencies to exclude from the PRA burden estimate any ''time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the normal course of their activities,'' if the disclosure activities required to comply are ''usual and customary.'' 5 CFR 1320.3(b)(2). Because high chairs generally require use and assembly instructions, and CPSC staff is not aware of high chairs that generally require instructions but lack them, CPSC believes that providing instructions with high chairs is ''usual and customary.'' For this reason, CPSC's burden estimate includes only the labeling requirements.

The preamble to the NPR discussed the information collection burden of the proposed rule and requested comments on the accuracy of CPSC's estimates. 80 FR 69158 to 69159. CPSC did not receive any comments about the information collection burden of the proposed rule. However, the information collection burden has changed since the NPR because CPSC staff has identified 68 high chair suppliers (59 domestic firms and 9 foreign firms), rather than the 62 firms identified in the NPR, that it estimates will be subject to the information collection burden. Accordingly, the estimated burden of this collection of information is as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1231.2	68	2	136	1	136

The estimated reporting burden is based on CPSC staff's expectation that all 68 high chair suppliers will need to modify their labels to comply with the final rule. CPSC staff estimates that it will take about 1 hour per model to make these modifications and, based on staff's evaluation of product lines, that each supplier has an average of 2 models of high chairs. As a result, CPSC estimates that the burden associated with the labeling requirements is: 68 entities × 1 hour per model × 2 models per entity = 136 hours. CPSC staff estimates that the hourly compensation for the time required to create and update labels is $34.21 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' Sept. 2017, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost associated with the labeling requirements is: $34.21 per hour × 136 hours = $4,652.56. CPSC does not expect there to be operating, maintenance, or capital costs associated with this information collection.

As the PRA requires, CPSC has submitted the information collection requirements of this final rule to OMB. 44 U.S.C. 3507(d). OMB has assigned control number 3041–0173 to this information collection.

X. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA; 5 U.S.C. 601–612) requires agencies to consider the potential economic impact of a proposed and final rule on small entities, including small businesses. Section 604 of the RFA requires agencies to prepare and publish a final regulatory flexibility analysis (FRFA) when they issue a final rule, unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The FRFA must discuss:

- The need for and objectives of the rule;
- significant issues raised in public comments about the initial regulatory flexibility analysis (IRFA), a response to comments from the Chief Counsel for Advocacy of the SBA, the agency's assessment of the comments, and any changes made to the rule as a result of the comments;
- the description and estimated number of small entities that will be subject to the rule;
- the reporting, recordkeeping, and other compliance requirements of the rule, as well as the small entities that would be subject to those requirements, and the types of skills necessary to prepare the reports or records;
- steps the agency took to minimize the significant economic impact on small entities; and
- the factual, policy, and legal reasons the agency selected the alternative in the final rule, and why it rejected other significant alternatives.

5 U.S.C. 604

Based on an assessment by staff from CPSC's Directorate for Economic Analysis, CPSC cannot certify that this rule will not have a significant economic impact on a substantial number of small entities. As a result, staff has prepared a FRFA. This section summarizes the FRFA for this final rule. The complete FRFA is available as part of the CPSC staff's briefing package at: *https://cpsc.gov/s3fs-public/Final%20Rule%20-%20Safety%20Standard%20for%20High%20Chairs%20-%20May%2030%202018.pdf?mBuoGQbhxpGcMFyO6it0gNeBOOFZrTA9.*

B. Reason for Agency Action

Section 104 of the CPSIA requires the Commission to issue a mandatory standard for high chairs that is substantially the same as the voluntary standard, or more stringent than the voluntary standard. In this final rule, the Commission incorporates by reference the voluntary standard, ASTM F404–18, as the mandatory safety standard for high chairs. This rule aims to address the safety hazards associated with high chairs that are demonstrated in incident data.

C. Comments Relevant to the FRFA

CPSC did not received any comments specifically addressing the IRFA that accompanied the proposed rule or from the Chief Counsel for Advocacy of SBA. However, CPSC received comments about the effective date of the final rule and restaurant-style high chairs, which are relevant to the FRFA insofar as they impact the costs associated with the rule.

1. Effective Date

In the NPR, the Commission proposed that the rule would take effect 6 months after publication in the **Federal Register**. One comment, from four consumer advocate groups, expressed support for the proposed 6-month effective date. Another comment, filed on behalf of juvenile product manufacturers, requested a 1-year effective date, to provide time for firms to change their products to meet the new standard.

After considering these comments, and the potential economic impact of the rule on small firms, the Commission is extending the effective date for the final rule to 1 year. CPSC staff believes that this longer effective date will reduce the economic impact of the rule on firms, some of which may not be aware of the ASTM standard or the rulemaking, by reducing the potential for a lapse in production or imports while bringing products into compliance with the rule, and spreading the costs of compliance over a longer time period.

2. Restaurant-Style High Chairs

CPSC received three comments about restaurant-style high chairs. Section VI of this preamble detailed these comments. To summarize, commenters noted that it may be appropriate to apply only some requirements, no requirements, or to create new requirements for restaurant-style high chairs. Commenters noted that restaurant settings make certain features useful on a high chair, which may not comply with the standard, and that safety features may be less necessary in restaurants, where caregivers are likely to be near children and supervising them when they are in a high chair.

CPSC has considered this information and believes that it is appropriate to apply the final rule to all high chairs, including restaurant-style high chairs. The final rule may particularly impact firms that supply restaurant-style high chairs, because they have features intended to accommodate restaurant settings and these features may be difficult to retain while complying with the standard, thereby requiring more extensive changes than home-use models. Nevertheless, consumer safety, home-use of these products, and statutory limitations justify applying the rule to all high chairs. The rationale for including restaurant-style high chairs in the rule is discussed elsewhere in this notice.

D. Description of Small Entities Subject to the Rule

CPSC staff identified 68 firms that supply high chairs to the U.S. market, of which 59 are domestic, and 9 are foreign. Of the 59 domestic firms, 33 manufacture high chairs, and 26 of those 33 manufacturers are small, according to SBA's standards. The remaining 26 domestic firms import high chairs, and 17 of those 26 importers are small, according to SBA's standards. Of the 59 domestic firms, 43 market their high chairs only to consumers, and 4 sell their high chairs to both consumers and restaurants. It is

possible that there are additional high chair suppliers in the U.S. market that staff has not identified.

E. Description of the Final Rule

Sections V and VII of this preamble describe the requirements in the final rule, which incorporates by reference ASTM F404–18. In addition, the final rule amends the regulations regarding third party conformity assessment bodies to include the safety standard for high chairs in the list of NORs.

F. Impact on Small Businesses

For the FRFA, staff limited its analysis to the 59 domestic firms staff identified as supplying high chairs to the U.S. market because SBA guidelines and definitions apply to domestic entities. In assessing whether a rule will have a significant economic impact on small entities, staff generally considers impacts ''significant'' if they exceed 1 percent of a firm's revenue.

1. Small Manufacturers

At the time staff prepared the FRFA, 13 of the 26 small manufacturers reported that their high chairs complied with the ASTM standard that was in effect for testing purposes. Staff believes that firms that report complying with the voluntary standard will continue to comply with the standard as it evolves, as part of an established business practice. Of these 13 firms, 2 manufacture compact high chairs with limited space for warning labels. In the IRFA, staff predicted that the proposed rule could have a significant impact on these two firms because the NPR required a single warning label to be visible when placing a child in the high chair and when the child was seated in the high chair. However, the final rule does not include this requirement, instead dividing the warning information over two labels, each with different placement requirements. This change reduces the burden on firms to modify their products to accommodate labeling requirements. Therefore, staff does not expect the final rule to have a significant economic impact on any of these 13 firms and third party testing costs are expected to be minimal because these firms already test their products for compliance with the voluntary standard.

The remaining 13 small manufacturers produce high chairs that do not comply with the voluntary standard. Seven of these firms manufacture high chairs for home use, and six produce restaurant-style high chairs. For the seven firms that manufacture high chairs for home use, the final rule could have a significant economic impact. The cost of redesigning their products to meet ASTM F404–18 could exceed 1 percent of each firm's respective revenue. In addition, these firms do not have extensive product lines; one of these firms produces only high chairs. For the six firms that manufacture high chairs for restaurant settings, the final rule could also have a significant economic impact. In particular, two of these firms make plastic high chairs, which could require them to create new molds for their products to comply with the rule. Staff believes that third party testing costs could potentially have a significant economic impact on some of these firms, but these costs would be small, relative to the overall impact of the rule.

2. Small Importers

At the time staff prepared the FRFA, 9 of the 17 small importers reported that their high chairs complied with the ASTM standard that was in effect for testing purposes. In the IRFA, staff anticipated that the proposed rule could have a significant economic impact on four of these firms because they imported compact high chairs that might have needed to be redesigned to create space for a label that met the proposed label placement requirements. Because the final rule does not include this requirement, allowing greater flexibility, staff does not expect that these firms will have to redesign their products. One importer supplies a relatively new type of high chair that includes a reclining seat insert, but preliminary staff testing indicates that the product meets the requirements in the final rule. In addition, staff believes that any third party testing costs these importers may incur would be limited to the incremental costs associated with third party testing over their current testing regimes. Therefore, staff does not expect the final rule to have a significant economic impact on any of these nine firms.

The remaining eight small importers supply high chairs that do not comply with the voluntary standard. Staff does not have sufficient information to conclude that the rule will not have a significant economic impact on these firms. The economic impact of the rule on importers depends on the extent of the changes needed for their products to comply with the rule and the response of their suppliers. Staff generally cannot determine this information for importers that do not already comply with the voluntary standard. Nevertheless, staff expects that the final rule will have a smaller economic impact than the proposed rule, because the final rule includes less-burdensome warning placement requirements than the NPR.

Suppliers are more likely to pass on the costs of producing or redesigning products to comply with the final rule to importers with whom they do not have direct ties. Six of the eight small importers of noncompliant high chairs do not have direct ties with their suppliers. To avoid these costs, the six importers may replace their suppliers, select alternative products, or stop supplying high chairs if they have diverse product lines. For the remaining two importers that have direct ties to their suppliers, finding an alternative supply source likely is not a viable alternative. However, these firms' foreign suppliers may absorb some of the costs to maintain a presence in the U.S. market. Alternatively, these two importers could stop supplying high chairs, although this may be unlikely because both firms have only a few products in their product lines.

In addition, staff believes that third party testing could result in significant costs for two of the firms that import noncompliant high chairs. For one of these firms, testing costs could exceed 1 percent of its gross revenue if it tests as few as two units per model. The second firm would need to test about three units per model before testing costs would exceed 1 percent of its gross revenue. For two additional small importers of noncompliant high chairs, each of which supply only one high chair model, staff could not obtain revenue data to determine the potential impact of third party testing.

3. Accreditation Requirements for Testing Laboratories

Section 14 of the Consumer Product Safety Act (CPSA; 15 U.S.C. 2051–2089) requires all children's products that are subject to a children's product safety rule to be tested by a third party conformity assessment body (*i.e.,* testing laboratory) that has been accredited by CPSC. Testing laboratories that want to conduct this testing must meet the NOR for third party conformity testing. The final rule amends 16 CFR part 1112 to establish an NOR for testing laboratories to test for compliance with the high chair rule.

In the IRFA for this rule, staff anticipated that the accreditation requirements would not have a significant economic impact on a substantial number of small laboratories because: (1) The rule imposed requirements only on laboratories that intended to provide third party testing services; (2) laboratories would assume the costs only if they anticipated receiving sufficient revenue from the

testing to justify accepting the requirements as a business decision; and (3) most laboratories would already have accreditation to test for conformance to other juvenile product standards, thereby limiting the costs to adding the high chair standard to their scope of accreditation. CPSC has not received any information to date that contradicts this assessment. Therefore, staff believes that the NOR for the high chair standard will not have a significant economic impact on a substantial number of small entities.

G. Alternatives and Steps To Minimize Economic Impacts

In the NPR, the Commission discussed several alternatives to the proposed rule that would reduce the economic impact of the rule on small entities. In effect, the Commission has incorporated two of these alternatives into the final rule.

One option the Commission discussed in the NPR involved modifying the rule to require compliance with the ASTM standard, without the additional more stringent requirements proposed in the NPR, or at least without the more stringent label placement requirements in the NPR. This alternative would allow the Commission to meet the mandate in CPSIA section 104 to adopt a rule that is substantially the same as the voluntary standard, but reduce the economic impact of the rule by reducing the changes needed to conform to the rule.

ASTM F404–18 includes the more stringent requirements proposed in the NPR, except for the label placement requirements, which remain consistent with ASTM F404–15. Under the final rule, firms will not have to meet additional, more stringent requirements than those in the voluntary standard. Moreover, the warning label placement requirements in the final rule provide more flexibility than the NPR—allowing for two separate labels, each of which is subject to only one visibility requirement, rather than two—thereby requiring less-burdensome product changes than the proposed rule. Therefore, in effect, the Commission has adopted this alternative, by incorporating by reference ASTM F404–18 without additional, more stringent requirements, and eliminating the more stringent label placement requirements proposed in the NPR.

Another alternative CPSC considered was extending the effective date of the rule. In the NPR, the Commission proposed a 6-month effective date for the final rule, consistent with other durable infant and toddler product rules. CPSC received comments about the effective date, suggesting that firms need 1 year to modify products to meet the standard, as some firms will need to redesign their products, test new products, and modify their production processes. Based on this information, CPSC believes that 1 year is a reasonable amount of time to account for needed changes, and is extending the effective date of the rule to 1 year. This should reduce the economic costs of the rule for small entities. Setting a later effective date reduces the likelihood of a lapse in production or imports if firms cannot comply with the standard or obtain third party testing within the time provided. In addition, a later effective date spreads the costs of compliance over a longer period, reducing annual costs and the present value of total costs.

Finally, CPSC considered partially or fully excluding restaurant-style high chairs from the final rule, or adopting more-limited requirements for these products. The requirements could be particularly costly for manufacturers and importers of restaurant-style high chairs because this style of chair has features intended to accommodate restaurant settings that would be difficult to retain while complying with the standard. As discussed previously in this preamble, although excluding restaurant-style high chairs from the final rule would reduce the economic impact on several small entities, CPSC believes that this alternative would not be appropriate given incident data, home use of these products, and the mandate in CPSIA section 104.

XI. Environmental Considerations

CPSC's regulations list categories of agency actions that ''normally have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c). Such actions qualify as ''categorical exclusions'' under the National Environmental Policy Act (42 U.S.C. 4321–4370m–12), which do not require an environmental assessment or environmental impact statement. One categorical exclusion listed in CPSC's regulations is for rules or safety standards that ''provide design or performance requirements for products.'' 16 CFR 1021.5(c)(1). Because the final rule for high chairs creates design or performance requirements, the rule falls within the categorical exclusion.

XII. Preemption

Under section 26(a) of the CPSA, no state or political subdivision of a state may establish or continue in effect a requirement dealing with the same risk of injury as a federal consumer product safety standard under the CPSA unless the state requirement is identical to the federal standard. 15 U.S.C. 2075(a). However, states or political subdivisions of states may apply to CPSC for an exemption, allowing them to establish or continue such a requirement if the state requirement ''provides a significantly higher degree of protection from [the] risk of injury'' and ''does not unduly burden interstate commerce.'' *Id.* 2075(c).

One of the functions of the CPSIA was to amend the CPSA, adding several provisions to the CPSA, including CPSIA section 104 in 15 U.S.C. 2056a. As such, consumer product safety standards that the Commission creates under CPSIA section 104 are covered by the preemption provision in the CPSA. As a result, the preemption provision in section 26 of the CPSA applies to the mandatory safety standard for high chairs.

XIII. Testing, Certification, and Notification of Requirements

Section 14(a) of the CPSA requires the manufacturer or private labeler of a children's product that is subject to a children's product safety rule to certify that, based on a third party conformity assessment body's testing, the product complies with the applicable children's product safety rule. 15 U.S.C. 2063(a)(2)(A), 2063(a)(2)(B). Section 14(a) also requires CPSC to publish an NOR for a third party conformity assessment body (*i.e.,* testing laboratory) to obtain accreditation to assess conformity with a children's product safety rule. 15 U.S.C. 2063(a)(3)(A). Because this safety standard for high chairs is a children's product safety rule, it requires CPSC to issue an NOR.

On March 12, 2013, the Commission published a final rule in the **Federal Register**, entitled *Requirements Pertaining to Third Party Conformity Assessment Bodies,* establishing 16 CFR part 1112, which sets out the general requirements and criteria concerning testing laboratories. 78 FR 15836. Part 1112 includes procedures for CPSC to accept a testing laboratory's accreditation and lists the children's product safety rules for which CPSC has published NORs. When CPSC issues a new NOR, it must amend part 1112 to include that NOR. Accordingly, the Commission is amending part 1112 to include the high chairs standard.

Testing laboratories that apply for CPSC acceptance to test high chairs for compliance with the new high chair rule would have to meet the requirements in part 1112. When a laboratory meets the requirements of a CPSC-accepted third party conformity

assessment body, the laboratory can apply to CPSC to include 16 CFR part 1231, *Safety Standard for High Chairs,* in the laboratory's scope of accreditation of CPSC safety rules listed on the CPSC website at: *www.cpsc.gov/labsearch.*

As the RFA requires, CPSC staff conducted a FRFA for the rulemaking in which the Commission adopted part 1112. 78 FR 15836, 15855–58. To summarize, the FRFA concluded that the accreditation requirements would not have a significant economic impact on a substantial number of small laboratories because no requirements were imposed on laboratories that did not intend to provide third party testing services. The only laboratories CPSC expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision.

By the same reasoning, adding an NOR for the high chair standard to part 1112 will not have a significant economic impact on small test laboratories. A relatively small number of laboratories in the United States have applied for accreditation to test for conformance to existing juvenile product standards. Accordingly, CPSC expects that only a few laboratories will seek accreditation to test for compliance with the high chair standard. Of those that seek accreditation, CPSC expects that most will have already been accredited to test for conformance to other juvenile product standards. The only costs to those laboratories will be the cost of adding the high chair standard to their scopes of accreditation. For these reasons, CPSC certifies that amending 16 CFR part 1112 to include an NOR for the high chairs standard will not have a significant economic impact on a substantial number of small entities.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third-party conformity assessment body.

16 CFR Part 1231

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, Toys.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 is revised to read as follows:

Authority: Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008); 15 U.S.C. 2063.

■ 2. Amend § 1112.15 by adding paragraph (b)(44) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

* * * * *

(b) * * *

(44) 16 CFR part 1231, Safety Standard for High Chairs.

* * * * *

■ 3. Add part 1231 to read as follows:

PART 1231—SAFETY STANDARD FOR HIGH CHAIRS

Sec.

1231.1 Scope.

1231.2 Requirements for high chairs.

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1231.1 Scope.

This part establishes a consumer product safety standard for high chairs.

§ 1231.2 Requirements for high chairs.

(a) Each high chair shall comply with all applicable provisions of ASTM F404–18, *Standard Consumer Safety Specification for High Chairs,* approved on February 15, 2018. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) [Reserved]

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–12938 Filed 6–18–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 592

Rough Diamonds Control Regulations

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Rough Diamonds Control Regulations to clarify several reporting requirements and remove another, clarify which entity may issue Kimberley Process Certificates for the export of rough diamonds from the United States, clarify the steps necessary to validate a Kimberley Process Certificate, add two definitions that define rough diamond packaging requirements and Kimberley Process voided certificates, and make certain technical and conforming changes to the penalties section of the regulations.

DATES: *Effective Date:* This rule is effective June 19, 2018.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's website (*www.treas.gov/ofac*).

Background

On August 4, 2003, OFAC promulgated the Rough Diamonds Control Regulations, 31 CFR part 592 (the ''Regulations''), to implement Executive Order 13312 (E.O. 13312) of July 29, 2003. E.O. 13312 was issued to implement the Clean Diamond Trade Act (Pub. L. 108–19) (CDTA) and the multilateral Kimberley Process Certification Scheme for rough diamonds (KPCS). OFAC amended the Regulations on September 23, 2004 to revise certain reporting requirements (69 FR 56936). OFAC further amended the Regulations on May 21, 2008 (73 FR 29433) to enhance the compilation of statistical data relating to the

importation and exportation of rough diamonds.

Today, in consultation with the U.S. Department of Commerce, Bureau of the Census (Census Bureau), Department of State, and Department of Homeland Security, Customs and Border Protection (CBP), OFAC is again amending the Regulations. First, in coordination with a regulatory amendment by the Census Bureau (83 FR 17749), OFAC is incorporating into the Regulations existing Census Bureau requirements for submission of Kimberley Process Certificates in connection with the importation and exportation of rough diamonds. In addition, OFAC is clarifying which entity may issue Kimberley Process Certificates for the export of rough diamonds from the United States and adding two definitions that define rough diamond packaging requirements and Kimberley Process voided certificates. Additionally, OFAC is making certain technical and conforming changes to the penalties section of the Regulations.

Reporting requirements. First, in coordination with a regulatory amendment by the Census Bureau, OFAC is amending § 592.301 to incorporate existing Census Bureau requirements for submission of Kimberley Process Certificates in connection with the importation and exportation of rough diamonds. The Census Bureau is amending the Foreign Trade Regulations (FTR), 15 CFR part 30, to clarify that the data it collects from Kimberley Process Certificates is collected in compliance with the CDTA and not Title 13, United States Code (U.S.C.), and to clarify submission requirements for and permissible uses of the Kimberley Process Certificates. In paragraph (a)(1)(iii) of § 592.301, OFAC is incorporating the existing requirement pursuant to the FTR that importers or customs brokers provide a copy of the Kimberley Process Certificate accompanying a shipment of rough diamonds to the Census Bureau immediately after entry of the rough diamonds in the United States. In paragraph (a)(1)(iv) of this section, OFAC is incorporating the FTR requirement that, with respect to rough diamond exports, the U.S. Principal Party in Interest or U.S. authorized agent, see 15 CFR 30.1, must provide a copy of the Kimberley Process Certificate to the Census Bureau immediately after export from the United States. In paragraph (a)(1)(v) of this section, OFAC is incorporating the FTR requirement that any voided certificate be provided to the Census Bureau immediately upon voiding.

At the same time, in consultation with the Department of State, the Census Bureau, and CBP, OFAC is removing the requirement that all rough diamond importers and exporters file annual reports with the Department of State detailing their import, export, and stockpile information as previously set forth in § 592.502. OFAC has removed this requirement as unnecessary in light of alternate sources from which to obtain relevant information.

Additional clarifications. In § 592.301, OFAC is also adding new paragraph (a)(4) and amending and redesignating current paragraph (a)(4) as (a)(5). New paragraph (a)(4) of this section clarifies the criteria that a Kimberley Process Certificate issuer must meet, while an accompanying note clarifies that, as reflected in a Memorandum of Understanding (MOU) among the Department of State, the Census Bureau, and U.S. Kimberley Process Authority (USKPA), a non-profit association, Kimberley Process Certificates for the exportation of rough diamonds from the United States may only be issued at this time by the USKPA or by entities licensed to do so by the USKPA. The new paragraph also states that Kimberley Process Certificates may be issued ''on behalf of'' this entity. In addition, amended and redesignated paragraph (a)(5) of this section clarifies the steps necessary to validate a Kimberley Process Certificate prior to exporting rough diamonds from the United States.

Definitions. OFAC is adding two definitions to the Regulations. The term *Voided certificate,* used in § 592.301(a)(1)(v), is defined in new § 592.313. Consistent with CBP's practice, OFAC defines the term *Voided certificate* to mean ''a Kimberley Process Certificate intended to be used for the exportation of rough diamonds from the United States that has been cancelled, for reasons such as loss or error.''

OFAC is also defining the term *Tamper-resistant container,* used in § 592.301(a)(2), by adding new § 592.314. Consistent with CBP practice, OFAC defines the term *Tamper-resistant container* to mean ''packaging having an indicator or barrier to entry that could reasonably be expected to provide visible evidence that tampering had occurred.'' A note to the definition further clarifies that standard mailing and express consignment packaging, or such packaging that simply contains a resealable plastic bag, is not considered to be a tamper-resistant container. This definition is intended to foster uniformity in CBP's enforcement of rough diamond shipping requirements. OFAC is also making a conforming change in paragraph (a)(2) of § 592.301 by changing ''*Tamper-resistant container*'' to ''*Tamper-resistance requirement.*''

Penalties. OFAC is also amending Subpart F, which describes the penalties applicable to violations of the Regulations, as well as the procedures governing the potential imposition of a civil monetary penalty or issuance of a Finding of Violation. OFAC is updating the language of this subpart and incorporating references to OFAC's Economic Sanctions Enforcement Guidelines contained in appendix A to part 501 of this chapter.

Public Participation

Because the amendments to the Regulations involve a foreign affairs function, the provisions of Executive Order 12866 and the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of Executive Order 13771, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

With respect to section 2 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507 (PRA), the collections of information in §§ 592.301(a)(1)(i) and (ii), 592.501, and 592.603 of the Regulations are made pursuant to OFAC's Reporting, Procedures, and Penalties Regulations (31 CFR part 501) and have been approved by the Office of Management and Budget (OMB) under control number 1505–0164. Pursuant to the Census Bureau, the collections of information in § 592.301(a)(1)(iii)–(v) and in § 592.301(a)(5) related to exporter and importer reporting requirements and the FTR previously were approved by OMB under control number 0607–0152.

OMB Approval 1505–0198: Report to foreign exporting authority. The collection of information in § 592.301(a)(3) has been submitted to OMB for review and approval under control number 1505–0198. This collection of information assists in carrying out the requirements of the CDTA and KPCS and monitoring the integrity of international shipments of rough diamonds, including that the United States produce statistics on imports and exports of rough diamonds and that these statistics be made available for analysis by interested parties, including other governments participating in the KPCS. The

information collected will be used to assist the Census Bureau in carrying out its statistics-related functions and the State Department in its KPCS oversight functions, and to further the compliance, enforcement, and civil penalty programs of OFAC, CBP and U.S. Immigration and Customs Enforcement, each of which has enforcement authority under the CDTA and various implementing regulations. See §§ 5(a) and 8 of the CDTA.

OMB Approval 1505–0198: Annual State report. The collection of information previously in § 592.502 and approved by OMB under control number 1505–0198 has been removed as unnecessary in light of alternate sources from which to obtain relevant information.

With respect to all of the foregoing collections of information, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to the requirements of the PRA, unless the collection of information displays a current, valid OMB control number.

The likely respondents and recordkeepers affected by the collection of information in § 592.301(a)(3) (report to foreign exporting authority) and the removal of the collection of information in § 592.502 (Annual State report) are rough diamond importers and exporters. The anticipated number of respondents is approximately 80. OFAC expects that the majority of these respondents will report to foreign exporting authorities approximately 15 times per year. Based on information from rough diamond traders and CBP's experience, roughly 1,200 individual transaction reports are expected annually. The total number of burden hours associated with the individual transaction reports is anticipated to be 200. This is based on an estimated completion and submission time of 10 minutes per report. This is a decrease of 300 burden hours from the prior hour burden based on current estimates that indicate there are fewer respondents and fewer imports than previously assumed. Based on information from rough diamonds traders, OFAC does not expect the hour burden on respondents to vary widely. Additionally, OFAC understands that it is the customary and usual business practice for most traders to send a detailed acknowledgment of receipt of a shipment to their overseas counterparts to the transaction.

As this regulatory amendment removes the annual State reporting requirement, the total number of burden hours is reduced by an estimated 1,250 hours. This is based on an estimated completion and submission time of five hours per report. The overall reduction in burden hours is therefore this reduction of 1,250 burden hours plus the reduction of 300 burden hours with respect to the report to foreign exporting authorities for a total reduction of 1,550 burden hours. The aggregate burden hours now associated with this information collection is 200 burden hours.

Comments are invited on: (a) Whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques and other forms of information technology; and (e) the estimated capital or start-up costs of the operation, maintenance, and/or purchase of services to provide information. Comments concerning the above information and the accuracy of these burden estimates, and suggestions for reducing this burden, should be directed to OMB, Attention: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs (OIRA), Washington, DC 20503 or by email to: *OIRA_Submission@omb.eop.gov,* with a copy to Chief of Records, Attention: Request for Comments, Office of Foreign Assets Control, Department of the Treasury, 1500 Pennsylvania Avenue NW, Freedman's Bank Building, Washington, DC 20220. Any such comments should be submitted not later than July 19, 2018. All comments on the collections of information in § 592.301(a)(3) and the removal of the collection of information in § 592.502 will be a matter of public record.

List of Subjects in 31 CFR Part 592

Administrative practice and procedure, Foreign trade, Exports, Imports, Kimberley Process, Penalties, Reporting and recordkeeping requirements, Rough diamond.

For the reasons set forth in the preamble, the Office of Foreign Assets Control amends 31 CFR part 592 as follows:

PART 592—ROUGH DIAMONDS CONTROL REGULATIONS

■ 1. The authority citation for part 592 is revised to read as follows:

Authority: 3 U.S.C. 301; 19 U.S.C. 3901–3913; 28 U.S.C. 2461 note; 31 U.S.C. 321(b); E.O. 13312, 68 FR 45151, 3 CFR, 2003 Comp., p. 246.

Subpart C—General Definitions

■ 2. Amend § 592.301 by revising paragraphs (a)(1), (a)(2), and (a)(4), and adding paragraph (a)(5) to read as follows:

§ 592.301 Controlled through the Kimberley Process Certification Scheme.

(a) * * *

(1) *Kimberley Process Certificate.* A shipment of rough diamonds imported into, or exported from, the United States must be accompanied by an original Kimberley Process Certificate. The certificate must be provided as follows:

(i) The original certificate must be presented immediately upon demand to U.S. Customs and Border Protection in connection with an importation or exportation of rough diamonds;

(ii) The person identified as the ultimate consignee (*see* Customs Directive 3550–079A) on the Customs Form 7501 Entry Summary or its electronic equivalent filed with U.S. Customs and Border Protection in connection with an importation of rough diamonds must retain the original Kimberley Process Certificate for a period of at least five years from the date of importation (see also 19 CFR 12.152);

(iii) The person identified as the ultimate consignee (*see* Customs Directive 3550–079A) on the Customs Form 7501 Entry Summary or its electronic equivalent filed with U.S. Customs and Border Protection in connection with an importation of rough diamonds must provide the certificate to the U.S. Bureau of the Census immediately after entry of the shipment in the United States. The certificate must be provided by faxing it to (800) 457–7328 or by other methods as permitted by the U.S. Bureau of the Census;

(iv) The U.S. Principal Party in Interest or U.S. authorized agent (see 15 CFR 30.1) must also provide the certificate to the U.S. Bureau of the Census immediately after export of the shipment of rough diamonds from the United States by faxing it to (800) 457–7328 or by other methods as permitted by the U.S. Bureau of the Census; and

(v) Any voided certificate(s) must be provided to the U.S. Bureau of the Census immediately upon voiding by faxing it to (800) 457–7328 or by other methods as permitted by the U.S. Bureau of the Census (*see* § 592.313);

(2) *Tamper-resistance requirement.* A shipment of rough diamonds imported into, or exported from, the United States

must be sealed in a tamper-resistant container;

* * * * *

(4) *Issuance of Kimberley Process Certificate for exportations from the United States.* Consistent with section 5(c) of the Clean Diamond Trade Act (CDTA), the Kimberley Process Certificate accompanying a shipment of rough diamonds exported from the United States must be issued by, or on behalf of, an entity whose standards, practices, and procedures are annually reviewed by the appropriate U.S. Government agency, and that has reached an arrangement with such agency concerning the issuance of Kimberley Process Certificates consistent with the Kimberley Process Certification Scheme and the CDTA.

Note to paragraph (a)(4): As reflected in a Memorandum of Understanding (MOU) among the U.S. Department of State, the U.S. Bureau of the Census, and the U.S. Kimberley Process Authority (USKPA), a non-profit association, Kimberley Process Certificates for the exportation of rough diamonds from the United States may only be issued at this time by the USKPA or by entities licensed to do so by the USKPA. Pursuant to this MOU, the U.S. Department of State annually reviews the USKPA's standards, practices, and procedures. The Secretary of State may reassign this review function to any other officers, officials, departments, and agencies within the executive branch, consistent with applicable law.

(5) *Validation of Kimberley Process Certificate for exportations from the United States.* With respect to the validation of a Kimberley Process Certificate for the exportation of rough diamonds from the United States, exporters must:

(i) Report shipments to the U.S. Bureau of the Census through the Automated Export System (AES) or a successor system and obtain an Internal Transaction Number (ITN) prior to exportation. The ITN is the number generated by the AES and assigned to a shipment confirming that an Electronic Export Information (EEI) was accepted and is on file in the AES.

(ii) Report the ITN on the Kimberley Process Certificate accompanying any exportation from the United States, which completes the validation process for the exportation of rough diamonds from the United States to a Participant.

* * * * *

■ 3. Add § 592.313 to subpart C to read as follows:

§ 592.313 Voided certificate.

The term *voided certificate* means a Kimberley Process Certificate intended to be used for the exportation of rough diamonds from the United States that has been cancelled for reasons such as loss or error.

■ 4. Add § 592.314 to subpart C to read as follows:

§ 592.314 Tamper-resistant container.

The term *tamper-resistant container* means packaging having an indicator or barrier to entry that could reasonably be expected to provide visible evidence that tampering had occurred. Standard mailing and express consignment packaging, or such packaging that simply contains a resealable plastic bag, is not considered to be a *tamper-resistant container.*

Subpart E—Records and Reports

§ 592.502 [Amended]

■ 5. Remove § 592.502.

Subpart F—Penalties

■ 6. Amend § 592.601 by:
■ a. Revising paragraph (a)(3);
■ b. Revising the note to paragraph (a); and
■ c. Revising paragraphs (c) and (d).

The revisions read as follows:

§ 592.601 Penalties.

(a) * * *

(3) Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to any rough diamond imported in violation of the Act.

Note to paragraph (a): As reflected in paragraphs (a)(1) and (2) of this section, section 8(a) of the Act establishes penalties with respect to any violation of any regulation issued under the Act. OFAC pre-penalty, penalty, and administrative collection procedures relating to such violations are set forth below in §§ 592.602 through 592.604. Section 8(c) of the Act also authorizes the U.S. Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement, as appropriate, to enforce the penalty provisions set forth in paragraph (a) of this section and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the U.S. Bureau of the Census. The Office of Foreign Assets Control (OFAC) civil penalty procedures set forth below are separate from, and independent of, any penalty procedures that may be followed by the U.S. Bureau of Customs and Border Protection and U.S. Immigration and Customs Enforcement in their exercise of the authorities set forth in section 8(c) of the Act.

* * * * *

(c) Pursuant to 18 U.S.C. 1001, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the government of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device, a material fact, or makes any materially false, fictitious, or fraudulent statement or representation or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under title 18, United States Code, imprisoned, or both.

(d) Violations of this part may also be subject to other applicable laws.

■ 7. Revise § 592.602 to read as follows:

§ 592.602 Pre-Penalty Notice; settlement.

(a) *When required.* If OFAC has reason to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, directive, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Clean Diamond Trade Act, and determines that a civil monetary penalty is warranted, OFAC will issue a Pre-Penalty Notice informing the alleged violator of the agency's intent to impose a monetary penalty. A Pre-Penalty Notice shall be in writing. The Pre-Penalty Notice may be issued whether or not another agency has taken any action with respect to the matter. For a description of the contents of a Pre-Penalty Notice, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to respond to a Pre-Penalty Notice by making a written presentation to OFAC. For a description of the information that should be included in such a response, see appendix A to part 501 of this chapter.

(2) *Deadline for response.* A response to a Pre-Penalty Notice must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond.

(i) *Computation of time for response.* A response to a Pre-Penalty Notice must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier) on or before the 30th day after the postmark date on the envelope in which the Pre-Penalty Notice was mailed. If the Pre-Penalty Notice was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked

or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to a Pre-Penalty Notice need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof, contain information sufficient to indicate that it is in response to the Pre-Penalty Notice, and include the OFAC identification number listed on the Pre-Penalty Notice. A copy of the written response may be sent by facsimile, but the original also must be sent to OFAC's Office of Compliance and Enforcement by mail or courier and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(c) *Settlement.* Settlement discussion may be initiated by OFAC, the alleged violator, or the alleged violator's authorized representative. For a description of practices with respect to settlement, see appendix A to part 501 of this chapter.

(d) *Guidelines.* Guidelines for the imposition or settlement of civil penalties by OFAC are contained in appendix A to part 501 of this chapter.

(e) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific allegations contained in the Pre-Penalty Notice must be preceded by a written letter of representation, unless the Pre-Penalty Notice was served upon the alleged violator in care of the representative.

■ 8. Revise § 592.603 to read as follows:

§ 592.603 Penalty imposition.

If, after considering any written response to the Pre-Penalty Notice and any relevant facts, OFAC determines that there was a violation by the alleged violator named in the Pre-Penalty Notice and that a civil monetary penalty is appropriate, OFAC may issue a Penalty Notice to the violator containing a determination of the violation and the imposition of the monetary penalty. For additional details concerning issuance of a Penalty Notice, see appendix A to part 501 of this chapter. The issuance of the Penalty Notice shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

■ 9. Revise § 592.604 to read as follows:

§ 592.604 Administrative collection; referral to United States Department of Justice.

In the event that the violator does not pay the penalty imposed pursuant to this part or make payment arrangements acceptable to OFAC, the matter may be referred for administrative collection measures by the Department of the Treasury or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a federal district court.

■ 10. Revise § 592.605 to read as follows:

§ 592.605 Finding of Violation.

(a) *When issued.* (1) OFAC may issue an initial Finding of Violation that identifies a violation if OFAC:

(i) Determines that there has occurred a violation of any provision of this part, or a violation of the provisions of any license, ruling, regulation, order, directive, or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Clean Diamond Trade Act;

(ii) Considers it important to document the occurrence of a violation; and,

(iii) Based on the Guidelines contained in appendix A to part 501 of this chapter, concludes that an administrative response is warranted but that a civil monetary penalty is not the most appropriate response.

(2) An initial Finding of Violation shall be in writing and may be issued whether or not another agency has taken any action with respect to the matter. For additional details concerning issuance of a Finding of Violation, see appendix A to part 501 of this chapter.

(b) *Response*—(1) *Right to respond.* An alleged violator has the right to contest an initial Finding of Violation by providing a written response to OFAC.

(2) *Deadline for response; default determination.* A response to an initial Finding of Violation must be made within 30 days as set forth in paragraphs (b)(2)(i) and (ii) of this section. The failure to submit a response within 30 days shall be deemed to be a waiver of the right to respond, and the initial Finding of Violation will become final and will constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(i) *Computation of time for response.* A response to an initial Finding of Violation must be postmarked or date-stamped by the U.S. Postal Service (or foreign postal service, if mailed abroad) or courier service provider (if transmitted to OFAC by courier) on or before the 30th day after the postmark date on the envelope in which the initial Finding of Violation was served. If the initial Finding of Violation was personally delivered by a non-U.S. Postal Service agent authorized by OFAC, a response must be postmarked or date-stamped on or before the 30th day after the date of delivery.

(ii) *Extensions of time for response.* If a due date falls on a federal holiday or weekend, that due date is extended to include the following business day. Any other extensions of time will be granted, at the discretion of OFAC, only upon specific request to OFAC.

(3) *Form and method of response.* A response to an initial Finding of Violation need not be in any particular form, but it must be typewritten and signed by the alleged violator or a representative thereof, contain information sufficient to indicate that it is in response to the initial Finding of Violation, and include the OFAC identification number listed on the initial Finding of Violation. A copy of the written response may be sent by facsimile, but the original also must be sent to OFAC by mail or courier and must be postmarked or date-stamped in accordance with paragraph (b)(2) of this section.

(4) *Information that should be included in response.* Any response should set forth in detail why the alleged violator either believes that a violation of the regulations did not occur and/or why a Finding of Violation is otherwise unwarranted under the circumstances, with reference to the General Factors Affecting Administrative Action set forth in the Guidelines contained in appendix A to part 501. The response should include all documentary or other evidence available to the alleged violator that supports the arguments set forth in the response. OFAC will consider all relevant materials submitted in the response.

(c) *Determination*—(1) *Determination that a Finding of Violation is warranted.* If, after considering the response, OFAC determines that a final Finding of Violation should be issued, OFAC will issue a final Finding of Violation that will inform the violator of its decision. A final Finding of Violation shall constitute final agency action. The violator has the right to seek judicial review of that final agency action in federal district court.

(2) *Determination that a Finding of Violation is not warranted.* If, after considering the response, OFAC determines a Finding of Violation is not

warranted, then OFAC will inform the alleged violator of its decision not to issue a final Finding of Violation.

Note 1 to paragraph (c)(2): A determination by OFAC that a final Finding of Violation is not warranted does not preclude OFAC from pursuing other enforcement actions consistent with the Guidelines contained in appendix A to part 501 of this chapter.

(d) *Representation.* A representative of the alleged violator may act on behalf of the alleged violator, but any oral communication with OFAC prior to a written submission regarding the specific alleged violations contained in the initial Finding of Violation must be preceded by a written letter of representation, unless the initial Finding of Violation was served upon the alleged violator in care of the representative.

Dated: June 12, 2018.

Bradley T. Smith,

Acting Deputy Director, Office of Foreign Assets Control.

[FR Doc. 2018–12887 Filed 6–18–18; 8:45 am]

BILLING CODE 4810–AL

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DoD

ACTION: Final rule.

SUMMARY: The Department of the Navy (DoN) is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (DAJAG) (Admiralty and Maritime Law) has determined that certain vessels of the VIRGINIA SSN Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with their special function as a naval ships. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

DATES: This rule is effective June 19, 2018 and is applicable beginning May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Kyle Fralick, (Admiralty and Maritime Law), Office of the Judge Advocate General, Department of the Navy, 1322 Patterson Ave. SE, Suite 3000, Washington Navy Yard, DC 20374–5066, telephone 202–685–5040.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the DoN amends 32 CFR part 706.

This amendment provides notice that the DAJAG (Admiralty and Maritime Law), under authority delegated by the Secretary of the Navy, has certified that certain vessels of the Virginia SSN Class are vessels of the Navy which, due to their special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with their special function as a naval ship: Rule 23(a) and Annex I, paragraph 2(a)(i), pertaining to the vertical placement of the masthead, light and Annex I, paragraph 2(f)(i), pertaining to the masthead light being above and clear of all other lights and obstructions; Rule 30 (a), Rule 21(e), and Annex I, paragraph 2(k), pertaining to the vertical separation of the anchor lights, vertical placement of the forward anchor light above the hull, and the arc of visibility of all around lights; Rule 23 (a) and Annex I, paragraph 3(b), pertaining to the location of the sidelights; and Rule 21(c), pertaining to the location and arc of visibility of the sternlight. The DAJAG (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on these vessels in a manner differently from that prescribed herein will adversely affect these vessel's ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

For the reasons set forth in the preamble, the DoN amends part 706 of title 32 of the Code of Federal Regulations as follows:

PART 706—CERTIFICATIONS AND EXEMPTIONS UNDER THE INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972

■ 1. The authority citation for part 706 continues to read as follows:

Authority: 33 U.S.C. 1605.

■ 2. Section 706.2 is amended by:

■ a. In Table One, adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790);

■ b. In Table Three, adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790); and

■ c. In Table Four:

■ i. In paragraph 25, by adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790); and

■ ii. In paragraph 26, by adding, in alpha numerical order, by vessel number, an entry for USS SOUTH DAKOTA (SSN 790).

The additions read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE ONE

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) Annex I
* * *	* * *	*
USS SOUTH DAKOTA	SSN 790	2.76
* * *	* * *	*

* * * * *

TABLE THREE

Vessel	Number	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights, distance inboard of ship's sides in meters 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters 2(K) annex 1
*	*	*	*	*	*	*	*	*
USS SOUTH DAKOTA.	SSN 790	.....	.....	206.0°	4.37	11.05	2.8	0.30
*	*	*	*	*	*	*	*	*

* * * * * 25. * * *

* * * * *

TABLE FOUR

Vessel	Number	Distance in meters of masthead light below the submarine identification lights
*	*	*
USS SOUTH DAKOTA	SSN 790	0.81

26. * * *

Vessel	Number	Obstruction angle relative to ship's headings	
		Forward anchor light	Aft anchor light
*	*	*	*
USS SOUTH DAKOTA	SSN 790	172° to 188°	359° to 1°.

* * * * *

Approved: May 29, 2018.

A.S. Janin,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law Division).

Dated: June 13, 2018.

E.K. Baldini,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2018–13124 Filed 6–18–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0546]

RIN 1625–AA00

Safety Zone; Enbridge Anchoring Operations, Straits of Mackinac, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Captain of the Port, Sault Sainte Marie zone. This safety zone is intended to restrict certain portions of the waters of Lake Michigan in the Straits of Mackinac in the vicinity of a construction barge and tug. This temporary safety zone is necessary to protect the public and workers from the potential hazards associated with diving operations and installation of additional pipeline anchors.

DATES: This rule is effective without actual notice from June 19, 2018 until September 4, 2018. For the purposes of enforcement, actual notice will be used from June 15, 2018, until June 19, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0546 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 MSTC Steven Durden, Sector Sault Sainte Marie Waterways Management Division, U.S. Coast Guard; telephone 906–635–3222, email *Steven.E.Durden@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background 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 doing so would be impracticable and contrary to the public interest. The Coast Guard was notified of the approval of this project by the State of Michigan and U.S. Army Corp of Engineers on May 22, 2018. Delaying this rule to wait for a notice and comment period to run would be impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect the public and workers from the potential hazards associated with diving operations and installation of additional pipeline anchors.

We are issuing this final rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, a 30 day notice period would be impracticable and contrary to the public interest. It is impracticable to wait for the 30 day notice period to run because we must establish this safety zone immediately to protect the public from the hazards associated with diving operations and installation of additional pipeline anchors.

III. Legal Authority and Need for Rule

The legal basis for the rule is the Coast Guard's authority to establish safety zones: 33 U.S.C. 1231; 33 CFR 1.05–1, 160.5; Department of Homeland Security Delegation No. 0170.1.

This rule establishes a safety zone from June 15, 2018 until September 4, 2018. The safety zone will cover all navigable waters of Lake Michigan, Straits of Mackinac within 500ft of a construction barge and tug. This rule is needed to protect the public and workers within the safety zone while diving operations and installation of additional pipeline anchors are taking place.

IV. Discussion of the Rule

This rule is necessary to ensure the safety of the public and workers during the aforementioned operations. The temporary safety zone will encompass all U.S. navigable waters within 500ft of the barge ''Big Digger'' while operating in the Mackinac Straits between the areas marked on chart 14880 as ''Pipeline & Cable Area.'' The western boundary is a line from 45°50′1″ N, 084°46′05″ W to 45°47′30″ N, 084°47′00″ W. The eastern boundary is a line from 45°50′20″ N, 084°45′08″ W to 45°47′20″ N, 84°46′14″ W. The safety zone will be enforced until September 4, 2018.

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie, or his designated representative. The Captain of the Port or a designated on-scene representative may be contacted via VHF Channel 16 or telephone at 906–635–3233.

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, the 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.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule is confined to area encompassing urgent operations. Under certain conditions, moreover, vessels may still transit through the safety zones when permitted by the Captain of the Port.

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.

This rule will affect the following entities, some of which might be small entities: the owners or operators of the vessels intending to transit in the vicinity of the safety zone.

This safety zone will not have a significant economic impact on a substantial number of small entities for the reasons identified in the Regulatory Planning and Review section. Further, the Coast Guard will give advance notice to the public via a Broadcast Notice to Mariners so the public can plan accordingly.

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 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 Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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 establishment of a safety zone and, therefore, 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 (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble. However, we seek any comments or information that may lead to the discovery of a significant environmental impact from 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 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.T09–0546 to read as follows:

§ 165.T09–0546 Safety Zone; Enbridge Anchoring Operations, Straits of Mackinac, MI.

(a) *Location.* The following areas are temporary safety zones: All U.S. navigable waters within 500 ft of a construction barge and tug while operating in the Mackinac Straits between the areas marked on chart 14880 as ''Pipeline & Cable Area.'' The western boundary is a line from 45°50′1″ N, 084°46′05″ W to 45°47′30″ N, 084°47′00″ W. The eastern boundary is a line from 45°50′20″ N, 084°45′08″ W to 45°47′20″ N, 84°46′14″ W.

(b) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting, or anchoring within the safety zone described in paragraph (a) is prohibited unless authorized by the Captain of the Port, Sault Sainte Marie or his designated representative.

(2) Vessel Operators desiring to enter or operate within the safety zone shall contact the Captain of the Port, Sault Sainte Marie, or his on-scene representative via VHF Channel 16 or telephone at 906–635–3233. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port, Sault Sainte Marie or his on-scene representative.

(c) This rule will be enforced from June 15, 2018, until September 4, 2018.

Dated: June 13, 2018

M.R. Broz,

Captain, U.S. Coast Guard Captain of the Port, Sector Sault Sainte Marie.

[FR Doc. 2018–13110 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2018–0584]

Safety Zones; Recurring Safety Zones in Captain of the Port Sault Sainte Marie Zone for Events Beginning in June 2018

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce established safety zones for the Grand Marais Splash In, Jordan Valley Freedom Festival Fireworks, Festival of Fireworks Celebration Fireworks, and National Cherry Festival starting in June, 2018 to provide for the safety of life on navigable waterways. Our regulation for safety zones within the Captain of the Port Sault Sainte Marie Zone identifies the regulated area for these safety zones. During the enforcement periods, vessels must stay out of the established safety zone and may only enter with permission from the designated representative of the Captain of the Port Sault Sainte Marie.

DATES: The regulations in 33 CFR 165.918 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this publication, call or email Chief Steven Durden, Waterways Management, Coast Guard Sector Sault Sainte Marie, U.S. Coast Guard; telephone 906–635–3222, email *Steven.E.Durden@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zones in 33 CFR 165.918 as per the time, dates, and locations in Table 1.

TABLE 1
[Datum NAD 1983]

Event	Location	Event date
(1) Grand Marais Splash In; Grand Marais, MI.	All U.S. navigable waters within the southern portion of West Bay bound within the following coordinates: 46°40′22.08″ N, 085°59′0.12″ W, 46°40′22.08″ N, 085°58′22.08″ W, and 46°40′14.64″ N, 085°58′19.56″ W, with the West Bay shoreline forming the South and West boundaries of the zone.	June 16, 2018; 1 p.m. to 5 p.m.
(2) Jordan Valley Freedom Festival Fireworks; East Jordan, MI.	All U.S. navigable waters of Lake Charlevoix, near the City of East Jordan, within the arc of a circle with an approximate 700-foot radius from the fireworks launch site in position 45°09′18″ N, 085°07′48″ W.	June 30, 2018; Rain date July 1, 2018; 9 p.m. to 11 p.m.
(3) Festivals of Fireworks Celebration Fireworks; St. Ignace, MI.	All U.S. navigable waters of East Moran Bay within an approximate 1,000-foot radius from the fireworks launch site at the end of the Starline Mill Slip, centered in position: 45°52′24.62″ N, 084°43′18.13″ W.	July 4 and Saturday nights June 30 to September 1, 2018; 30 minutes before sunset and 30 minutes after the end of the fireworks display.
(4) National Cherry Festival Airshow Safety Zone; Traverse City, MI.	All U.S. navigable waters of the West Arm of Grand Traverse Bay within a box bounded by the following coordinates: 44°46′51.6″ N, 085°38′15.6″ W, 44°46′23.4″ N, 085°38′22.8″ W, 44°46′30.00″ N, 085°35′42.00″ W, and 44°46′2.34″ N, 085°35′50.4″ W.	June 28, 2018: 11 a.m. to 5:30 p.m.; June 29, 2018: 12 noon to 6 p.m.; June 30, 2018: 12 noon to 6 p.m.; July 1, 2018: 12 noon to 6 p.m.

This action is being taken to provide for the safety of life on navigable waterways during the fireworks displays. The regulations for safety zones within the Captain of the Port Sault Sainte Marie Zone, § 165.918, apply for these fireworks displays.

In addition to this publication in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, and marine information broadcasts.

Dated: June 13, 2018.

M.R. Broz,

Captain, U.S. Coast Guard, Captain of the Port Sault Sainte Marie.

[FR Doc. 2018–13069 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0102]

RIN 1625–AA00

Safety Zones; Recurring Events in Captain of the Port Duluth Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard will amend its safety zone regulations for annual events in the Captain of the Port Duluth Zone. This final rule would update the locations for seven safety zones, add three new safety zones, increase the safety zone radius of six existing fireworks events, and modify the format of the regulation to list the annual events and corresponding safety zones in table form. These amendments will protect spectators, participants, and vessels from the hazards associated with annual marine events and improve the clarity and readability of the regulation.

DATES: This rule is effective July 19, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0102 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 John Mack, Chief of Waterways Management, Marine Safety Unit Duluth, U.S. Coast Guard; telephone 218–725–3818, email *DuluthWWM@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 February 22, 2018 the Coast Guard published an NPRM in the **Federal Register** (82 FR 16012) entitled ''Safety Zones; Recurring Events in Captain of the Port Duluth Zone.'' The NPRM proposed to amend seven permanent safety zones, add three new safety zones, increase the safety zone radius of six existing fireworks events, and modify the format of the regulations in a table format for annually recurring events in the Captain of the Port Duluth Zone under § 165.943. The aforementioned NPRM was open for comment for 30 days in which one comment was received.

III. Discussion of Comments, Changes, and the Rule

As noted above, we received one comment on our NPRM published February 22, 2018. The submission was not relevant to the rulemaking and no substantive changes were made to the rule based upon this comment. We made nonsubstantive editorial changes in the regulatory text of this rule that vary from the proposed rule in the NPRM.

This rule is necessary to ensure seven existing regulations receive updated coordinates, add three new safety zones, increase the radius of six established fireworks events, and have the existing regulations published in a table format. The updated coordinates are necessary to ensure safety zones are in place at the appropriate location of the event. The addition of three new safety zones, all of which are fireworks events, will help prevent injury to spectators from the pyrotechnics. The increase of safety zone radius for six published rules is necessary to protect the public when larger pyrotechnic shell sizes are used during the fireworks displays. A table format increases the readability of published safety zones.

This rule will not have a significant economic impact on any vessel owner or operator as stated in the published

NPRM. The safety zones will impact small designated areas within Lake Superior for short durations of time. Upon notification from the event sponsor, the date and times for each safety zone will be contained in a published Notice of Enforcement issued by the COTP Duluth. Any small entity that maybe impacted by these regulations at a future date are welcome to contact the Coast Guard.

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Duluth (COTP) has determined that an amendment to the recurring events list as published in 33 CFR 165.943 will be necessary to: Update the location of seven existing safety zones (Bridgefest Regatta Fireworks Display, Cornucopia 4th of July Fireworks Display, Duluth 4th Fest Fireworks Display, LaPointe 4th of July Fireworks Display, Point to LaPointe Swim, Lake Superior Dragon Boat Festival, Superior Man Triathlon), add three new safety zones for additional annual events (City of Bayfield 4th of July Fireworks Display, Two Harbors 4th of July Fireworks Display, and Superior 4th of July Fireworks Display), increase the safety zone radius of six fireworks events (Bridgefest Regatta Fireworks Display, Ashland 4th of July Fireworks Display, Cornucopia 4th of July Fireworks Display, Duluth 4th Fest Fireworks Display, LaPointe 4th of July Fireworks Display, and Lake Superior Dragon Boat Festival), and format the existing regulations into a table format. 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 events and to improve the overall clarity and readability of the rule.

The amendments are necessary to ensure the safety of vessels and people during annual events taking place on or near federally maintained waterways in the Captain of the Port Duluth Zone. Although this rule will be in effect year-round, the specific safety zones listed in Table 1 to § 165.943 will only be enforced during a specified period of time when the event is on-going.

When a Notice of Enforcement for a particular safety zone is published, entry into, transiting through, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Duluth, or his or her designated representative. The Captain of the Port Duluth or his or her designated representative can be contacted via VHF Channel 16. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

IV. 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 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Executive Order 13771 (''Reducing Regulation and Controlling Regulatory Costs''), directs agencies to reduce regulation and control regulatory costs and provides that ''for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.''

The Office of Management and Budget (OMB) has not designated this rule a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, it has not been reviewed by the Office of Management and Budget. As this rule is not a significant regulatory action, this rule is exempt from the requirements of 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 regulatory action determination is based on the size, location, duration, and time-of-day for each safety zone. Vessel traffic will be able to safely transit around all safety zones which will impact small designated areas within Lake Superior for short durations of time. Moreover, the Coast Guard will issue Broadcast Notice to Mariners 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 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 IV.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 Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have 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: The update of seven safety zone locations, the addition of three new safety zones, an increase of size for six safety zone radiuses for fireworks related events, and the reformatting of regulations into an easier to read table format. 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**. We seek any comments or information that may lead to the discovery of a significant environmental impact from 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 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. Revise § 165.943 to read as follows:

§ 165.943 Safety Zones; Recurring Events in Captain of the Port Duluth Zone.

(a) *Regulations.* The following regulations apply to the safety zones listed in Table 1 to this section:

(1) The Coast Guard will provide advance notice of the enforcement date and time of the safety zone being enforced in Table 1 to this section, by issuing a Notice of Enforcement, as well as a Broadcast Notice to Mariners.

(2) During the enforcement period, the general regulations found in § 165.23 shall apply.

(b) *Contacting the Captain of the Port.* While a safety zone listed in this section is enforced, the Captain of the Port Duluth or his or her on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Duluth, or his or her on-scene representative.

(c) *Exemption.* Public vessels, defined as any vessel owned or operated by the United States or by State or local governments, operating in an official capacity are exempted from the requirements of this section.

TABLE 1 TO § 165.943

[Datum NAD 1983]

Event	Location	Event date
(1) Bridgefest Regatta Fireworks Display.	All waters of the Keweenaw Waterway in Hancock, MI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 47°07′22″ N, 088°35′28″ W.	Mid June.
(2) Ashland 4th of July Fireworks Display.	All waters of Chequamegon Bay in Ashland, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°35′50″ N, 090°52′59″ W.	On or around July 4th.
(3) City of Bayfield 4th of July Fireworks Display.	All waters of the Lake Superior North Channel in Bayfield, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°48′40″ N, 090°48′32″ W.	On or around July 4th.
(4) Cornucopia 4th of July Fireworks Display.	All waters of Siskiwit Bay in Cornucopia, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°51′35″ N, 091°06′15″ W.	On or around July 4th.
(5) Duluth 4th Fest Fireworks Display.	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′14″ N, 092°06′16″ W.	On or around July 4th.
(6) LaPointe 4th of July Fireworks Display.	All waters of Lake Superior in LaPointe, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°46′40″ N, 090°47′22″ W.	On or around July 4th.
(7) Two Harbors 4th of July Fireworks Display.	All waters of Agate Bay in Two Harbors, MN within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 47°00′54″ N, 091°40′04″ W.	On or around July 4th.

TABLE 1 TO § 165.943—Continued

[Datum NAD 1983]

Event	Location	Event date
(8) Superior 4th of July Fireworks Display.	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°43′28″N, 092°03′38″ W.	On or around July 4th.
(9) Point to LaPointe Swim ..	All waters of the Lake Superior North Channel between Bayfield and LaPointe, WI within an imaginary line created by the following coordinates: 46°48′50″ N, 090°48′44″ W, moving southeast to 46°46′44″ N, 090°47′33″ W, then moving northeast to 46°46′52″ N, 090°47′17″ W, then moving northwest to 46°49′03″ N, 090°48′25″ W, and finally returning to the starting position.	Early August.
(10) Lake Superior Dragon Boat Festival Fireworks Display.	All waters of Superior Bay in Superior, WI within the arc of a circle with a radius of no more than 1,120 feet from the launch site at position 46°43′28″ N, 092°03′47″ W.	Late August.
(11) Superior Man Triathlon	All waters of the Duluth Harbor Basin, Northern Section in Duluth, MN within an imaginary line created by the following coordinates: 46°46′36″ N, 092°06′06″ W, moving southeast to 46°46′32″ N, 092°06′01″ W, then moving northeast to 46°46′45″ N, 092°05′45″ W, then moving northwest to 46°46′49″ N, 092°05′49″ W, and finally returning to the starting position.	Late August.

Dated: June 13, 2018.

E.E. Williams,

Commander, U.S. Coast Guard, Captain of the Port Duluth.

[FR Doc. 2018–13055 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2017–0566; FRL–9979–48–Region 10]

Air Plan Approval; ID, Crop Residue Burning; Revision to Ozone Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to Idaho's State Implementation Plan (SIP) related to agricultural crop residue burning. The Director of the Idaho Department of Environmental Quality (IDEQ) submitted the revisions to EPA on September 22, 2017. IDEQ supplemented the original submission with photochemical modeling analyses on October 23, 2017. The revisions change the ambient ozone concentration level at which IDEQ may approve a permittee's request to burn. This final action is being taken for the reasons set out in EPA's proposed action in this matter. This action is being taken under section 110 of the Clean Air Act (the Act or CAA).

DATES: This final rule is effective July 19, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2017–0566. 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 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: Randall Ruddick at (206) 553–1999, or *ruddick.randall@epa.gov*.

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

Table of Contents

I. Background

On September 22, 2017, the Idaho Department of Environmental Quality (IDEQ) submitted revisions to the SIP provisions regulating open burning of crop residue in the state to EPA for approval. On January 22, 2018, the EPA proposed to approve all of the revisions requested in the September 22, 2017 submittal. We are taking final action for the reasons explained in the January 22, 2018 notification of proposed approval (83 FR 2955). Please see our proposed approval for further explanation and the basis for our finding. The public comment period for this proposal ended on February 21, 2018. EPA received public comments on the proposed rulemaking. Summaries of the comments as well as EPA's responses to adverse comments are in Section II of this rulemaking action. After consideration of the comments, we do not believe any changes in the rationale or conclusions in the proposed approval are appropriate.

II. Response to Comments

EPA received comments on a variety of issues related to the proposed approval of Idaho's crop residue burning SIP revisions. Out of a total of ten comments received, three were supportive of EPA's approval of the SIP revisions, four were adverse to the EPA's proposed approval, and three were determined to be not germane to this action. A full copy of all comments received is available in the docket for final action.

Comment

EPA received public comments arguing that the NAAQS are not adequately protective of public health in the context of crop residue burning and should not be relied upon as the basis for approval of the proposed crop residue burning SIP revisions. One commenter stated that because the $PM_{2.5}$ NAAQS takes the form of a 24-hour average that it allows ''spikes'' of emissions that are sufficient to ''kill citizens, especially children with undeveloped lungs, the elderly, and anyone with underlying heart or lung diseases.'' Another commenter urged EPA to disapprove the proposed SIP revisions, citing studies that they assert demonstrate negative human health impacts to exposure to ozone at levels below the NAAQS.

Response

These comments relate to the adequacy of the $PM_{2.5}$ and ozone NAAQS, and are therefore outside of the scope of this action. The CAA contains provisions that specifically address the establishment and review of the NAAQS. To briefly summarize, under sections 108 and 109 of the Act, EPA issues ''air quality criteria'' and establishes NAAQS for certain air pollutants. CAA section 109(d)(1) requires EPA to periodically review, and if appropriate, revise the air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare, and to periodically review, and if appropriate revise, the NAAQS, based on the revised air quality criteria. Section 109(b)(1) defines a primary (health-based) standard as one ''the attainment and maintenance of which in the judgment of the Administrator, based on such criteria and allowing an adequate margin of safety, [is] requisite to protect the public health.'' In setting primary NAAQS that are ''requisite'' to protect public health, as provided in section 109(b), EPA's task is to establish standards that are neither more nor less stringent than necessary for these purposes. *See generally Whitman* v. *American Trucking Associations,* 531 U.S. 457, 465–472, 475–76 (2001).

Pursuant to those provisions, EPA completed its last review of the ozone NAAQS in 2015 (80 FR 65292, October 26, 2015). With respect to the primary standard, in that review EPA determined that the NAAQS should be revised to provide the requisite protection of public health (80 FR 65292, October 26, 2015). Accordingly, based on careful consideration of the extensive information in the record, including a thorough review of scientific evidence and information about ozone-related health effects, quantitative assessments that estimated public health risks associated with just meeting the prior ozone NAAQS and various alternative standards that were considered, advice from EPA's Clean Air Scientific Advisory Committee (CASAC), and public comments received in response to the proposal, the Administrator revised the level of the primary ozone NAAQS to 0.070 parts per million, and retained the other elements of the prior standard (indicator, form, and averaging time) (80 FR 65365, October 26, 2015). In so doing, she concluded that the revised primary standard is requisite to protect public health, including the health of at-risk populations, with an adequate margin of safety (80 FR 65365, October 26, 2015).[1] EPA provided notice and an opportunity for public comment on the proposal for this action (79 FR 75234, December 17, 2014) and there was an opportunity to file petitions for judicial review pursuant to CAA section 307.

Similarly, EPA completed its last periodic review of the PM NAAQS in 2012, and published notice of its decision to revise the PM NAAQS in 2013 (78 FR 3086, January 15, 2013). With regard to the primary NAAQS for $PM_{2.5}$, in that review EPA revised the annual $PM_{2.5}$ standard, including by lowering the level to 12.0 micrograms per cubic meter ($\mu g/m^3$) so as to provide increased protection against health effects associated with long- and short-term exposures (including premature mortality, increased hospital admissions and emergency department visits, and development of chronic respiratory disease), and retained the 24-hour $PM_{2.5}$ standard at a level of 35 $\mu g/m^3$ (78 FR 3086, January 15, 2013).[2] The Administrator concluded that with the revisions in that review the suite of standards would be requisite to protect public health with an adequate margin of safety against health effects potentially associated with long- and short-term $PM_{2.5}$ exposures (78 FR 3164, January 15, 2013). EPA provided notice and an opportunity for public comment on the proposal for this action (77 FR 38890, June 29, 2012) and there was an opportunity to file petitions for judicial review pursuant to CAA section 307. Since then, EPA has initiated the next periodic review of the air quality criteria and NAAQS for PM (see 79 FR 71764, December 3, 2014; 81 FR 22977–78, April 19, 2016).

These actions revising the primary NAAQS for PM and ozone, and the related conclusions that the 2012 PM NAAQS and 2015 ozone NAAQS are requisite to protect the public health with an adequate margin of safety, are beyond the scope of this action. This action concerns a SIP submission under CAA section 110, and under section 110(a) such plans are to ''provide[ ] for implementation, maintenance, and enforcement'' of the primary NAAQS. EPA does not revisit the adequacy of the NAAQS when taking action on proposed SIP modifications related to that pollutant. Rather, EPA reasonably focuses on a determination of whether a SIP amendment will ensure attainment and maintenance with the NAAQS as the relevant and applicable standard for approvals of SIP revisions under CAA section 110.

In the matter at hand, Idaho requested a revision to the ozone concentration level at which IDEQ may authorize (authorization level) agricultural crop residue burning (CRB). The requested revision does not change the authorization levels for any other NAAQS and all other CRB requirements remain unchanged. For the reasons provided in our proposal for this action, we conclude that approval of Idaho's submitted SIP revisions will not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the Clean Air Act. 83 FR 2955, January 22, 2018.

Comment

Several commenters expressed concern about Idaho's failure to evaluate how an increase in ozone emissions from crop residue burning would interact with other pollutants to impact public health. The commenters argued that Idaho has a duty to demonstrate that its proposed SIP revisions will not increase risks to public health. Several commenters objected to the SIP revision on the basis that the changes are not in the public interest and constitutes a weakening of a health-based standard. Commenters cited both impacts to public health associated with crop residue burning from both ozone and fine particles ($PM_{2.5}$). One commenter asserted that Idaho did not consider the cumulative public health impacts of frequent or multiple exposures to PM from sources including both CRB and wildfires. They argue that Idaho did not adequately consider other pollutants (such as PM or CO) described as ''by-products'' of biomass burning, and more specifically did not consider the combined effects of $PM_{2.5}$, CO and ozone, as well as toxics such as ''benzene, PAH's [sic] and others'' that are in the air as a result of either CRB or from wildfires. One commenter argued that in the absence of ''conclusive studies of the effects of breathing all these substances at once, . . . maintaining the 75% of all NAAQS is the only proven way'' to protect public health. The Idaho Conservation League (ICL) argued that Idaho's SIP submission ''failed to provide sufficient justification that remaining CAA

[1] A more detailed summary of the considerations in that review, as well as of the issues raised in in public comments and EPA's responses, can be found in the **Federal Register** notification for the final action (80 FR 65365, October 26, 2015), and in the Response to Comments document, which can be found in the docket for that action (Docket No. EPA–HQ–OAR–2008–0699).

[2] A more detailed summary of the considerations in that review, as well as of the issues raised in in public comments and EPA's responses, can be found in the **Federal Register** notification for the final action (78 FR 3086, January 15, 2013), and in the Response to Comments document, which can be found in the docket for that action (Docket No. EPA–HQ–OAR–2007–0492).

requirements would not be violated'' and specifically cited section 101 of the Clean Air Act (42 U.S.C. 7401(b)(1)) to support its assertion.

Response

As explained in EPA's notice of proposed rulemaking in this matter, whether or not a SIP revision will interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA is the relevant basis for approval or disapproval. SIPs, under CAA section 110, implement the NAAQS contained in CAA section 109 which are specific to the six criteria pollutants: Carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide. Hazardous air pollutants (HAPs) such as benzene and PAHs, in general, are not regulated under Title I of the CAA and are not relevant to EPA determinations of whether or not a SIP revision meets the relevant requirements of the Act. Contrary to the arguments raised by these commenters, EPA does not have authority under the CAA to consider whether a proposed SIP revision will result in a general increased risk to public health (whether it be from one pollutant considered in isolation or the synergistic effects of human exposure to multiple pollutants interacting with one another) so long as the state can demonstrate that the SIP will result in the attainment or maintenance of the relevant NAAQS.

ICL cites CAA section 101(b)(1) in support of its assertion that Idaho's SIP submission does not meet the requirements of the CAA, and that Idaho had not provided a sufficient justification that CAA requirements not related to the ozone NAAQS would not be violated. CAA section 101(b)(1) provides a declaration of one of the purposes of Title I of the Act, namely ''to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population.'' EPA disagrees with the commenter's assertion that CAA section 101(b)(1) authorizes EPA to disapprove a SIP revision based on the cumulative impacts of pollutants in evaluating a state's implementation plan under Title I.

Comment

One commenter disputed Idaho's assertion that raising the burn authorization trigger from 75% to 90% of the ozone NAAQS will facilitate authorizing burning on days when the conditions for pollutant dispersion are better. Multiple commenters asserted that Idaho did not consider alternative options to crop residue burning, including the option of simply not authorizing burns on days when the NAAQS will exceed the current 75% burning authorization level (*e.g.,* making no changes to the current SIP-approved rules). The commenters cited the current 75% of the NAAQS SIP limit to be the product of a compromise of interests, and one that anticipated that monitored averages would not be an adequate gauge of actual $PM_{2.5}$ or other criteria pollutant exposure, and thus provided a margin of safety to public health that the proposed SIP revision would eliminate. One commenter stated that the ozone monitoring network in Idaho could be ''more robust.''

Response

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Failure to consider alternatives to the proposed SIP revision is not a basis for disapproval. Even if the existing SIP burning threshold was originally established as a consensus-based standard at the state level taking into account the factors identified by the commenters, EPA cannot substitute its judgement or policy preferences for Idaho's lawfully submitted SIP revision so long as the SIP revision is consistent with the CAA's requirements. As explained in EPA's notice of proposed rulemaking, EPA concludes that Idaho has adequately demonstrated that the SIP revision will not interfere with continued attainment of the ozone NAAQS in Idaho. Potential effects of the revision on attainment and maintenance is limited to the ozone NAAQS because the SIP submission does not alter any requirements related to other criteria pollutants. Under such circumstances, nothing in the CAA prohibits a state from modifying its SIP requirements to address its current air quality management needs.

As explained in EPA's notification of proposed approval, EPA concludes that Idaho has adequately demonstrated that it will continue to attain the ozone NAAQS after raising its ozone burning threshold. To the extent that the commenter is raising concerns about the adequacy of the Idaho ozone monitoring network to detect ozone NAAQS violations, it is relevant to note that EPA regularly assesses the adequacy of states' monitoring networks for all pollutants pursuant to its review of each state's Annual Network Monitoring Plan. EPA's most recent evaluation of the Idaho ozone monitoring network was addressed in its November 8, 2017, approval letter (included in the docket for this action). EPA's approval letter identified areas where an ozone monitor may need to be added in the future. EPA will continue to monitor the adequacy of the ozone monitoring network to determine if the network must be expanded to comply with 40 CFR part 58 requirements.

III. Final Action

EPA is approving, and incorporating by reference where appropriate in Idaho's SIP, all revisions requested by Idaho on September 22, 2017 to the following provisions:

- IDAPA 58.01.01.621.01 (Burn Approval Criteria, state effective February 28, 2018); and
- Idaho Code 39–114 (Open Burning of Crop Residue, state effective February 28, 2018).

We have determined that the submitted SIP revisions are consistent with section 110 and part C of Title I of the CAA.

IV. Incorporation by Reference

In this rule, EPA is approving regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, we are incorporating by reference the provisions described above in Section III. Final Action and set forth below, as amendments to 40 CFR part 52. EPA has made, and will continue to make, these documents generally available electronically 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).

V. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this final 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 this action does not involve technical standards; 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).

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 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 CAA section 307(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 20, 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* CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Administrative practice and procedure, 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: June 7, 2018.

Chris Hladick,

Regional Administrator, EPA Region 10.

For the reasons set forth in the preamble, 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.*

Subpart N—Idaho

■ 2. Section 52.670 is amended by:

■ a. In paragraph (c), under table entitled ''EPA-Approved Idaho Regulations and Statutes'':

■ i. Revising entry ''621'';

■ ii. Removing entry ''Section 1 of House bill 557, codified at Idaho Code Section 39–114''; and

■ iii. Adding an entry at the end of the table.

■ b. In paragraph (e), under the table entitled ''EPA-Approved Idaho Nonregulatory Provisions and Quasi-Regulatory Measures'', adding an entry at the end of the table.

The revision and additions read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IDAHO REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanations
Idaho Administrative Procedures Act (IDAPA) 58.01.01—Rules for the Control of Air Pollution in Idaho				
*	*	*	*	*
621	Burn Determination	2/28/2018, 4/2/2008	6/19/2018, [Insert **Federal Register** citation]; 8/1/2008, 73 FR 44915.	
*	*	*	*	*
State Statutes				
Section 3 of Senate Bill 1009, codified at Idaho Code Section 39–114.	Open Burning of Crop Residue.	2/28/2018	6/19/2018, [Insert **Federal Register** citation].	

* * * * *

(e) * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	* *	*	*	* *
Open Burning of Crop Residue State Implementation Plan Revisions.	State-wide	9/22/2017, 10/23/2017	6/19/2018, [Insert **Federal Register** citation].	Original submission and supplemental modeling analyses

[FR Doc. 2018–13046 Filed 6–18–18; 8:45 am]
BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1803, 1804, 1815, and 1852

NASA Federal Acquisition Regulation Supplement

AGENCY: National Aeronautics and Space Administration.

ACTION: Technical amendments.

SUMMARY: NASA is making technical amendments to the NASA FAR Supplement (NFS) to provide needed editorial changes.

DATES: *Effective:* June 19, 2018.

FOR FURTHER INFORMATION CONTACT: Geoffrey Sage, NASA, Office of Procurement, Contract and Grant Policy Division, via email at *geoffrey.s.sage@nasa.gov,* or telephone (202) 358–2420.

SUPPLEMENTARY INFORMATION:

I. Background

As part of NASA's retrospective review of existing regulations NASA is conducting periodic reviews of the NASA FAR Supplement (NFS) to ensure the accuracy of information disseminated to the acquisition community. This rule makes administrative changes to the NFS to correct typographical errors as well as inadvertent omissions from prior rulemaking actions. A summary of changes follows:

- Section 1801.105–1, paragraph (b)(iii), is revised to update the internet link to ''*https://www.hq.nasa.gov/office/procurement/regs/NFS.pdf*''.
- Section 1803.906, paragraph (d), is revised by replacing the word ''Unites'' with the word ''United''.
- Section 1804.170 is revised to remove the paragraph designations ''(a)'' and ''(b)'' and combine the two paragraphs.
- Section 1815.203–72 is revised to remove the redundant words ''and RFOs''.
- Section 1815.305–70, paragraph (a)(3), is revised by replacing the word ''eficiencies'' with the word ''deficiencies''.
- Section 1852.215–79 is revised by replacing the clause reference ''52.215–21'' with the clause reference ''52.215–9''.
- Section 1852.216–76 is revised to remove the words '', *e.g.,* issuance of unilateral modification by contracting officer'' from paragraph (c).
- Section 1852.245–71 is revised to provide space for a contracting officer to ''check'' if property and services are provided in paragraphs (c)(1) through (11).
- Section 1852.247–71 is revised by replacing the word ''Mammals'' with the word ''Mammal'' in paragraph (a).

List of Subject in 48 CFR Parts 1801, 1803, 1804, 1815, and 1852

Government procurement.

Geoffrey Sage,

NASA FAR Supplement Manager.

Accordingly, 48 CFR parts 1801, 1803, 1804, 1815, and 1852 are amended as follows:

■ 1. The authority citation for parts 1801, 1803, 1804, 1815, and 1852 continues to read as follows:

Authority: 51 U.S.C. 20113(a) and 48 CFR chapter 1.

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

1801.105–1 [Amended]

■ 2. Amend section 1801.105–1 by removing ''*http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm*'' from paragraph (b)(iii) and adding ''*https://www.hq.nasa.gov/office/procurement/regs/NFS.pdf*'' in its place.

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1803.906 [Amended]

■ 3. Amend section 1803.906 by removing from paragraph (d) ''Unites'' and adding ''United'' in its place.

PART 1804–ADMINISTRATIVE MATTERS

1804.170 [Amended]

■ 4. Revise section 1804.170 to read as follows:

1804.170 Contract effective date.

''Contract effective date'' means the date agreed upon by the parties for beginning the period of performance under the contract. In no case shall the effective date precede the date on which the contracting officer or designated higher approval authority signs the document. Costs incurred before the contract effective date are unallowable unless they qualify as precontract costs (see FAR 31.205–32) and the clause prescribed at 1831.205–70 is used.

PART 1815—CONTRACTING BY NEGOTIATION

1815.203–72 [Amended]

■ 5. Amend section 1815.203–72 by removing the words ''and RFOs''.

1815.305–70 [Amended]

■ 6. Amend section 1815.305–70 by removing from paragraph (a)(3) the word ''eficiencies'' and adding ''deficiencies'' in its place.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1852.215–79 [Amended]

■ 7. Amend section 1852.215–79 by—
■ a. In the clause heading, removing ''(DEC 1988)'' and adding ''(JUN 2018)'' in its place; and
■ b. Removing ''52.215–21'' and adding ''52.215–9'' in its place.

1852.216–76 [Amended]

■ 8. Amend section 1852.216–76 by—
■ a. In the clause heading, removing ''(APR 2012)'' and adding ''(JUN 2018)'' in its place; and
■ b. Removing from paragraph (c) '', *e.g.,* issuance of unilateral modification by contracting officer''.

1852.245–71 [Amended]

■ 9. Amend section 1852.245–71 by revising the date of the clause and

paragraphs (c)(1) through (11) to read as follows:

1852.245–71 Installation-accountable Government Property.

* * * * *

INSTALLATION—ACCOUNTABLE GOVERNMENT PROPERTY (JUN 2018)

* * * * *

(c) * * *

__(1) Office space, work area space, and utilities. Government telephones are available for official purposes only.

__(2) Office furniture.

__(3) Property listed in [Insert attachment number or ''not applicable'' if no equipment is provided].

(i) If the Contractor acquires property, title to which vests in the Government pursuant to other provisions of this contract, this property also shall become accountable to the Government upon its entry into Government records.

(ii) The Contractor shall not bring to the installation for use under this contract any property owned or leased by the Contractor, or other property that the Contractor is accountable for under any other Government contract, without the Contracting Officer's prior written approval.

__(4) Supplies from stores stock.

__(5) Publications and blank forms stocked by the installation.

__(6) Safety and fire protection for Contractor personnel and facilities.

__(7) Installation service facilities: [Insert the name of the facilities or ''none''].

__(8) Medical treatment of a first-aid nature for Contractor personnel injuries or illnesses sustained during on-site duty.

__(9) Cafeteria privileges for Contractor employees during normal operating hours.

__(10) Building maintenance for facilities occupied by Contractor personnel.

__(11) Moving and hauling for office moves, movement of large equipment, and delivery of supplies. Moving services may be provided on-site, as approved by the Contracting Officer.

* * * * *

1852.247–71 [Amended]

■ 10. Amend section 1852.247–71 by—

■ a. In the clause heading, removing ''(JUL 2015)'' and adding ''(JUN 2018)'' in its place; and

■ b. Removing from paragraph (a) ''Mammals'' and adding ''Mammal'' in its place.

[FR Doc. 2018–13088 Filed 6–18–18; 8:45 a.m.]

BILLING CODE 7510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170828813–7999–02]

RIN 0648–BH15

Snapper-Grouper Fishery of the South Atlantic Region; Temporary Measures to Reduce Overfishing of Golden Tilefish

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

ACTION: Temporary rule; interim measures extended.

SUMMARY: NMFS issues this temporary rule to extend the expiration date of interim measures to reduce overfishing of golden tilefish in Federal waters of the South Atlantic implemented by a temporary rule published by NMFS on January 2, 2018. This temporary rule extends the reduced total annual catch limit (ACL), commercial and recreational sector ACLs, and quotas for the hook-and-line and longline components of the commercial sector for an additional 186 days. The purpose of this temporary rule extension is to reduce overfishing of golden tilefish while the South Atlantic Fishery Management Council (Council) develops management measures to end overfishing of golden tilefish on a permanent basis.

DATES: The expiration date for the final temporary rule published at 83 FR 65 on January 2, 2018, is extended through January 3, 2019, unless NMFS publishes a superseding document in the **Federal Register**.

ADDRESSES: Electronic copies of the environmental assessment (EA) supporting these interim measures may be obtained from the Southeast Regional Office website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/s_atl/sg/2017/golden_tilefish_interim/index.html.* The EA includes a Regulatory Flexibility Act (RFA) analysis.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery in the South Atlantic region includes golden tilefish and is managed under the Fishery Management Plan for Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the Council and is implemented by NMFS through regulations at 50 CFR part 622 under authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On January 2, 2018, NMFS published the final temporary rule to implement interim measures to reduce overfishing of golden tilefish in South Atlantic Federal waters (83 FR 65). The final temporary rule reduced the total ACL for golden tilefish to 323,000 lb (146,510 kg), gutted weight, 361,760 lb (164,092 kg), round weight. In addition, the final temporary rule reduced the commercial and recreational sector ACLs and component commercial quotas, using the existing sector allocations, and the quotas for the hook-and-line and longline components of the commercial sector. Therefore, during the effectiveness of the final temporary rule and this temporary rule extension, the commercial ACL is 313,310 lb (142,115 kg), gutted weight; the commercial quota for the hook-and-line component is 78,328 lb (35,529 kg), gutted weight; and the commercial quota for the longline component is 234,982 lb (106,586 kg), gutted weight. The recreational ACL during the effectiveness of the final temporary rule and this temporary rule extension is 2,187 fish, which is equivalent to 9,690 lb (4,395 kg), gutted weight. This temporary rule extension continues the measures in the final temporary rule unchanged for an additional 186 days, unless this temporary rule extension is superseded by subsequent rulemaking. The purpose of these interim measures is to reduce the overfishing of golden tilefish in South Atlantic Federal waters, while long-term management measures are developed and implemented through Regulatory Amendment 28 to the FMP. The January 2, 2018, final temporary rule stated that long-term management measures would be developed through Amendment 45 to the FMP. The Council subsequently determined that an FMP amendment was not required, and that the same management measures could be developed and implemented using the existing FMP framework procedures. Regulatory Amendment 28 will include management measures to end overfishing of golden tilefish on a long-term basis.

Regulatory Amendment 28 is scheduled to be approved by the Council at their June 2018 meeting and implemented prior to the expiration of the interim measures in this temporary rule extension in the 2019 fishing year, which begins on January 1, 2019.

Section 305(c)(2) of the Magnuson-Stevens Act provides the Council the authority to request interim measures, if necessary, to reduce overfishing. The Council sent a letter to NMFS, dated June 27, 2017, to request that NMFS implement interim measures to immediately reduce overfishing of golden tilefish while long-term management measures are developed to end overfishing of golden tilefish. Section 305(c)(3)(B) of the Magnuson-Stevens Act allows for interim measures to be extended for one additional period of 186 days provided that the public has had an opportunity to comment on the interim measures and that the Council is actively preparing an FMP amendment to address the overfishing on a permanent basis. NMFS published a proposed temporary rule on October 30, 2017, and requested public comments on these interim measures (82 FR 50101). NMFS responded to public comments in the final temporary rule published on January 2, 2018 (83 FR 65).

Classification

The Regional Administrator for the NMFS Southeast Region has determined that the interim measures extended through this temporary rule are necessary for the conservation and management of the South Atlantic golden tilefish stock, until long-term measures are implemented, and are consistent with the FMP, the Magnuson-Stevens Act and other applicable laws.

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

This temporary rule extension is exempt from the procedures of the RFA, because the rule is issued without the opportunity for prior notice and public comment.

NMFS prepared an EA for the interim measures contained in the January 2, 2018, final temporary rule (83 FR 65). The EA analyzed the impacts of reduced harvest through the 2018 fishing year, which includes the impacts related to extending the interim measures. Therefore, the impacts of extending the interim measures through this temporary rule have already been considered. Electronic copies of the EA are available from NMFS (see **ADDRESSES**).

This temporary rule extension responds to the best scientific information available. The Assistant Administrator for NOAA Fisheries (AA) finds that the need to immediately implement this action constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment, pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such procedures for this temporary rule extension are unnecessary and contrary to the public interest. Such procedures are unnecessary because NMFS already published a proposed temporary rule on October 30, 2017, and requested public comments on these interim measures, including their potential extension (82 FR 50101). NMFS responded to public comments in the final temporary rule published on January 2, 2018 (83 FR 65). This temporary rule extension continues the interim measures unchanged for an additional 186 days.

Prior notice and opportunity for public comment are contrary to the public interest because of the need to continue these interim measures without interruption to protect the golden tilefish stock until the Council and NMFS can prepare and possibly implement management measures under Regulatory Amendment 28 to end overfishing of golden tilefish on a permanent basis. Prior notice and opportunity for public comment would require time and could result in an interruption of the interim measures and, therefore, allow harvest in excess of ACLs and quotas implemented by this temporary rule extension, which would contribute to overfishing of golden tilefish. Allowing overfishing of golden tilefish to continue would be contrary to National Standard 1 of the Magnuson-Stevens Act. National Standard 1 requires NMFS to conserve and manage ocean resources to prevent overfishing, while achieving the optimum yield from each fishery.

The AA also finds good cause to waive the 30-day delay in this temporary rule extension's effectiveness, pursuant to the authority set forth in 5 U.S.C. 553(d)(3) as such procedure for this temporary rule extension is impracticable and contrary to the public interest. A delay in effectiveness is impracticable, because it would contribute to overfishing of golden tilefish, which is contrary to National Standard 1 of the Magnuson-Stevens Act as stated previously. Without this temporary rule extension becoming effective immediately after the duration of and without interruption from the final temporary rule, which would end after July 1, 2018, the commercial and recreational sectors would be able to harvest golden tilefish under higher ACLs and quotas than those implemented by the final temporary rule and continued through this temporary rule extension. These harvests could result in further overfishing of golden tilefish, contrary to NMFS' statutory obligations. By implementing this temporary rule extension immediately, the total harvest of golden tilefish would be reduced until the Council and NMFS can prepare and possibly implement management measures under Regulatory Amendment 28 to end overfishing of golden tilefish on a permanent basis.

In addition, delaying the effectiveness of this final temporary rule for 30 days is contrary to the public interest because of the need to immediately implement this action to protect golden tilefish. The capacity of the fishing fleet allows for rapid harvest of the ACL. Delaying the effectiveness of this temporary rule extension would require time and could potentially result in a harvest in excess of the reduced ACLs implemented by this temporary rule extension, increasing the likelihood of future overfishing and more restrictive measures to address it.

Accordingly, the 30-day delay in effectiveness of the measures contained in this temporary rule extension is waived.

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

Dated: June 14, 2018.

Samuel D. Rauch, III,

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

[FR Doc. 2018–13120 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180202111–8353–02]

RIN 0648–XG267

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Closed Area I Scallop Access Area to General Category Individual Fishing Quota Scallop Vessels

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS announces that the Closed Area I Scallop Access Area is closed to Limited Access General Category Individual Fishing Quota scallop vessels for the remainder of the 2018 fishing year. No vessel issued a Limited Access General Category Individual Fishing Quota permit may fish for, possess, or land scallops from

the Closed Area I Scallop Access Area. Regulations require this action once it is projected that 100 percent of trips allocated to the Limited Access General Category Individual Fishing Quota scallop vessels for the Closed Area I Scallop Access Area will be taken.

DATES: Effective 0001 hr local time, June 18, 2018, through March 31, 2019.

FOR FURTHER INFORMATION CONTACT: Shannah Jaburek, Fishery Management Specialist, (978) 282–8456.

SUPPLEMENTARY INFORMATION: Regulations governing fishing activity in the Sea Scallop Access Areas can be found in 50 CFR 648.59 and 648.60. These regulations authorize vessels issued a valid Limited Access General Category (LAGC) Individual Fishing Quota (IFQ) scallop permit to fish in the Closed Area I Scallop Access Area under specific conditions, including a total of 571 trips that may be taken during the 2018 fishing year. Section 648.59(g)(3)(iii) requires the Closed Area I Scallop Access Area to be closed to LAGC IFQ permitted vessels for the remainder of the fishing year once the NMFS Greater Atlantic Regional Administrator determines that the allowed number of trips for fishing year 2018 are projected to be taken.

Based on trip declarations by LAGC IFQ scallop vessels fishing in the Closed Area I Scallop Access Area, analysis of fishing effort, and other information, NMFS projects that 571 trips will be taken as of June 18, 2018. Therefore, in accordance with § 648.59(g)(3)(iii), NMFS is closing the Closed Area I Scallop Access Area to all LAGC IFQ scallop vessels as of June 18, 2018. No vessel issued an LAGC IFQ permit may fish for, possess, or land scallops in or from the Closed Area I Scallop Access Area after 0001 local time, June 18, 2018. Any LAGC IFQ vessel that has declared into the Closed Area I Access Area scallop fishery, complied with all trip notification and observer requirements, and crossed the vessel monitor system (VMS) demarcation line on the way to the area before 0001, June 18, 2018, may complete its trip without being subject to this closure. This closure is in effect for the remainder of the 2018 scallop fishing year, through March 31, 2019.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866. NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. The Closed Area I Scallop Access Area opened for the 2018 fishing year on April 19, 2018. The regulations at § 648.59(g)(3)(iii) require this closure to ensure that LAGC IFQ scallop vessels do not take more than their allocated number of trips in the Closed Area I Scallop Access Area. The projected date on which the LAGC IFQ fleet will have taken all of its allocated trips in an Access Area becomes apparent only as trips into the area occur on a real-time basis and as activity trends begin to appear. As a result, NMFS can only make an accurate projection very close in time to when the fleet has taken all of its trips. In order to propose a closure for purposes of receiving prior public comment, NMFS would need to make a projection based on very little information, which would result in a closure too early or too late. To allow LAGC IFQ scallop vessels to continue to take trips in the Closed Area I Scallop Access Area during the period necessary to publish and receive comments on a proposed rule would likely result in the vessels taking much more than the allowed number of trips in the Closed Area I Scallop Access Area. Excessive trips and harvest from the Closed Area I Scallop Access Area would result in excessive fishing effort in the area, where effort controls are critical, thereby undermining conservation objectives of the Atlantic Sea Scallop Fishery Management Plan and requiring more restrictive future management measures. Also, the public had prior notice and full opportunity to comment on this closure process when it was enacted For these same reasons, NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period.

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

Dated: June 14, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–13132 Filed 6–15–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 118
Tuesday, June 19, 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.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1238

[Docket No. CPSC–2018–0015]

Safety Standard for Stationary Activity Centers

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, Section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission, or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The Commission is proposing a safety standard for stationary activity centers in response to the direction under Section 104(b) of the CPSIA.

DATES: Submit comments by September 4, 2018.

ADDRESSES: Comments related to the Paperwork Reduction Act aspects of the marking, labeling, and instructional literature of the proposed rule should be directed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202–395–6974, or emailed to *oira_submission@omb.eop.gov.*

Other comments, identified by Docket No. CPSC–2018–0015, may be submitted electronically or in writing:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through *www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions: Submit written submissions in the following way: Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this proposed rulemaking. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. If furnished at all, such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov,* and insert the docket number, CPSC–2018–0015, into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Kevin Lee, Project Manager, Mechanical Engineer, Directorate for Engineering Sciences, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: 301–987–2486; email: *klee@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The Consumer Product Safety Improvement Act of 2008 (CPSIA, Pub. L. 110–314) was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant and toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standard if the Commission concludes that more stringent requirements would further reduce the risk of injury associated with the product. The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.''

In this document, the Commission is proposing a safety standard for stationary activity centers (SACs). ''Stationary Activity Centers'' are specifically identified in section 104(f)(2)(G) of the CPSIA as a durable infant or toddler product. Pursuant to Section 104(b)(1)(A), the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and members of the public in the development of this proposed standard, largely through the ASTM process. The proposed rule is based on the voluntary standard developed by ASTM International (formerly the American Society for Testing and Materials), ASTM F2012–18$^{\varepsilon 1}$, *Standard Consumer Safety Specification for Stationary Activity Centers* (ASTM F2012–18$^{\varepsilon 1}$).

The ASTM standard is copyrighted, but it can be viewed as a read-only document during the comment period on this proposal, at: *http://www.astm.org/Standards/F833.htm,* by permission of ASTM.

II. Product Description

A. Definition of ''Stationary Activity Center''

ASTM F2012–18$^{\varepsilon 1}$ defines a SAC as ''a freestanding product intended to remain stationary that enables a sitting or standing occupant whose torso is completely surrounded by the product to walk, rock, play, spin or bounce, or all of these, within a limited range of motion.'' [1] The intended users of SACs are children who have not yet reached the developmental milestone of walking. The product is intended for children who are able to hold up their heads unassisted. SACs vary in style and design complexity, but typically consist of a seating area that is suspended from a frame by springs, or

[1] ASTM F2012 § 3.1.9.

supported from the bottom by a fixed base. The updated standard includes a definition of a ''spring-supported SAC,'' which is described as ''a stationary activity center in which the sitting or standing platform is supported from below or suspended from above by springs (or equivalent resilient members).'' For spring-supported SACs, children should not be able to have their feet flat on the ground when using the product. Doorway jumpers are not included in the definition of ''stationary activity centers.''

B. Market Description

SACs typically range in price from $30 to $150, with spring-supported SACs typically ranging from $50 to $150. Some manufacturers produce multiple models and several produce models that are similar in design, but with different accessories. SACs typically accommodate children who weigh less than 25 pounds and have a maximum height of 32 inches.

There were approximately 7.5 million (95% confidence interval (CI) between 6.2 million and 8.8 million) SACs in national households with children under the age of 5 in 2013, according to CPSC's 2013 Durable Nursery Product Exposure Survey (DNPES). However, based on the same data, only about 4.1 million of these were actually in use (95% CI between 3.1 million and 5.2 million).

III. Incident Data

The Commission is aware of a total of 3,488 reported incidents related to SACs that occurred between January 1, 2013 and September 30, 2017. The characterization of the deaths, injuries, and types of hazards is based on incident reports received by CPSC staff. Information on 92 percent (3,217 out of 3,488) of the incidents was based solely on reports submitted to CPSC by manufacturers and retailers through CPSC's ''Retailer Reporting Program.'' Because reporting is ongoing, the number of reported incidents may change. The number of emergency department-treated injuries associated with SACs, for the timeframe covered, was insufficient to derive any reportable national estimates.[2] Consequently, CPSC staff is not providing injury estimates. However, the emergency department-treated injuries are included in the total count of reported incidents presented in this section.

[2] According to the NEISS publication criteria, an estimate must be 1,200 or greater, the sample size must be 20 or greater, and the coefficient of variation must be 33 percent or smaller.

A. Fatalities

CPSC does not have any reports of fatalities associated with the use of SACs occurring between January 1, 2013 and September 30, 2017.

B. Nonfatalities

The Commission is aware of a total of 304 nonfatal injury incidents related to SACs that reportedly occurred between January 1, 2013 and September 30, 2017.

Twenty-four children were reported to have been treated at, and released from, a hospital emergency department (ED). A majority of them suffered a fall, resulting in head injuries, limb fractures, and contusions. A few children treated in hospital EDs suffered unexplained foot/leg/pelvic bruising, fractures, and/or swelling while jumping in the product. One child had an allergic reaction to the product's finish or materials, while two children suffered from limb entrapments when using the product.

Among the remaining 280 injury reports, some specifically mentioned the type of injury, while others only mentioned an injury, but provided no specifics about the injury. Fractures, head injuries, concussions, teeth injury, abrasions, contusions, and lacerations were among some of the commonly reported injuries.

The remaining 3,184 incidents reported that no injury had occurred or provided no information about any injury. However, many of the descriptions indicated the potential for a serious injury.

C. Hazard Pattern Identification

CPSC staff considered all 3,488 reported incidents to identify hazard patterns associated with the use of SACs. Most of the reported problems were product-related issues. In order of descending frequency, the problems were as follows:

- *Spring support issues:* In 1,617 of the 3,488 incidents (46 percent), there was a report of some sort of a problem with the springs that suspend the seat from the product's frame. In most cases, the springs were reported to have broken, twisted, outstretched, or failed in some other manner. Twenty-seven injuries, including one ED-treated injury, were reported in this category.
- *Problems with toy accessories:* 1,075 of the 3,488 incidents (31 percent) reported problems with toy accessories attached to the product. The problems were with toys:
  - Forcefully striking the child, usually on the face
  - Pinching or entrapping limbs or extremities
  - Posing a laceration hazard due to sharp edges or surfaces
  - Causing gagging while mouthing the toy
  - Posing an entanglement hazard because of the long ribbons/strings attached
  - Posing a choking hazard due to small parts detaching.

  One hundred fifty-six injuries, including two ED-treated injuries, were reported in this category.
- *Support strap issues:* 306 of the 3,488 incidents (9 percent) reported straps that tore, frayed, twisted, or detached. The strap system on a SAC is typically the primary means by which most spring-suspended activity centers are supported. If the strap (to which a support spring is attached) fails, the activity center is often left unsupported on one side and typically results in a fall of the child. Thirty injuries were reported in this category.
- *Structural integrity problems:* 158 of the 3,488 incidents (5 percent) reported some problem with structural components such as:
  - Locks, which led to product collapse, detachment of the top and bottom parts of the exerciser, or failure of the height adjustment mechanism
  - Snap buttons/fasteners breaking during regular use, delivery, or assembly/disassembly
  - Tube/frame/post separating, bending, or getting damaged in some other manner
  - Various small parts (often unspecified) detaching
  - Screws/nuts/bolts loosening and falling out.

  Twelve injuries were reported in this category.
- *Problems with seats/seat pads:* 122 of the 3,488 incidents (4 percent) reported problems specific to the seat or the seat pad. Examples include:
  - Tabs, used to attach the pad to the seat frame, breaking, tearing, or separating
  - The stitching on the pad fraying or tearing
  - The leg openings designed to be inadequately constrictive
  - Rough material used for the pad.

  Twelve injuries were reported in this category.
- *Stability issues:* 76 of the 3,488 incidents (2 percent) reported problems with flimsy and/or unstable products. Specifically, the incidents described:
  - Frame/posts/seat/unit leaning to one side and not sitting level
  - Legs lifting up during use
  - The product toppling over.

  Four children were reported injured in these incidents.
- *Electrical problems:* 36 of the 3,488 incidents (1 percent) reported leakage

and/or corrosion in the batteries or failure of the circuit board on the product. Two injuries were reported in this category.

• *Design issues:* 32 of the 3,488 incidents (1 percent) reported some problems with the design of the product. There were reports of:

○ Limb/extremity entrapment between parts of the exerciser

○ Failure of the seat to contain the child within

○ Poor choice for the placement of structural components that made it easier for a child to get hurt during routine use.

There were 20 injuries, including two treated in a hospital ED, in this category.

• *Miscellaneous other issues:* 22 of the 3,488 incidents (less than 1 percent) reported a variety of other general product-related issues, such as:

○ Rough surface, sharp edges, or protrusions

○ Paint/finish

○ Product packaging

○ Fall of product from an elevated surface

○ Sales of recalled or modified products at a consignment store or a garage sale.

Thirteen injuries, including four treated at hospital EDs, were reported in this category.

• *Multiple problems from among the above-listed categories:* 20 of the 3,488 incidents (less than 1 percent) reported two or more problems from the preceding product-related issues.[3] CPSC staff could not determine if there was any priority (*e.g.,* primary, secondary) among the order in which issues were reported. Five injuries were reported in this category.

• *Unspecified/Unknown issues:* 24 of the 3,488 incident reports (less than 1 percent) provided incomplete or unclear descriptions of the scenario; as such, CPSC staff was unable to identify the problem. Twenty-three injuries, mostly falls, were reported in this category; 15 of these injuries were treated in a hospital ED.

D. Product Recalls

Compliance staff reviewed recalls involving SACs from January 2013 to March 2018. During that period, one consumer-level recall occurred involving a Kids II, Inc., stationary activity center.[4] A recall was initiated because one of the toy attachments on the SAC posed an impact hazard when it rebounded. The recall involved 400,000 units. The firm received 100 reports of incidents, including 61 reported injuries from the hazard. The injuries included bruises and lacerations to the face; in addition, a 7-month-old sustained a lineal skull fracture, and an adult suffered a chipped tooth.

IV. Other Standards and History of ASTM F2012–18 $^{\varepsilon 1}$

A. International Standards

CPSC staff found no comparable international standard similar to ASTM F2012–18 $^{\varepsilon 1}$ that addresses SACs.

B. History of Voluntary Standard—ASTM F2012

The voluntary standard for SACs was first approved and published in April 2000, as ASTM F2012–00, *Standard Consumer Safety Specification for Stationary Activity Centers.* The standard has been revised nine times since its publication. The current version, ASTM F2012–18 $^{\varepsilon 1}$, was approved on May 18, 2018.

ASTM F2012–00 (approved on April 10, 2000), established performance requirements to address the following:

• Latching or Locking Mechanisms—for SACs that fold for storage, this requirement helps prevent unintentional folding during use.

• Openings—Assesses the accessibility of slots or cracks in the unit to ensure that the occupant's extremities (fingers, toes) cannot be caught or trapped while not in motion.

• Scissoring, Shearing, Pinching—Dynamically assesses accessible slots to prevent injury from moving parts throughout the range of movement.

• Exposed Coil Springs—Sets a requirement for the spacing between the coils of any accessible spring element to prevent entrapment.

• Labeling—Assesses the permanency of labeling, as well as label removal, which may involve creating small parts.

• Structural Integrity—Includes dynamic and static loading, to determine any collapsing or failure modes that may occur during the lifecycle of the unit.

• Occupant Retention—Evaluates the leg openings of the activity center to prevent entrapment of the torso, neck, or head.

• Stability—Assesses the stability of a seated occupant leaning outside of the unit.

• Protective Components—Determines whether a child can grasp/bite and remove, protective caps, shields, sleeves, and plugs. If so, determine if a hazard exists (*i.e.,* small parts, sharp edges, sharp points, or entrapments).

Later versions of the standard added other requirements, such as: Protective components for open-base SACs and SACs that do and do not rotate around a central stationary post.

ASTM F2012–18 (approved on March 1, 2018):

• Added a definition of ''closed-base stationary activity center'';

• added definition of ''spring-supported stationary activity center'';

• added section requiring that spring-supported stationary activity centers have a redundant system in place, to prevent the seat from falling should any spring component fail. Upon failure, the redundant system must keep the child in place at a rest angle no more than 25° from horizontal.

ASTM F2012–18 $^{\varepsilon 1}$, approved on May 18, 2018, corrected errors and made editorial revisions to the standard.

V. Adequacy of ASTM F2012–18 $^{\varepsilon 1}$ Requirements

The Commission concludes that the current voluntary standard, ASTM F2012–18 $^{\varepsilon 1}$, sufficiently addresses many of the general hazards associated with the use of SACs, such as sharp points, small parts, lead in paint, scissoring, shearing, pinching, openings, exposed coil springs, locking and latching, unintentional folding, labeling, protective components, flammability, and toy accessories that are sold with the carrier, given the low frequency and low severity of incidents and injuries reported.

This section discusses the four primary hazard patterns that account for the majority of the reported incidents and injuries; Springs—46 percent, Toy Accessories—31 percent, Straps—9 percent; Structural integrity—5 percent, and how each is addressed in the current voluntary standard, ASTM F2012–18 $^{\varepsilon 1}$.

A. Spring Support Failure

This hazard is associated with 46 percent of the reported incidents (9 percent of injuries). Reports of support spring failures typically involved a common type of SAC scenario, in which the child and activity tray are suspended by springs from multiple points. These hazards often involve the failure of one or more members of the

[3] Redistributing these 20 complaints among the other pertinent categories already listed does not alter the ranking of the listed categories. However, the redistribution would result in the incident numbers adding up to *more* than the total number of reported incidents. To prevent that, the 20 incidents were grouped in this category separately.

[4] CPSC website link to recalled product: *https://www.cpsc.gov/Recalls/2013/Kids-II-Recalls-Baby-Einstein-Activity-Jumpers/.*

spring system, which causes the occupant to dynamically tilt, tip, topple, or lean from the manufacturer's recommended-use position, which can result in the occupant falling out of the activity center. The 2018 version of the voluntary standard (ASTM F2012–2018 ε1) addressed spring failures with a performance requirement that support springs withstand 100 drops from a 33-lb. weight from a height of at least 1 inch. CPSC staff presented the incident data to the voluntary standards committee and suggested a secondary support for load bearing springs. Consequently, ASTM F2012–2018 ε1 also requires a redundant system to prevent the seat from falling should the spring fail. Because this support strap would function as a fail-safe if springs break, including springs not identified during the dynamic load and life-cycle tests, the Commission concludes that this change will address the hazard pattern identified.

B. Problems With Toy Accessories

This hazard pattern is associated with 31 percent of the reported incidents and 51 percent of the injuries. The majority of the incidents involved pinching, laceration, choking/gagging, and entanglement injuries. ASTM F2012–2018 ε1 addresses hazards associated with toys, by requiring that toy accessories meet the relevant requirements of ASTM F963–2017, *Standard Consumer Safety Specification for Toy Safety.* The Commission believes that the majority of the hazards related to toy accessories are adequately addressed by ASTM F963; therefore, the Commission believes that the current voluntary standard for stationary activity centers, ASTM F2012–2018 ε1 adequately addresses this hazard.

C. Support Strap Failure

This hazard pattern is associated with 9 percent of the reported incidents and 10 percent of the injuries, and it includes straps that break, twist, fray, or detach. The strap system on a SAC is typically the primary means by which most spring-suspended activity centers are supported (see Figure 1). Upon failure of the occupant support strap, the activity center is often left unsupported on one side, and this typically results in the child falling.

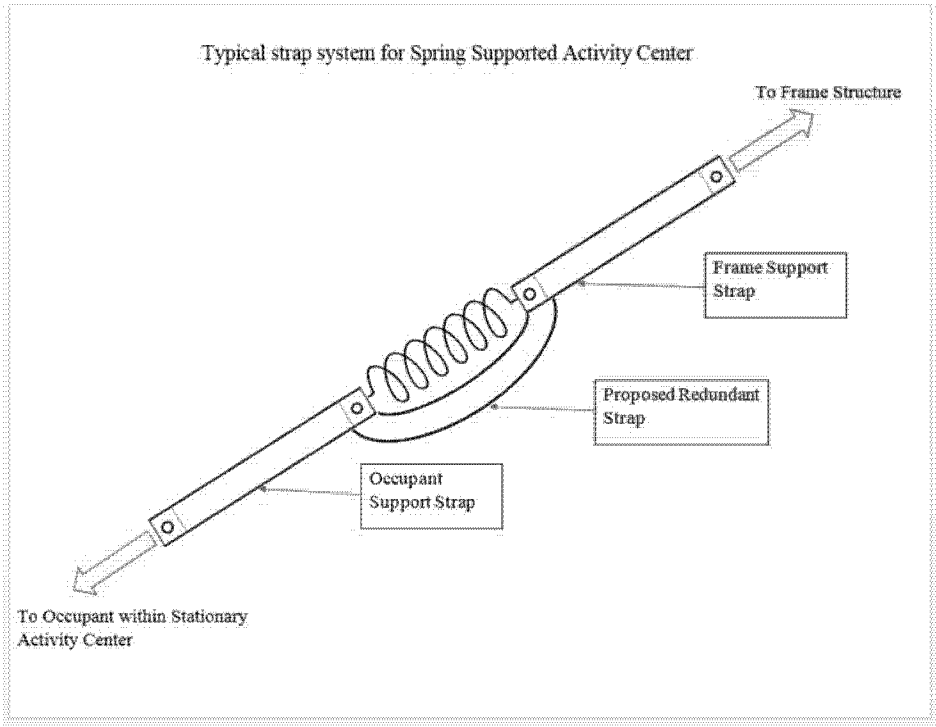

Figure 1: Typical strap system for spring-supported activity centers; System is used multiple times on one product to support occupants' weight, and allows occupant to bounce.

There are no specific requirements for support straps, although ASTM F2012–18 ε1 requires dynamic and static loading at the seat of the product to evaluate the durability of the support structures for the seat. This testing also stresses the structural integrity components of the product, which include support straps; and the standard requires that the product shows no seam failure, breakage of materials, or changes of adjustments that could cause the product not to support the child fully. The severity of injury produced by this potential hazard is relatively low.

While preparing the briefing package for this notice of proposed rulemaking, CPSC staff learned of an additional failure mode of the occupant support strap. The additional information suggested that some occupant support strap failures have resulted from abrasions of a strap against a metal buckle during normal use. Staff determined that this scenario is not addressed by the requirements in ASTM F2012–18 ε1. On April 27, 2018, staff sent a letter to ASTM asking ASTM to consider modifying the standard, as indicated below (underlining indicates language staff suggests added):

6.1 *Structural Integrity*—All tests that cover static and dynamic loading, and occupant retention, are to be performed on the same product, sequentially and without refurbishing or repositioning of adjustment, if any. At test conclusion, there shall be no *fraying, tearing, or* failure *of textile materials, such as* seams *or straps;* breakage of materials*;,* or changes of adjustments that

could cause the product to not fully support the child or create a hazardous condition as defined in Section 5. Maximum slippage of adjustable features, if any, is 1 in. (25 mm).

ASTM set up a task group, of which CPSC will be a part, to look into strap-related failures. The Commission invites comments from the public on the necessity of these modifications to the structural integrity requirements.

D. Structural Integrity

This hazard pattern is associated with 5 percent of the reported incidents and 4 percent of the injuries. Incidents involve failure of structural components, such as locking mechanisms, fasteners, and frame tubing. There are no specific requirements for the structural components of a SAC, but ASTM F2012–2018 $^{\varepsilon 1}$ requires dynamic and static loading at the seat of the product to evaluate the durability of the support structures for the seat. This testing also stresses the structural integrity components of the product, and the standard requires that the product show no failure of seams, breakage of materials, or changes of adjustments that could cause the product not to fully support the child.

Because of the relatively low frequency of this potential hazard, as well as the minor injury severity produced, the Commission believes that the current voluntary standard adequately addresses the structural integrity of stationary activity centers.

E. Warnings

Before publishing the current version of ASTM F2012–18 $^{\varepsilon 1}$, typical warning labels on SACs were composed of paragraph-form messages on a black and white label. Although the labels met the voluntary standard requirements for warning statements at the time, the labels were not conspicuous or consistent in format with other juvenile product warning labels.

Several subcommittee members associated with the ASTM F15 juvenile product/durable nursery products raised concerns about inconsistency among various durable nursery product rules, and ASTM formed an Ad Hoc Wording Task Group to harmonize the wording and language used across nursery product standards. CPSC staff worked closely with the Ad Hoc Task Group to develop recommendations that are based largely on the requirements of ANSI Z535.4, American National Standard for Product Safety Signs and Labels.

In October 2016, the Ad Hoc Task Group published a working document titled, ''Ad Hoc Wording—October 16, 2016.'' Since then, the juvenile product subcommittees have been incorporating the formatting recommendations into their standards. The latest version of the ''Recommended Language Approved by Ad Hoc Task Group, Revision C'' document is dated November 10, 2017, and it is published in the ''Committee Documents' section of the Committee F15 ASTM website. In August 2017, new requirements for formatting warning labels were balloted and accepted by the F15.17 subcommittee for Stationary Activity Centers, and these new requirements are reflected in F2012–18 $^{\varepsilon 1}$.

The work of the Ad Hoc Task Group resulted in permanent, conspicuous, and consistently formatted warning labels across juvenile products. On-product warning labels that meet the requirements in ASTM F2012–18 $^{\varepsilon 1}$ will address numerous warning format issues related to capturing consumer attention, improving readability, and increasing hazard perception and avoidance behavior. The Commission concludes that the warnings adequately inform consumers of the fall and strangulation hazards, the consequences of those hazards, and instructions on how to reduce the risks of injury and death due to falls and strangulation.

VI. Incorporation by Reference

The Commission is proposing to incorporate by reference ASTM F2012–18 $^{\varepsilon 1}$, without change. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. These regulations require that, for a proposed rule, agencies discuss in the preamble to the NPR ways that the materials the agency proposes to incorporate by reference are reasonably available to interested persons, or explain how the agency worked to make the materials reasonably available. In addition, the preamble to the proposed rule must summarize the material. 1 CFR 51.5(a).

In accordance with the OFR's requirements, section IV.B of this preamble summarizes the provisions of ASTM F2012–18 $^{\varepsilon 1}$ that the Commission proposes to incorporate by reference. ASTM F2012–18 $^{\varepsilon 1}$ is copyrighted. By permission of ASTM, the standard can be viewed as a read-only document during the comment period on this NPR, at *http://www.astm.org/cpsc.htm.* Interested persons may also purchase a copy of ASTM F2012–18 $^{\varepsilon 1}$ from ASTM, through its website (*http://www.astm.org*), or by mail from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* Alternatively, interested parties may inspect a copy of the standard at CPSC's Office of the Secretary.

VII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of a rule be at least 30 days after publication of the final rule (5 U.S.C 553(d)). The Commission proposes that the standard become effective 6 months after publication of a final rule in the **Federal Register**. Barring evidence to the contrary, CPSC generally considers 6 months to be sufficient time for suppliers to come into compliance with a new standard, and this is typical for other CPSIA section 104 rules. Six months is also the period that the Juvenile Products Manufacturers Association (JPMA) typically allows for products in their certification program to shift to a new standard once that new standard is published. The Commission is not aware of any information suggesting that 6 months is not an appropriate time frame for suppliers to come into compliance. Therefore, juvenile product manufacturers are accustomed to adjusting to new standards within this time frame.

VIII. Assessment of Small Business Impact

A. Introduction

The Regulatory Flexibility Act (RFA) requires that proposed rules be reviewed for their potential economic impact on small entities, including small businesses. Section 603 of the RFA requires that agencies prepare an initial regulatory flexibility analysis (IRFA) and make it available to the public for comment when the general notice of proposed rulemaking (NPR) is published, unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Commission certifies that this rule incorporating by reference ASTM F2012–18 $^{\varepsilon 1}$ as a CPSC standard will not have a significant impact on a substantial number of small entities involved in the manufacturing or importing of SACs.

B. Small Entities to Which the Proposed Rule Would Apply

The Commission identified 11 U.S. manufacturers of SACs. The U.S. Small Business Administration (SBA) size guidelines for this category identifies any manufacturer as ''small'' if it employs fewer than 500 employees. Based on this definition, seven out of the 11 U.S. manufacturers of SACs would be considered small. For

importers, SBA guidelines consider an importer under the NAICS category 423920 (Toy and Hobby Goods and Supplies Merchant Wholesalers) with fewer than 150 employees to be small. The Commission did not identify any small importers of SACs per SBA guidelines.

C. Costs of Proposed Rule That Would Be Incurred by Small Manufacturers

In addition to any costs associated with modifying a product to comply with ASTM F2012–18 $^{\varepsilon 1}$, which includes the integration of the redundant strap, mandating the standard under Section 104 of the CPSIA would also require manufacturers to certify that their SACs comply with the standard, based on tests conducted by third party conformity assessment bodies. The Commission believes that all seven small domestic manufacturers of SACs are currently certified by the Juvenile Products Manufacturers Association (JPMA), meaning that their products comply with ASTM F2012–16 and the companies are already conducting some third party testing on their SACs.

The additional requirements of ASTM F2012–18 $^{\varepsilon 1}$ may require a minor modification for manufacturers of spring-supported SACs. Of the three such manufacturers, we have confirmed that two have already integrated a redundant strap, a new requirement of ASTM F2012–18 $^{\varepsilon 1}$. If the third manufacturer has not yet integrated a redundant strap, we believe that the cost to do so would be less than 50 cents per unit.

Additional costs that small manufacturers would incur as a result of the proposed rule, if finalized, include incremental costs associated with meeting the third party testing requirements. This would apply to those that manufacture any type of SAC, not just spring-supported SACs. If the ASTM F2012–18 $^{\varepsilon 1}$ requirements become effective as a CPSC children's product safety rule, all manufacturers of SACs will be subject to the third party testing and certification requirements under section 14 of CPSA and the Testing and Labeling Pertaining to Product Certification rule (16 CFR part 1107) (1107 rule). Third party testing will include any physical and mechanical test requirements specified in the final SAC rule. The Commission found that all seven small manufacturers of SACs are certified by JPMA and are currently conducting third party testing. Those that manufacture spring-supported SACs will need to have the redundant strap tested to the standard, which we do not estimate will be a significant cost.

Generally, CPSC considers impacts that exceed 1 percent of a firm's revenue to be potentially significant. Because all seven manufactures are JPMA certified, we believe that the only costs that may be introduced with this standard are for the integration of a redundant strap for one firm and the testing of that strap for all three firms that manufacture spring-supported SACs. Because the smallest manufacturer of spring-supported SACs has annual revenues of approximately $4 million, we do not expect that the added costs associated with this rule will reach the 1 percent threshold for any of the producers of SACs. However, at this time, CPSC has not considered any potential impact on firms resulting from modifying the current voluntary standard to address the potential for abrasion on the support straps that might cause them to fray or break. Staff intends to work with ASTM on this modification. Any changes to the voluntary standard and/or proposed regulation will be assessed before completing a final rule.

IX. Environmental Considerations

The Commission's regulations address whether we are required to prepare an environmental assessment or an environmental impact statement. 16 CFR part 1021. Those regulations state that certain categories of CPSC actions normally have ''little or no potential for affecting the human environment,'' and therefore, do not require an environmental assessment or an environmental impact statement. 16 CFR 1021.5(c)(1). Rules or safety standards that provide design or performance requirements for products are among the listed exempt actions. Thus, the proposed rule falls within the categorical exemption.

X. Paperwork Reduction Act

This proposed rule contains information-collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). In this document, pursuant to 44 U.S.C. 3507(a)(1)(D), we set forth:

- A title for the collection of information;
- a summary of the collection of information;
- a brief description of the need for the information and the proposed use of the information;
- a description of the likely respondents and proposed frequency of response to the collection of information;
- an estimate of the burden that shall result from the collection of information; and
- notice that comments may be submitted to the OMB.

Title: Safety Standard for Stationary Activity Centers.

Description: The proposed rule would require each stationary activity center to comply with ASTM F2012–18 $^{\varepsilon 1}$, Standard Consumer Safety Performance Specification for Stationary Activity Centers. Sections 8 and 9 of ASTM F2012–18 $^{\varepsilon 1}$ contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

Description of Respondents: Persons who manufacture or import stationary activity centers.

Estimated Burden: We estimate the burden of this collection of information, as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1238	11	4	44	1	44

Our estimates are based on the following:

Section 8.1.1 of ASTM F2012–18 $^{\varepsilon 1}$ requires that the name and the place of business (city, state, mailing address, including zip code, or telephone number) of the manufacturer, distributor, or seller be marked clearly and legibly on each product and its retail package. Section 8.1.2 of ASTM F833–13 requires a code mark or other means that identifies the date (month and year, as a minimum) of manufacture.

There are 11 known entities supplying stationary activity centers to the U.S. market. These entities may need to modify their existing labels to comply with ASTM 2012–18 $^{\varepsilon 1}$. CPSC estimates that the time required to make these modifications is about 1 hour per model. Each entity supplies an average of four different models of stationary activity centers; therefore, the estimated burden associated with labels is 1 hour per model × 11 entities × 4 models per entity = 44 hours. CPSC estimates the hourly compensation for the time required to create and update labels is $34.21 (U.S. Bureau of Labor Statistics, ''Employer Costs for Employee Compensation,'' Sep. 2017, Table 9, total compensation for all sales and office workers in goods-producing private industries: *http://www.bls.gov/ncs/*). Therefore, the estimated annual cost to industry associated with the proposed labeling requirements is $1,505 ($34.21 per hour × 44 hours = $1,505). There are no operating, maintenance, or capital costs associated with the collection.

Section 9.1 of ASTM F2012–18 $^{\varepsilon 1}$ requires instructions to be supplied with stationary activity centers. Stationary activity centers generally require use and assembly instructions. As such, products sold without use and assembly instructions would not compete successfully with products supplying this information. Under OMB's regulations, the time, effort, and financial resources necessary to comply with a collection of information incurred by persons in the ''normal course of their activities'' are excluded from a burden estimate when an agency demonstrates that the disclosure activities required are ''usual and customary.'' 5 CFR 1320.3(b)(2). CPSC is unaware of stationary activity centers that generally require use or assembly instructions but lack such instructions. Therefore, CPSC estimates that no burden hours are associated with section 9.1 of ASTM F2012–18, $^{\varepsilon 1}$ because any burden associated with supplying instructions with stationary activity centers would be ''usual and customary,'' and thus, excluded from ''burden'' estimates under OMB's regulations. Based on this analysis, the proposed standard for stationary activity centers would impose a burden to industry of 44 hours at a cost of $1,505 annually.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), we have submitted the information-collection requirements of this rule to OMB for review. Interested persons are requested to submit comments regarding information collection by July 19, 2018, to the Office of Information and Regulatory Affairs, OMB (see the **ADDRESSES** section at the beginning of this notice).

Pursuant to 44 U.S.C. 3506(c)(2)(A), we invite comments on:

- Whether the collection of information is necessary for the proper performance of the CPSC's functions, including whether the information will have practical utility;
- the accuracy of the CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- ways to enhance the quality, utility, and clarity of the information to be collected;
- ways to reduce the burden of the collection of information on respondents, including the use of automated collection techniques, when appropriate, and other forms of information technology; and the estimated burden hours associated with label modification, including any alternative estimates.

XI. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules,'' thus implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

XII. Certification and Notice of Requirements (NOR)

Section 14(a) of the CPSA imposes the requirement that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard or regulation under any other act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Section 14(a)(2) of the CPSA requires that certification of children's products subject to a children's product safety rule be based on testing conducted by a CPSC-accepted third party conformity assessment body. Section 14(a)(3) of the CPSA requires the Commission to publish a notice of requirements (NOR) for the accreditation of third party conformity assessment bodies (or laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The proposed rule for 16 CFR part 1238, ''Safety Standard for Stationary Activity Centers,'' when issued as a final rule, will be a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), which is codified at 16 CFR part 1112 (referred to here as Part 1112). This rule took effect June 10, 2013. Part 1112 establishes requirements for accreditation of third party conformity assessment bodies (or laboratories) to test for conformance with a children's product safety rule in accordance with Section 14(a)(2) of the CPSA. The final rule also codifies all of the NORs that the CPSC had published to date. All new NORs, such as the stationary activity center standard, require an amendment to part 1112. Accordingly, in this document we propose to amend part 1112 to include the stationary activity center standard along with the other children's product safety rules for which the CPSC has issued NORs.

Laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for stationary activity centers would be required to meet the third party conformity assessment body accreditation requirements in part 1112. When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, it can apply to the CPSC to have 16 CFR part 1238, *Safety Standard for Stationary Activity Centers,* included in its scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC website at: *www.cpsc.gov/labsearch.*

In connection with the part 1112 rulemaking, CPSC staff conducted an analysis of the potential impacts on small entities of the proposed rule establishing accreditation requirements, 77 FR 31086, 31123–26 (May 24, 2012), as required by the Regulatory Flexibility Act and prepared an Initial Regulatory Flexibility Analysis (IRFA). The IRFA concluded that the requirements would not have a significant adverse impact on a substantial number of small laboratories because no requirements are imposed on laboratories that do not intend to provide third party testing services under section 14(a)(2) of the

CPSA. The only laboratories that are expected to provide such services are those that anticipate receiving sufficient revenue from providing the mandated testing to justify accepting the requirements as a business decision. Laboratories that do not expect to receive sufficient revenue from these services to justify accepting these requirements would not likely pursue accreditation for this purpose. Similarly, amending the part 1112 rule to include the NOR for stationary activity centers would not have a significant adverse impact on small laboratories. Moreover, based upon the number of laboratories in the United States that have applied for CPSC acceptance of the accreditation to test for conformance to other juvenile product standards, we expect that only a few laboratories will seek CPSC acceptance of their accreditation to test for conformance with the stationary activity center standard. Most of these laboratories will have already been accredited to test for conformance to other juvenile product standards and the only costs to them would be the cost of adding the stationary activity center standard to their scope of accreditation. As a consequence, the Commission certifies that the proposed notice requirements for the stationary activity center standard will not have a significant impact on a substantial number of small entities.

XIII. Request for Comments

This proposed rule begins a rulemaking proceeding under section 104(b) of the CPSIA to issue a consumer product safety standard for stationary activity centers. We invite all interested persons to submit comments on any aspect of the proposed rule.

In particular, the Commission invites comments on the necessity of additional requirements pertaining to the potential fraying of the support straps on SACs.

Comments should be submitted in accordance with the instructions in the **ADDRESSES** section at the beginning of this notice.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1238

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission proposes to amend Title 16 of the Code of Federal Regulations as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraphs (b)(45) through (47) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

* * * * *

(b) The CPSC has published the requirements for accreditation for third party conformity assessment bodies to assess conformity for the following CPSC rules or test methods:

* * * * *

(45) [Reserved]

(46) [Reserved]

(47) 16 CFR part 1238, Safety Standard for Stationary Activity Centers.

* * * * *

■ 3. Add part 1238 to read as follows:

PART 1238—SAFETY STANDARD FOR STATIONARY ACTIVITY CENTERS

Sec.

1238.1 Scope.

1238.2 Requirements for stationary activity centers.

Authority: Sec. 104, Pub. L. 110–314, 122 Stat. 3016 (15 U.S.C. 2056a).

§ 1238.1 Scope.

This part establishes a consumer product safety standard for stationary activity centers.

§ 1238.2 Requirements for stationary activity centers.

Each stationary activity center must comply with all applicable provisions of ASTM F2012–18 $^{\varepsilon 1}$, Standard Consumer Safety Specification for Stationary Activity Centers, approved on May 18, 2018. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org/cpsc.htm.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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/code_of_federalregulations/ibr_locations.html.*

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2018–13024 Filed 6–18–18; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–131186–17]

RIN 1545–BO05

Proposed Removal of Temporary Regulations on a Partner's Share of a Partnership Liability for Disguised Sale Purposes

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking; public hearing; partial withdrawal of notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations concerning how partnership liabilities are allocated for disguised sale purposes. The proposed regulations, if finalized, would replace existing temporary regulations with final regulations that were in effect prior to the temporary regulations. This document also partially withdraws proposed regulations cross-referencing the temporary regulations. These regulations affect partnerships and their partners. Finally, this document provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by July 19, 2018.

A public hearing will be held at 10:00 a.m. on August 21, 2018. Outlines of topics to be discussed at the public hearing must be received by August 3, 2018.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–131186–17), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to: CC:PA:LPD:PR (REG–131186–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, or sent electronically,

via the Federal eRulemaking Portal site at *http://www.regulations.gov* (indicate IRS and REG–131186–17). The public hearing will be held in the IRS Auditorium, Internal Revenue Service Building, 1111 Constitution Ave. NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Caroline E. Hay or Deane M. Burke at (202) 317–5279; concerning the submission of comments, the hearing, or to be placed on the building access list to attend the hearing, Regina L. Johnson at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document proposes amendments to the Income Tax Regulations (26 CFR part 1) under section 707 of the Internal Revenue Code (Code) regarding allocations of partnership liabilities for disguised sale purposes. Section 707(a)(2)(B) generally provides that, under regulations prescribed by the Secretary of the Treasury (Secretary), related transfers to and by a partnership that, when viewed together, are more properly characterized as a sale or exchange of property, will be treated either as a transaction between the partnership and one who is not a partner or between two or more partners acting other than in their capacity as partners (generally referred to as ''disguised sales'').

The Department of the Treasury (Treasury Department) and the IRS published a notice of proposed rulemaking (REG–119305–11) in the **Federal Register** (79 FR 4826) on January 30, 2014, to amend the then-existing regulations under section 707 relating to disguised sales of property to or by a partnership and under section 752 concerning the treatment of partnership liabilities (2014 Proposed Regulations). The 2014 Proposed Regulations provided certain technical rules intended to clarify the application of the disguised sale rules under section 707 and also contained rules regarding the sharing of partnership recourse and nonrecourse liabilities under section 752. A public hearing on the 2014 Proposed Regulations was not requested or held, but the Treasury Department and the IRS received written comments. Based on a comment received on the 2014 Proposed Regulations requesting that guidance under section 752 regarding a partner's share of partnership liabilities apply for disguised sale purposes, the Treasury Department and the IRS reconsidered the rules under § 1.707–5(a)(2) of the 2014 Proposed Regulations for determining a partner's share of partnership liabilities for purposes of section 707.

On October 5, 2016, the Treasury Department and the IRS published in the **Federal Register** (81 FR 69282) final and temporary regulations (T.D. 9788) implementing a new rule concerning the allocation of liabilities for section 707 purposes. On November 17, 2016, the Treasury Department and the IRS published in the **Federal Register** (81 FR 80993 and 81 FR 80994) two correcting amendments to T.D. 9788 (the temporary regulations as so corrected, 707 Temporary Regulations). T.D. 9788 also contained rules concerning the treatment of ''bottom dollar payment obligations'' (752 Temporary Regulations). The 707 Temporary Regulations were incorporated by cross reference in a notice of proposed rulemaking (REG–122855–15) published on October 5, 2016, in the **Federal Register** (81 FR 69301) (707 Proposed Regulations). That notice of proposed rulemaking also incorporated by cross reference the 752 Temporary Regulations and included new proposed regulations under sections 704 and 752 (752 Proposed Regulations). Also on October 5, 2016, the Treasury Department and the IRS published final regulations under section 707 and § 1.752–3 (T.D. 9787) in the **Federal Register** (81 FR 6929). T.D. 9787 was the subject of a correction notice published in the **Federal Register** (81 FR 80587) on November 16, 2016 (the final regulations as so corrected, 707 Final Regulations).

The 707 Temporary Regulations, in response to the comment received on the 2014 Proposed Regulations, adopted an approach that requires a partner to apply the same percentage used to determine the partner's share of excess nonrecourse liabilities under § 1.752–3(a)(3) (with certain limitations) in determining the partner's share of all partnership liabilities for disguised sale purposes. Also in response to the comment, the 707 Temporary Regulations provide that a partner's share of a partnership liability for section 707 purposes shall not exceed the partner's share of the partnership liability under section 752 and applicable regulations. The 707 Temporary Regulations reserve on the treatment, for disguised sale purposes, of an obligation that would be treated as a recourse liability under § 1.752–1(a)(1) or a nonrecourse liability under § 1.752–1(a)(2) if the liability was treated as a partnership liability for purposes of section 752. The Treasury Department and the IRS received comments supporting the approach taken in the 707 Temporary Regulations, but also received comments expressing concern that a new approach was adopted by temporary regulations rather than in proposed regulations, which denied taxpayers the ability to provide comment prior to the 707 Temporary Regulations being effective.

On April 21, 2017, the President issued Executive Order 13789 (E.O. 13789), ''Executive Order on Identifying and Reducing Tax Regulatory Burdens'' (82 FR 19317*, April 26, 2017*), which directed the Secretary to review all significant tax regulations issued on or after January 1, 2016, and to take concrete action to alleviate the burdens of regulations that (i) impose an undue financial burden on U.S. taxpayers; (ii) add undue complexity to the Federal tax laws; or (iii) exceed the statutory authority of the IRS. E.O. 13789 further directed the Secretary to submit to the President within 60 days an interim report identifying regulations that meet these criteria. Notice 2017–38 (2017–30 IRB 147 (July 24, 2017)) included the 707 Temporary Regulations in a list of eight regulations identified by the Secretary in the interim report as meeting at least one of the first two criteria specified in E.O. 13789.

E.O. 13789 further directed the Secretary to submit to the President and publish in the **Federal Register** a report recommending specific actions to mitigate the burden imposed by regulations identified in the interim report. On October 16, 2017, the Secretary published this second report in the **Federal Register** (82 FR 48013), ''Second Report to the President on Identifying and Reducing Tax Regulatory Burdens'' (Second Report). The Second Report stated that, while the Treasury Department and the IRS believe that the 707 Temporary Regulations' novel approach to addressing disguised sale treatment merits further study, the Treasury Department and the IRS agree with commenters that such a change should be studied systematically. The second report further stated that the Treasury Department and the IRS therefore would consider whether the 707 Temporary Regulations and the 707 Proposed Regulations should be removed and withdrawn, respectively, and the prior regulations reinstated. After further consideration, the Treasury Department and the IRS are withdrawing the 707 Proposed Regulations and proposing to remove the 707 Temporary Regulations and reinstate the regulations under § 1.707–5(a)(2) as in effect prior to the 707 Temporary Regulations and as

contained in 26 CFR part 1 revised as of April 1, 2016 (Prior 707 Regulations).

The Second Report also stated that the Treasury Department and the IRS believe that the 752 Temporary Regulations concerning bottom dollar payment obligations should be retained because, consistent with the view of a number of commenters, the 752 Temporary Regulations are needed to prevent abuses and do not meaningfully increase regulatory burdens for the taxpayers affected. The Treasury Department and the IRS will continue to consider these issues and continue to request comments concerning the 752 Proposed Regulations. The Second Report did not identify the 707 Final Regulations, which are not affected by this notice of proposed rulemaking.

Explanation of Provisions

In addition to withdrawing the 707 Proposed Regulations, this notice of proposed rulemaking proposes to remove the 707 Temporary Regulations and reinstate the Prior 707 Regulations concerning the allocation of liabilities for disguised sale purposes. In determining a partners' share of a partnership liability for disguised sale purposes, § 1.707–5(a)(2) of the Prior 707 Regulations prescribed separate rules for a partnership's recourse liability and a partnership's nonrecourse liability. This notice of proposed rulemaking adopts those same rules.

Under § 1.707–5(a)(2)(i) of the Prior 707 Regulations and, if finalized, these proposed regulations, a partner's share of a partnership's recourse liability equals the partner's share of the liability under section 752 and the regulations thereunder. A partnership liability is a recourse liability to the extent that the obligation is a recourse liability under § 1.752–1(a)(1).

Under § 1.707–5(a)(2)(ii) of the Prior 707 Regulations and, if finalized, these proposed regulations, a partner's share of a partnership's nonrecourse liability is determined by applying the same percentage used to determine the partner's share of the excess nonrecourse liability under § 1.752–3(a)(3). A partnership liability is a nonrecourse liability of the partnership to the extent that the obligation is a nonrecourse liability under § 1.752–1(a)(2).

The 707 Final Regulations limited the available methods for determining a partner's share of an excess nonrecourse liability under § 1.752–3(a)(3) for disguised sale purposes. Under the 707 Final Regulations, a partner's share of an excess nonrecourse liability for disguised sale purposes is determined only in accordance with the partner's share of partnership profits and by taking into account all facts and circumstances relating to the economic arrangement of the partners. Thus, the significant item method, the alternative method, and the additional method as defined in § 1.752–3(a)(3) do not apply for purposes of determining a partner's share of a partnership's nonrecourse liability for disguised sale purposes.

In addition, § 1.707–5(a)(2)(i) and (ii) of the Prior 707 Regulations provided that a partnership liability is a recourse or nonrecourse liability to the extent that the obligation would be a recourse liability under § 1.752–1(a)(1) or a nonrecourse liability under § 1.752–1(a)(2), respectively, if the liability was treated as a partnership liability for purposes of section 752 (§ 1.752–7 contingent liabilities). This notice of proposed rulemaking reinstates these rules concerning § 1.752–7 contingent liabilities. However, as noted in the preamble to T.D. 9788, the Treasury Department and the IRS continue to believe additional guidance would be helpful in this area. The preamble to T.D. 9788 explained that, in many cases, § 1.752–7 contingent liabilities may constitute qualified liabilities that would not be taken into account for purposes of determining a disguised sale. Some commenters on the 2014 Proposed Regulations noted that there may be circumstances in which certain transfers of § 1.752–7 contingent liabilities to a partnership may be abusive. The Treasury Department and the IRS continue to study the issue of the effect of contingent liabilities with respect to section 707, as well as other sections of the Code.

Finally, this notice of proposed rulemaking reinstates *Examples 2, 3, 7,* and *8* under § 1.707–5(f) of the Prior 707 Regulations. However, language is added to *Example 3* to reflect an amendment to § 1.707–5(a)(3) in the 707 Final Regulations regarding an anticipated reduction in a partner's share of a liability that is not subject to the entrepreneurial risks of partnership operations.

Proposed Applicability Date

The 707 Temporary Regulations are proposed to be removed thirty days following the date these regulations are published as final regulations in the **Federal Register**. The amendments to § 1.707–5 are proposed to apply to any transaction with respect to which all transfers occur on or after thirty days following the date these regulations are published as final regulations in the **Federal Register**. However, a partnership and its partners may apply all the rules in these proposed regulations in lieu of the 707 Temporary Regulations to any transaction with respect to which all transfers occur on or after January 3, 2017.

Special Analyses

These proposed regulations are not subject to review under section 6(b) of Executive Order 12866 pursuant to the Memorandum of Agreement (April 11, 2018) between the Department of the Treasury and the Office of Management and Budget regarding review of tax regulations. These proposed regulations are expected to be an Executive Order 13771 deregulatory action. Details on the estimated cost savings of these proposed regulations will be provided in the final regulations.

Because these proposed regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Comments Concerning These Proposed Regulations

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed rules. All comments will be available at *http://www.regulations.gov* or upon request.

A public hearing has been scheduled for August 21, 2018, beginning at 10:00 a.m. in the IRS Auditorium of the Internal Revenue Service Building, 1111 Constitution Avenue NW, Washington, DC 20224. Due to building security procedures, visitors must enter at the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit a signed original and eight

(8) copies of written or electronic comments by July 19, 2018 and an outline of the topics to be discussed and the time to be devoted to each topic by August 3, 2018. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Comments Concerning Approach in the 707 Temporary Regulations

As discussed in the Second Report, the Treasury Department and the IRS believe that the 707 Temporary Regulations' novel approach (treating all liabilities as nonrecourse and allocating in accordance with § 1.752–3(a)(3) for disguised sale purposes) merits further study. The 707 Temporary Regulations explained that this approach reflects the overall economic arrangements of the partners as, in most cases, a partnership will satisfy its liabilities with partnership profits, the partnership's assets do not become worthless, and the payment obligations of partners or related persons are not called upon. The Treasury Department and the IRS continue to study this issue and request comments on the approach adopted in the 707 Temporary Regulations. The request for comments in this paragraph on the approach of the 707 Temporary Regulations is not the subject of the scheduled public hearing.

Drafting Information

The principal authors of these proposed regulations are Caroline E. Hay and Deane M. Burke, Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Partial Withdrawal of Notice of Proposed Rulemaking

Accordingly, under the authority of 26 U.S.C. 7805, §§ 1.707–5 and 1.707–9 of the notice of proposed rulemaking (REG–122855–15) that was published in the **Federal Register** on October 5, 2016 (81 FR 69301) are withdrawn.

Proposed Amendments to the Regulations

For the reasons stated in the preamble, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.707–5 is amended by revising paragraph (a)(2) and *Examples 2, 3, 7,* and *8* in paragraph (f) to read as follows:

§ 1.707–5 Disguised sales of property to partnership; special rules relating to liabilities.

(a) * * *

(2) *Partner's share of liability.* A partner's share of any liability of the partnership is determined under the following rules:

(i) *Recourse liability.* A partner's share of a recourse liability of the partnership equals the partner's share of the liability under the rules of section 752 and the regulations thereunder. A partnership liability is a recourse liability to the extent that the obligation is a recourse liability under § 1.752–1(a)(1) or would be treated as a recourse liability under that section if it were treated as a partnership liability for purposes of that section.

(ii) *Nonrecourse liability.* A partner's share of a nonrecourse liability of the partnership is determined by applying the same percentage used to determine the partner's share of the excess nonrecourse liability under § 1.752–3(a)(3). A partnership liability is a nonrecourse liability of the partnership to the extent that the obligation is a nonrecourse liability under § 1.752–1(a)(2) or would be a nonrecourse liability of the partnership under § 1.752–1(a)(2) if it were treated as a partnership liability for purposes of that section.

* * * * *

(f) * * *

Example 2. Partnership's assumption of recourse liability encumbering transferred property. (i) C transfers property Y to a partnership. At the time of its transfer to the partnership, property Y has a fair market value of $10,000,000 and is subject to an $8,000,000 liability that C incurred, immediately before transferring property Y to the partnership, in order to finance other expenditures. Upon the transfer of property Y to the partnership, the partnership assumed the liability encumbering that property. The partnership assumed this liability solely to acquire property Y. Under section 752 and the regulations thereunder, immediately after the partnership's assumption of the liability encumbering property Y, the liability is a recourse liability of the partnership and C's share of that liability is $7,000,000.

(ii) Under the facts of this example, the liability encumbering property Y is not a qualified liability. Accordingly, the partnership's assumption of the liability results in a transfer of consideration to C in connection with C's transfer of property Y to the partnership in the amount of $1,000,000 (the excess of the liability assumed by the partnership ($8,000,000) over C's share of the liability immediately after the assumption ($7,000,000)). See paragraphs (a)(1) and (2) of this section.

Example 3. Subsequent reduction of transferring partner's share of liability. (i) The facts are the same as in *Example 2.* In addition, property Y is a fully leased office building, the rental income from property Y is sufficient to meet debt service, and the remaining term of the liability is ten years. It is anticipated that, three years after the partnership's assumption of the liability, C's share of the liability under section 752 will be reduced to zero because of a shift in the allocation of partnership losses pursuant to the terms of the partnership agreement. Under the partnership agreement, this shift in the allocation of partnership losses is dependent solely on the passage of time.

(ii) Under paragraph (a)(3) of this section, if the reduction in C's share of the liability was anticipated at the time of C's transfer, was not subject to the entrepreneurial risks of partnership operations, and was part of a plan that has as one of its principal purposes minimizing the extent of sale treatment under § 1.707–3 (that is, a principal purpose of allocating a large percentage of losses to C in the first three years when losses were not likely to be realized was to minimize the extent to which C's transfer would be treated as part of a sale), C's share of the liability immediately after the assumption is treated as equal to C's reduced share.

* * * * *

Example 7. Partnership's assumptions of liabilities encumbering properties transferred pursuant to a plan. (i) Pursuant to a plan, G and H transfer property 1 and property 2, respectively, to an existing partnership in exchange for interests in the partnership. At the time the properties are transferred to the partnership, property 1 has a fair market value of $10,000 and an adjusted tax basis of $6,000, and property 2 has a fair market value of $10,000 and an adjusted tax basis of $4,000. At the time properties 1 and 2 are transferred to the partnership, a $6,000 nonrecourse liability (liability 1) is secured by property 1 and a $7,000 recourse liability of F (liability 2) is secured by property 2. Properties 1 and 2 are transferred to the partnership, and the partnership takes subject to liability 1 and assumes liability 2. G and H incurred liabilities 1 and 2 immediately prior to transferring properties 1 and 2 to the partnership and used the proceeds for personal expenditures. The liabilities are not qualified liabilities. Assume that G and H are each allocated $2,000 of liability 1 in accordance with § 1.707–5(a)(2)(ii) (which determines a partner's share of a nonrecourse liability). Assume further that G's share of liability 2 is $3,500 and H's share is $0 in accordance with § 1.707–5(a)(2)(i) (which determines a partner's share of a recourse liability).

(ii) G and H transferred properties 1 and 2 to the partnership pursuant to a plan.

Accordingly, the partnership's taking subject to liability 1 is treated as a transfer of only $500 of consideration to G (the amount by which liability 1 ($6,000) exceeds G's share of liabilities 1 and 2 ($5,500)), and the partnership's assumption of liability 2 is treated as a transfer of only $5,000 of consideration to H (the amount by which liability 2 ($7,000) exceeds H's share of liabilities 1 and 2 ($2,000)). G is treated under the rule in § 1.707–3 as having sold $500 of the fair market value of property 1 in exchange for the partnership's taking subject to liability 1 and H is treated as having sold $5,000 of the fair market value of property 2 in exchange for the assumption of liability 2.

Example 8. Partnership's assumption of liability pursuant to a plan to avoid sale treatment of partnership assumption of another liability. (i) The facts are the same as in *Example 7,* except that—

(A) H transferred the proceeds of liability 2 to the partnership; and

(B) H incurred liability 2 in an attempt to reduce the extent to which the partnership's taking subject to liability 1 would be treated as a transfer of consideration to G (and thereby reduce the portion of G's transfer of property 1 to the partnership that would be treated as part of a sale).

(ii) Because the partnership assumed liability 2 with a principal purpose of reducing the extent to which the partnership's taking subject to liability 1 would be treated as a transfer of consideration to G, liability 2 is ignored in applying paragraph (a)(3) of this section. Accordingly, the partnership's taking subject to liability 1 is treated as a transfer of $4,000 of consideration to G (the amount by which liability 1 ($6,000) exceeds G's share of liability 1 ($2,000)). On the other hand, the partnership's assumption of liability 2 is not treated as a transfer of any consideration to H because H's share of that liability equals $7,000 as a result of H's transfer of $7,000 in money to the partnership.

* * * * *

§ 1.707–5T [Removed]

■ **Par. 3.** Section 1.707–5T is removed.

■ **Par. 4.** Section 1.707–9 is amended by revising paragraph (a)(4) and removing paragraph (a)(5). The revisions read as follows:

§ 1.707–9 Effective dates and transitional rules.

(a) * * *

(4) *Section 1.707–5(a)(2) and (f) Examples 2, 3, 7, and 8.* (i) Section 1.707–5(a)(2) and (f) *Examples 2, 3, 7,* and *8,* as contained in 26 CFR part 1 revised as of April 1, 2016, apply to any transaction with respect to which any transfers occur before January 3, 2017.

(ii) For any transaction with respect to which all transfers occur on or after January 3, 2017, and any of such transfers occurs before the date that is thirty days after the date these regulations are published as final in the **Federal Register**, see § 1.707–9T(a)(5) as contained in 26 CFR part 1 revised as of April 1, 2017.

(iii) Section 1.707–5(a)(2) and (f) *Examples 2, 3, 7,* and *8* apply to any transaction with respect to which all transfers occur on or after the date that is thirty days after the date these regulations are published as final in the **Federal Register**.

* * * * *

§ 1.707–9T [Removed]

■ **Par. 5.** Section 1.707–9T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018–13129 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 26

[EPA–HQ–ORD–2018–0280; FRL–9977–78]

RIN 2080–AA13

Notification of Submission to the Secretary of Agriculture; Harmonization of Regulations Safeguarding Human Test Subjects

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of submission to the Secretary of Agriculture.

SUMMARY: This document notifies the public as required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) that the EPA Administrator has forwarded to the Secretary of the United States Department of Agriculture (USDA) a draft regulatory document concerning ''Harmonize 40 CFR 26 Subparts C, D, and K with Subpart A (the Common Rule)''. The draft regulatory document is not available to the public until after it has been signed and made available by EPA.

DATES: See Unit I. under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–ORD–2018–0280, is available at *http://www.regulations.gov* or at 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. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Greg Susanke, Office of the Science Advisor, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–0221; email address: *staff_osa@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What action is EPA taking?

Section 25(a)(2)(A) of FIFRA requires the EPA Administrator to provide the Secretary of USDA with a copy of any draft proposed rule at least 60 days before signing it in proposed form for publication in the **Federal Register**. The draft proposed rule is not available to the public until after it has been signed by EPA. If the Secretary of USDA comments in writing regarding the draft proposed rule within 30 days after receiving it, the EPA Administrator shall include the comments of the Secretary of USDA and the EPA Administrator's response to those comments with the proposed rule that publishes in the **Federal Register**. If the Secretary of USDA does not comment in writing within 30 days after receiving the draft proposed rule, the EPA Administrator may sign the proposed rule for publication in the **Federal Register** any time after the 30-day period.

II. Do any statutory and Executive Order reviews apply to this notification?

No. This document is merely a notification of submission to the Secretary of USDA. As such, none of the regulatory assessment requirements apply to this document.

List of Subjects in 40 CFR Part 26

Environmental protection, Administrative practice and procedures, Human research, Pesticides and pests.

Dated: June 4, 2018.

Richard P. Keigwin,

Director, Office of Pesticide Programs.

[FR Doc. 2018–12708 Filed 6–18–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52 and 81

[EPA–R04–OAR–2018–0182; FRL–9979–63—Region 4]

Air Plan Approval and Air Quality Designation; Florida: Redesignation of the Hillsborough County Lead Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On March 26, 2018, the State of Florida, through the Florida Department of Environmental Protection (Department), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Hillsborough County lead nonattainment area (hereinafter referred to as the ''Hillsborough Area'' or ''Area'') to attainment for the 2008 lead National Ambient Air Quality Standards (NAAQS) and an accompanying State Implementation Plan (SIP) revision containing a maintenance plan for the Area. The Hillsborough Area is comprised of a portion of Hillsborough County in Florida, within a 1.5 kilometer (km) radius of the EnviroFocus Technologies, LLC facility (EnviroFocus). EPA is proposing to determine that the Hillsborough Area is attaining the 2008 lead NAAQS; to approve the SIP revision containing the State's maintenance plan for maintaining attainment of the 2008 lead standard and to incorporate the maintenance plan into the SIP; and to redesignate the Hillsborough Area to attainment for the 2008 lead NAAQS.

DATES: Comments must be received on or before July 19, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2018–0182 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Andres Febres, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Mr. Febres can be reached by phone at (404) 562–8966 or via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What actions is EPA proposing?

EPA is proposing to take the following three separate but related actions: (1) To determine that the Hillsborough Area attained the 2008 lead NAAQS based on quality-assured, complete, and certified ambient monitoring data for the 2014–2016 period and that the Area continues to attain the standard based on quality-assured, complete, and certified ambient monitoring data for the 2014–2017 period; (2) to approve Florida's maintenance plan for maintaining the 2008 lead NAAQS in the Area and incorporate it into the SIP; and (3) to redesignate the Hillsborough Area to attainment. The Hillsborough Area is comprised of a portion of Hillsborough County, Florida, bounded by a 1.5 km radius centered at Universal Transverse Mercator (UTM) coordinates 364104 meters East, 3,093,830 meters North, Zone 17, which surrounds EnviroFocus.

EPA is making the preliminary determination that the Hillsborough Area is attaining the 2008 lead NAAQS based on recent air quality data, and proposing to approve Florida's SIP revision containing the maintenance plan for the Hillsborough Area, in accordance to the requirements of section 175A. The maintenance plan submitted with Florida's request for redesignation is intended to help keep the Hillsborough Area in attainment of the 2008 lead NAAQS through the year 2029.

Finally, EPA is proposing to determine that the Hillsborough Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Accordingly, EPA is proposing to approve a request to change the legal designation of the portion of Hillsborough County that is designated nonattainment to attainment for the 2008 lead NAAQS.

II. Background

On November 12, 2008 (73 FR 66964), EPA promulgated a revised primary and secondary lead NAAQS of 0.15 micrograms per cubic meter ($\mu g/m^3$). Under EPA's regulations at 40 CFR part 50, the 2008 lead NAAQS are met when the maximum arithmetic 3-month mean concentration for a 3-year period, as determined in accordance with Appendix R of 40 CFR part 50, is less than or equal to 0.15 $\mu g/m^3$. *See* 40 CFR 50.16. Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement.

EPA designated the Hillsborough Area as a nonattainment area for the 2008 lead NAAQS on November 22, 2010 (75 FR 71033), effective December 31, 2010, using 2007–2009 ambient air quality data. This established an attainment date of five years after the December 31, 2010, effective date for the 2008 lead nonattainment designations pursuant to CAA section 172(a)(2)(A). Therefore, the Hillsborough Area's attainment date was December 31, 2015.

EPA's 2008 lead nonattainment designation for the Area triggered an obligation for Florida to develop a nonattainment SIP revision addressing certain CAA requirements under title I, part D, subpart 1 (hereinafter ''Subpart 1'') and to submit that SIP revision in accordance with the deadlines in title I, part D, subpart 5 (hereinafter ''Subpart 5''). Subpart 1 contains the general requirements for nonattainment areas for criteria pollutants, including requirements to develop a SIP that provides for the implementation of reasonably available control measures (RACM), requires reasonable further progress (RFP), includes base-year and attainment-year emissions inventories, and provides for the implementation of contingency measures.

On April 16, 2015 (80 FR 20441), EPA published a final rule that approved a SIP revision, comprised of an attainment plan, based on Florida's attainment demonstration for the Hillsborough Area that included the base year emissions inventory requirements, a modeling demonstration of attainment for the 2008 lead NAAQS, RACM requirements that include reasonably available control technology (RACT), an RFP plan, and contingency measures for the Hillsborough Area.

III. Criteria for Redesignation

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) The Administrator determines that the area

has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the state containing such area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereinafter referred to as the ''Calcagni Memorandum'');

2. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992; and

3. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994.

IV. Why is EPA proposing these actions?

On March 26, 2018, Florida requested that EPA redesignate the Hillsborough Area to attainment for the 2008 lead NAAQS and submitted an associated SIP revision containing a maintenance plan. EPA's evaluation indicates that the Hillsborough Area is attaining the 2008 lead NAAQS and that it meets the requirements for redesignation as set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. As a result, EPA is proposing to take the three related actions summarized in section I of this document.

V. EPA's Analysis of the State's Redesignation Request and SIP Revision

As stated above, in accordance with the CAA, EPA proposes to: (1) Determine that the Hillsborough Area is attaining the 2008 lead NAAQS; (2) approve the 2008 lead NAAQS maintenance plan for the Area and incorporate it into the Florida SIP; and (3) redesignate the Area to attainment for the 2008 lead NAAQS.

The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Hillsborough Area in the following paragraphs.

Criteria (1)—The Administrator determines that the area has attained the NAAQS.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS. *See* CAA section 107(d)(3)(E)(i). For lead, an area may be considered to be attaining the 2008 lead NAAQS if it meets the 2008 lead NAAQS, as determined in accordance with 40 CFR 50.16 and Appendix R of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain the NAAQS, the maximum arithmetic 3-month mean concentration for a 3-year period lead concentration measured at each monitor within an area must not exceed 0.15 μg/m^3. The data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA's Air Quality System (AQS). The monitors should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

Monitoring data for the Hillsborough Area shows that the 2008 lead NAAQS was attained. As demonstrated in Table 1, below, the 2014–2016 and 2015–2017 design values for the Area are all at or below the 2008 lead standard of 0.15 μg/m^3. As a reference, the highest design values during the period 2009–2017 are also shown in Table 1 and the percent reductions that have been achieved from these values.

TABLE 1—MONITORED DESIGN VALUES (μg/m^3) AND REDUCTION (%) FOR THE HILLSBOROUGH AREA

Monitoring Station (AQS site ID)	Attainment date	Highest design value 2009–2017	2014–2016 Design value [1]	2015–2017 Design value [2]	Percent reduction in design value (%)
Gulf Coast Lead (12–057–1066)	January 2017	0.98	0.13	0.13	87
Patent Scaffolding (12–057–1073)	January 2016	0.42	0.15	0.15	64
Kenly (12–057–0100)	n/a	0.04	0.01	0.01	75

Although 2014–2016 data was the most recent quality-assured, complete, and certified data at the time of Florida's redesignation request, 2015–2017 quality-assured, complete, and certified data is now available. As presented in Table 1 above, the 2015–2017 data shows that the Area continues to attain the standard. Preliminary 2018 data also indicates that the Area continues to attain the standard.[3] In this proposed action, EPA is proposing to determine that the Hillsborough Area attained the 2008 lead NAAQS based on quality-assured, complete, and certified ambient monitoring data for the 2014–2016 period and that the Area continues to attain the standard based on quality-assured, complete, and certified ambient monitoring data for the 2015–2017 period. However, if the Area does not continue to attain the standard before EPA finalizes the redesignation, EPA will not go forward with the redesignation. As discussed in more detail below, Florida has committed to continue monitoring ambient air lead concentrations in this Area in accordance with 40 CFR part 58, as well as to consult with EPA Region 4 regarding any future changes to the monitoring network.

[1] Air quality design values for all criteria air pollutants are available at: *https://www.epa.gov/air-trends/air-quality-design-values.*

[2] 2017 data is available at *https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.*

[3] Preliminary 2018 data is available at *https://www.epa.gov/outdoor-air-quality-data/monitor-values-report.*

Criteria (2)—The Administrator fully approves the applicable implementation plan for the area under section 110(k); and Criteria (5)—The State containing such area has met all requirements applicable to the area under section 110 and part D of title I of the CAA.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has a fully approved SIP under section 110(k) for the area (See CAA section 107(d)(3)(E)(ii)), and that the state has met all applicable requirements under section 110 and part D of title I of the CAA (See CAA section 107(d)(3)(E)(v)). EPA proposes to find that Florida has met all applicable SIP requirements for the Hillsborough Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that Florida has met all applicable SIP requirements for purposes of redesignation under part D of title I of the CAA in accordance with section 107(d)(3)(E)(v) and that the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these proposed determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

A. The Hillsborough Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

1. General SIP Requirements

General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a stationary source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (New Source Review (NSR) permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes that other section 110 elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110 and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174, October 10, 1996), (62 FR 24826, May 7, 2008); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001). Nonetheless, EPA has approved Florida's SIP revision related to the section 110 requirements for the 2008 lead NAAQS. *See* 80 FR 14019 (March 18, 2015); and 80 FR 57538 (September 24, 2015).

2. Title I, Part D, Applicable SIP Requirements

Subpart 1 of part D, comprised of sections 171–179B of the CAA, sets forth the basic nonattainment requirements applicable to all nonattainment areas. All areas that were designated nonattainment for the 2008 lead NAAQS were designated under Subpart 1 of the CAA in accordance with the deadlines in Subpart 5. For purposes of evaluating this redesignation request, the applicable Subpart 1 SIP requirements for all nonattainment areas are contained in sections 172(c)(1)–(9) and in section 176. A thorough discussion of the requirements contained in sections 172 and 176 can be found in the General Preamble for Implementation of title I. *See* 57 FR 13498 (April 16, 1992).

a. Subpart 1 Section 172

Section 172 requires states with nonattainment areas to submit attainment plans providing for timely attainment and meeting a variety of other requirements. EPA's longstanding interpretation of the nonattainment planning requirements of section 172 is that once an area is attaining the NAAQS, those requirements are not ''applicable'' for purposes of CAA section 107(d)(3)(E)(ii) and therefore need not be approved into the SIP before EPA can redesignate the area. In the 1992 General Preamble for Implementation of Title I, EPA set forth its interpretation of applicable requirements for purposes of evaluating redesignation requests when an area is attaining a standard. *See* 57 FR 13498, 13564 (April 16, 1992). EPA noted that the requirements for RFP and other measures designed to provide for attainment do not apply in evaluating redesignation requests because those nonattainment planning requirements ''have no meaning'' for an area that has already attained the standard. *Id.* This interpretation was also set forth in the Calcagni Memorandum. EPA's understanding of section 172 also forms the basis of its Clean Data Policy, which suspends a state's obligation to submit most of the attainment planning requirements that would otherwise apply, including an attainment demonstration and planning SIPs to provide for RFP, RACM, and contingency measures under section 172(c)(9).

As discussed above, EPA previously approved Florida's attainment plan for the Area. *See* 80 FR 20441 (April 16, 2015). Among other things, the attainment plan for the Area satisfied the section 172(c)(1) requirements for RACM; 172(c)(2) requirements related to RFP; 172(c)(3) requirements for an emissions inventory; 172(c)(6) requirements for permanent and enforceable control measures necessary to provide attainment of the NAAQS by the attainment date; and section

172(c)(9) requirements for contingency measures.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources to be allowed in an area, and section 172(c)(5) requires source permits for the construction and operation of new and modified major stationary sources anywhere in the nonattainment area. Florida currently has a fully-approved part D NSR program in place. However, EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in a memorandum from Mary Nichols, Assistant Administrator for Air and Radiation, dated October 14, 1994, entitled ''Part D New Source Review Requirements for Areas Requesting Redesignation to Attainment.'' Florida has demonstrated that the Area will be able to maintain the NAAQS without part D NSR in effect, and therefore Florida need not have fully approved part D NSR programs prior to approval of the redesignation request. Florida's PSD program will become effective in the Area upon redesignation to attainment.

Section 172(c)(7) requires the SIP to meet the applicable provisions of section 110(a)(2). As noted above, EPA believes that the Florida's SIP meets the requirements of section 110(a)(2) applicable for purposes of redesignation.

Finally, Section 172(c)(8) allows a state to use equivalent modeling, emission inventory, and planning procedures if such use is requested by the state and approved by EPA. Florida has not requested the use of equivalent techniques under section 172(c)(8).

b. Subpart 1 Section 176—Conformity Requirements

Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with Federal conformity regulations relating to consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA. In light of the elimination of lead additives in gasoline, transportation conformity does not apply to the lead NAAQS. *See* 73 FR 66964 (November 12, 2008).

B. The Hillsborough Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the applicable Florida SIP for the Hillsborough Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation. EPA may rely on prior SIP approvals in approving a redesignation request (*see* Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–90 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action. *See* 68 FR 25426 (May 12, 2003) and citations therein. Following passage of the CAA of 1970, Florida has adopted and submitted, and EPA has fully approved at various times, provisions addressing various SIP elements applicable for the 2008 lead NAAQS in the Hillsborough Area. *See* 80 FR 14019 (March 18, 2015); 80 FR 57538 (September 24, 2015); and 80 FR 20441 (April 16, 2015).

As indicated above, EPA believes that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to an area's nonattainment status are not applicable requirements for purposes of redesignation.

Criteria (3)—The Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable Federal air pollution control regulations and other permanent and enforceable reductions.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable Federal air pollution control regulations, and other permanent and enforceable reductions (CAA section 107(d)(3)(E)(iii)). EPA has preliminarily determined that Florida has demonstrated that the observed air quality improvement in the Hillsborough Area is due to permanent and enforceable reductions in emissions.

When EPA designated the Hillsborough Area as a nonattainment for the lead NAAQS, EPA determined that operations at EnviroFocus were the primary cause of the 2008 lead NAAQS violation in the Area.[4] In 2012, the State submitted an attainment plan that contained a construction permit [5] with lead controls needed to attain the NAAQS to satisfy the section 172(c)(1) RACM requirement. These controls were part of a modernization project for the facility and included: Baghouses capable of achieving over 99 percent efficiency for exhaust control of all smelting and refining operations; local exhaust vents (LEVs) for fugitive emissions from the process; wet suppression (via a sprinkler system), vacuum sweeping, and wheel washing of vehicles exiting the building; and a complete enclosure of the facility with negative-pressure. EPA approved these controls as RACM/RACT and incorporated them into the SIP, making them permanent and enforceable SIP measures to meet the requirements of the CAA and 2008 Lead NAAQS. *See* 80 FR 20441 (April 16, 2015). In addition, the Facility is subject to the revised secondary lead smelting National Emissions Standards for Hazardous Air Pollutants (NESHAP).[6] Florida has incorporated the requirements to install and operate controls related to RACM/RACT and the lead NESHAP into the Facility's March 6, 2017 Title V permit.[7] EPA considers the emissions reductions from the lead controls at EnviroFocus to be permanent and enforceable.

Criteria (4)—The Administrator fully approves a maintenance plan for the area as meeting the requirements of section175A of the CAA.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA. *See* CAA section 107(d)(3)(E)(iv). In conjunction with its request to redesignate the Hillsborough Area to

[4] *See Region 4—Final Florida Technical Support Document For 1st Round of Lead Designations,* available at *http://www.regulations.gov,* document ID EPA–HQ–OAR–2009–0443–0330.

[5] Construction permit No. 0570057–027–AC (issued by the Department on December 14, 2012), available at *http://www.regulations.gov,* document ID EPA–R04–OAR–2014–0220–0002.

[6] *See* 78 FR 54835 (September 9, 2013). The secondary lead NESHAP, codified at 40 CFR part 63, subpart X, sets emissions standards for facilities that recycle lead-bearing scrap material, typically lead acid batteries, into elemental lead or lead alloys. EPA promulgated the standard in 1997 and revised it in 2012 (with amendments in 2014).

[7] Title V permit No. 0570057–033–AV.

attainment for the 2008 lead NAAQS, Florida submitted a SIP revision to provide for maintenance of the 2008 lead NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA believes that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain such contingency measures as EPA deems necessary to assure prompt correction of any future 2008 lead violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As is discussed more fully below, EPA has preliminarily determined that Florida's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Florida SIP.

b. Attainment Emissions Inventory

As mentioned above, EPA is proposing to determine that the Hillsborough Area is attaining the 2008 lead NAAQS based on monitoring data for the 3-year period from 2014–2016 and continuing to attain based on 2015–2017 data. In its attainment emissions inventory, Florida selected 2014 as the attainment year. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 2008 lead NAAQS. To demonstrate maintenance through 2029, Florida included projected lead emissions for the Area for the years 2020, 2023, 2026, and 2029. In its maintenance plan, Florida also included 2009 base year emissions from its attainment plan in order to show emissions reductions for the Hillsborough Area.

A description of how Florida developed the emissions inventory is located in section 1 of the maintenance plan. EnviroFocus is the only point source of lead emissions within the Area, and since the removal of lead from gasoline in the 1990s, there are no on-road mobile source contributions. For the 2009 base year and the 2014 attainment year emissions inventories, Florida used actual emissions from the facility's annual operating report (AOR). For the projected 2020, 2023, 2026, and 2029 inventories, Florida assumed that emissions would remain equal to the 2014 emission levels, because the State does not anticipate any new development in the Area that would increase lead emissions. Furthermore, the control measures that resulted in the improvement in lead air quality are permanent and enforceable and will remain in effect after redesignation. Table 2, below, identifies base year emissions, and attainment year emissions, as well as projected emissions for 2020, 2023, 2026, and 2029.

c. Maintenance Demonstration

The maintenance plan associated with the redesignation request includes a maintenance demonstration that:

(i) Shows compliance with and maintenance of the 2008 lead NAAQS by providing information to support the demonstration that current and future emissions of lead remain at or below 2014 emissions levels.

(ii) Uses 2014 as the attainment year and includes future emissions inventory projections for 2020, 2023, 2026 and 2029.

(iii) Identifies an ''out year'' at least 10 years after the time necessary for EPA to review and approve the maintenance plan.

(iv) Provides actual (2009 and 2014) and projected emissions inventories, in tons per year (tpy), for the Hillsborough Area, as shown in Table 2, below.

TABLE 2—ACTUAL AND PROJECTED ANNUAL LEAD EMISSIONS (tpy) FOR THE HILLSBOROUGH AREA

2009 Base year	2014 Attainment year	2020 Interim year	2023 Interim year	2026 Interim year	2029 Maintenance year
0.588	0.447	0.447	0.447	0.447	0.447

In situations where local emissions are the primary contributor to nonattainment, such as the Hillsborough Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the related ambient air quality standards should not be exceeded in the future. Florida has projected emissions as described previously and these projections indicate that emissions in the Hillsborough Area will remain at the same levels as those in the attainment year inventory for the duration of the maintenance plan.

EPA believes that the Area will continue to maintain the standard at least through the year 2029 because the only point source of lead emissions in the Area has instituted permanent and enforceable controls, which are reflected in the 2014 and later emissions inventories, and the 2014–2016 and 2015–2017 design values for the Area meet the NAAQS.

d. Monitoring Network

Currently, Florida operates (through the Hillsborough County Environmental Protection Commission or EPC) three ambient air monitors measuring lead concentrations in the Hillsborough Area that meet the requirements of 40 CFR part 58. Florida has committed to maintain an appropriate and well-sited monitoring network in the Hillsborough Area throughout the maintenance plan period in order to verify the continued maintenance of the 2008 lead NAAQS and has thus addressed the requirement for monitoring. Additionally, Florida has committed to consult with EPA prior to making any changes to the existing monitoring network plan; continue to quality assure the data in accordance with 40 CFR part 58, subpart B; and enter all data into EPA's AQS in a timely manner. EPA approved Florida's monitoring plan related to the Hillsborough Area on October 19, 2017.

e. Verification of Continued Attainment

Florida has the legal authority to enforce and implement the maintenance plan for the Area. This includes the authority to adopt, implement, and

enforce any subsequent emissions control contingency measures determined to be necessary to correct future lead attainment problems.

Currently, all measures necessary to attain and maintain the 2008 lead NAAQS are included in the SIP-approved Hillsborough Area attainment plan and have been implemented by EnviroFocus. According to the State, EnviroFocus will continue to make improvements to the facility to further reduce lead emissions that were not required by the Area's attainment plan. Florida will continue to verify attainment of the 2008 lead NAAQS in the Area through its established monitoring network plan, as discussed above. Additionally, EnviroFocus is required to submit emissions data to the State through its annual operating reports, which will be used to verify the facility's compliance with permitted emission limits, and assess emission trends in the Area.

f. Contingency Measures in the Maintenance Plan

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the state. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

In the March 26, 2018, SIP revision, Florida commits to maintaining the existing control measures at EnviroFocus after redesignation. As discussed above, EnviroFocus is the primary contributor to lead in the nonattainment area, the Facility is subject to the secondary lead NESHAP, and EPA has incorporated the lead control measures for the Facility into the SIP as RACM/RACT. *See* 80 FR 20441 (April 16, 2015).

The contingency plan included in the maintenance plan contains several triggers to determine when contingency measures are needed and what kind of measures should be used. In the event that any one-month period averages greater than 0.15 μg/m^3 at any monitor in the Area, EnviroFocus, once notified by the Department or Environmental Protection Commission of Hillsborough County (EPC), must immediately initiate an enhanced Operation & Maintenance (O&M) Plan for lead control. This enhanced O&M Plan must include the following:

- Immediately begin a daily 12-minute reading of visible emissions on each lead outlet following EPA's Method #9;
- Within 14 days, complete a dye leak check on every filtration device which controls a lead source and cease operations of any device that fails the test until the leak is fixed and the device passes a second leak test;
- Immediately increase the sprinkler system frequency. The frequency should be adjusted to 5 minutes every 30 minutes during daylight hours, and 5 minutes every 60 minutes during nighttime hours;
- Immediately begin to vacuum the paved yard three times a day, except during rain events or 2 hours following a rain event; and
- Keep daily records of these activities and submit these records monthly to the Department or EPC, or anytime upon request.

The contingency measures outlined above must be continued for a minimum of 90 days or until the Department has determined that they are no longer needed.

In the event that any three consecutive month period averages greater than 0.15 μg/m^3 at any monitor in the Area, EnviroFocus, once notified by the Department or EPC, must continue with the measures detailed in the O&M Plan listed above and:

- Immediately cease construction activities on site that disturb soil;
- Immediately restrict traffic within the facility area to only essential vehicles;
- The Department may require immediate restriction of the daily production of lead from the blast and reverb furnaces; and
- Keep daily records of these activities and submit these records monthly to the Department or EPC, or anytime upon request.

The contingency measures outlined above must be continued for a minimum of 90 days or until the Department has determined that they are no longer needed.

In the event that a fourth consecutive month is greater than 0.15 μg/m^3 at any monitor in the Area, EnviroFocus must continue with the measures listed above. The Department may then require additional production restrictions and/or contingency measures as it deems necessary to reduce ambient lead concentrations in the Area. The Department will transmit written descriptions of any such contingency measures by certified letter. These measures will be effective immediately upon receipt and will remain in effect until such time as the Department has determined that they are no longer needed. Applicable emissions abatement measures may be revisited each and every consecutive month during which a lead monitor in the Area averages above the NAAQS.

If a violation is recorded in any of the monitors in the Area, Florida will immediately begin a 30-day evaluation period to diagnose the cause of the violation. Following this evaluation, a 90-day consultation period will begin between the State and EnviroFocus to determine the best course of action. If a permit modification is necessary, the State would issue a final permit in accordance to Sections 120 and 403 of the Florida Statutes. For additional details on the contingency plan, refer to section 5 of the maintenance plan.

EPA has preliminarily concluded that the maintenance plan adequately addresses the five basic components of a maintenance plan: The attainment emissions inventory; maintenance demonstration; monitoring; verification of continued attainment; and a contingency plan. Therefore, EPA proposes to determine that the maintenance plan for the Area meets the requirements of section 175A of the CAA and proposes to incorporate the maintenance plan into the Florida SIP.

VI. Proposed Actions

EPA is proposing to take three separate but related actions regarding the redesignation request and associated SIP revision for the Hillsborough Area.

First, EPA is proposing to determine that the Area attained the 2008 lead NAAQS based on quality-assured, complete, and certified ambient monitoring data for the 2014–2016 period and that the Area continues to attain the standard based on quality-assured, complete, and certified ambient monitoring data for the 2014–2017 period.

Second, EPA is proposing to approve the maintenance plan for the Area and to incorporate it into the SIP. As described above, the maintenance plan demonstrates that the Area will continue to maintain the 2008 lead NAAQS through 2029.

Third, EPA is proposing to approve Florida's request for redesignation of the Area from nonattainment to attainment for the 2008 lead NAAQS. If finalized, approval of the redesignation request for the Hillsborough Area would change the

official designation of the portion of Hillsborough County, Florida, bounded by a 1.5 km radius centered at UTM coordinates 364,104 meters East, 3,093,830 meters North, Zone 17, which surrounds EnviroFocus, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 lead NAAQS.

VII. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 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, these proposed actions merely propose to approve state law as meeting Federal requirements and do not impose additional requirements beyond those imposed by state law. For this reason, these proposed actions:

- Are not significant regulatory actions 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);
- Are not Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory actions because redesignations and SIP approvals are exempted under Executive Order 12866;
- Do not impose information collection burdens under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are 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.*);
- Do not contain any unfunded mandates or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are 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
- Will not have disproportionate human health or environmental effects 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 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 as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

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

Dated: June 8, 2018.

Onis ''Trey'' Glenn, III

Regional Administrator, Region 4.

[FR Doc. 2018–13148 Filed 6–18–18; 8:45 am]

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Notices

Federal Register
Vol. 83, No. 118
Tuesday, June 19, 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

Economic Research Service

Notice of Intent To Request Renewal of a Currently Approved Information Collection

AGENCY: Economic Research Service, Agriculture.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and Office of Management and Budget (OMB) implementing regulations, this notice announces the Economic Research Service's (ERS) intention to request renewal of approval for an annual information collection on supplemental food security questions in the Current Population Survey (CPS), commencing with the December 2019 survey. These data will be used: to monitor household-level food security and food insecurity in the United States; to assess food security and changes in food security for population subgroups; to assess the need for, and performance of, domestic food assistance programs; to improve the measurement of food security; and to provide information to aid in public policy decision making.

DATES: Comments on this notice must be received by August 20, 2018 to be assured of consideration.

ADDRESSES: Address all comments concerning this notice to Alisha Coleman-Jensen, Food Assistance Branch, Food Economics Division, Economic Research Service, Room 5–229B, 1400 Independence Ave. SW, Mail Stop 1800, Washington, DC 20050–1800. Submit electronic comments to *acjensen@ers.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Alisha Coleman-Jensen at the address in the preamble. Tel. 202–694–5456.

SUPPLEMENTARY INFORMATION:

Title: Current Population Survey Food Security Supplement.

OMB Number: 0536–0043.

Expiration Date of Approval: November 30, 2018.

Type of Request: Intent To Seek Approval To Extend an Information Collection for 3 Years.

Abstract: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13) and OMB regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the ERS intention to request renewal of approval for an annual information collection. The U.S. Census Bureau will supplement the December CPS, beginning in 2019, with questions regarding household food shopping, use of food and nutrition assistance programs, food sufficiency, and difficulties in meeting household food needs. A similar supplement has been appended to the CPS annually since 1995. The last collection was in December 2017.

ERS is responsible for conducting studies and evaluations of the Nation's food and nutrition assistance programs that are administered by the Food and Nutrition Service (FNS), U.S. Department of Agriculture. In Fiscal Year 2017, the Department spent about $99 billion to ensure access to nutritious, healthful diets for all Americans. The Food and Nutrition Service administers the 15 food assistance programs of the USDA including the Supplemental Nutrition Assistance Program (SNAP), formerly called the Food Stamp Program, the National School Lunch Program, and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). These programs, which serve 1 in 4 Americans, represent our Nation's commitment to the principle that no one in our country should lack the food needed for an active, healthy life. They provide a safety net to people in need. The programs' goals are to provide needy persons with access to a more nutritious diet, to improve the eating habits of the Nation's children, and to help America's farmers by providing an outlet for the distribution of food purchased under farmer assistance authorities.

The data collected by the food security supplement will be used to monitor the prevalence of food security and the prevalence and severity of food insecurity among the Nation's households. The prevalence of these conditions as well as year-to-year trends in their prevalence will be estimated at the national level and for population subgroups. The data will also be used to monitor the amounts that households spend for food and their use of community food pantries and emergency kitchens. These statistics along with research based on the data will be used to identify the causes and consequences of food insecurity, and to assess the need for, and performance of, domestic food assistance programs. The data will also be used to improve the measurement of food security and to develop measures of additional aspects and dimensions of food security. This consistent measurement of the extent and severity of food insecurity will aid in policy decision-making.

The supplemental survey instrument was developed in conjunction with food security experts nationwide as well as survey method experts within the Census Bureau and was reviewed in 2006 by the Committee on National Statistics of the National Research Council. This supplemental information will be collected by both personal visit and telephone interviews in conjunction with the regular monthly CPS interviewing. Interviews will be conducted using Computer Assisted Personal Interview (CAPI) and Computer Assisted Telephone Interview (CATI) methods.

Authority: Legislative authority for the planned data collection are 7 U.S.C. 2204a and 7 CFR 2.67. These statutes authorize the Secretary of Agriculture and the Administrator of the Economic Research Service to conduct research and collect statistics on the U.S. food system, consumers, and human nutrition.

Estimate of Burden: Public reporting burden for this data collection is estimated to average 7.2 minutes (after rounding) for each household that responds to the labor force portion of the CPS. The estimate is based on the average proportion of respondents that were asked each question in recent survey years (2012–2016) and typical reading and response times for the questions. The estimate assumes an 80 percent response rate to the supplement. The estimated total number of respondents is based on the average of the two years out of the last five years with the largest numbers of sampled households in the survey.

Respondents: Individuals or households.

Estimated Total Number of Respondents: 53,802.

Estimated Total Annual Burden on Respondents: 6,465 hours. Copies of this information collection can be obtained from Alisha Coleman-Jensen at the address in the preamble.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments should be sent to the address in the preamble. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Signed at Washington, DC, May 22, 2018.

Mary Bohman,

Administrator, Economic Research Service, United States Department of Agriculture.

[FR Doc. 2018–13114 Filed 6–18–18; 8:45 am]

BILLING CODE 3410–18–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Georgia Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights and the Federal Advisory Committee Act that the Georgia Advisory Committee will hold a meeting on Tuesday, July 17, 2018 at 2:00 p.m. EST. The purpose of the meeting is continuing discussion of the Georgia Olmstead Decision regarding civil rights issues in the state.

DATES: The meeting will be held on Tuesday, July 17, 2018, at 2:00 p.m. EST.

Public Call Information: (audio): Dial: 1–877–879–6203, Conference ID: 5147180.

FOR ADDITIONAL INFORMATION CONTACT: Jeff Hinton, DFO, at *jhinton@usccr.gov* or 404–562–7006.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. This meeting is available to the public through the following toll-free call-in number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference operator will ask callers to identify themselves, the organizations they are affiliated with (if any), and an email address prior to placing callers into the conference call. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Program Unit Office, U.S. Commission on Civil Rights, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Regional Director, Jeffrey Hinton at *jhinton@usccr.gov.* Persons who desire additional information may contact the Regional Program Unite Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Program Unit, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Georgia Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Southern Regional Office at the above email or street address.

Agenda

Welcome and Introductions
Discussion continues: Georgia Olmstead Decision.
Director of Atlanta Legal Aid (Decatur, GA office) will present some information
Open Comment
Adjournment

Dated: June 13, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–13057 Filed 6–18–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Ohio Advisory Committee (Committee) will hold a series of meetings via conference call for the purpose of preparing for a public hearing on educating funding in the state.

DATES: The meetings will be held on:

- Thursday, June 28 at 10 a.m. EDT
- Wednesday, July 11 at 12 p.m. EDT
- Monday, July 23 at 12 p.m. EDT
- Monday, August 27 at 12 p.m. EDT

Public Call Information: Dial: 877–604–9673, Conference ID: 1551373.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. These meetings are available to the public through the above listed toll free number. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are also entitled to submit written comments;

the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit Office, U.S. Commission on Civil Rights, 230 S Dearborn, Suite 2120, Chicago, IL 60604. They may also be faxed to the Commission at (312) 353–8324, or emailed to Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit Office at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=268*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion: Education Funding in Ohio
Public Comment
Adjournment

Dated: June 13, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–13071 Filed 6–18–18; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[05/23/2018 through 06/12/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
Zephyr Products, Inc	3030 Wilson Avenue, Leavenworth, KS 66048.	6/7/2018	The firm manufactures custom metal fabrications of stainless steel, carbon steel, aluminum, and other metals.
CAMtek, Inc	2402 East Empire Street, Bloomington, IL 61704.	6/8/2018	The firm manufactures circuit cards and other electro-mechanical assemblies.
Diagnostic Instruments, Inc. d/b/a SPOT Imaging Solutions.	6540 Burroughs Avenue, Sterling Heights, MI 48314.	6/12/2018	The firm manufactures imaging solutions for life sciences markets, such as microscope digital cameras and microscope boom stands.
Lederle Machine Company	830 Jefferson Street, Pacific, MO 63069.	6/12/2018	The firm manufactures tool and die products made of steel.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2018–13130 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–38–2018]

Foreign-Trade Zone 163—Ponce, Puerto Rico; Application for Expansion

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by CODEZOL, C.D., grantee of FTZ 163, requesting authority to expand FTZ 163 to include a site in Ponce, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on June 13, 2018.

FTZ 163 was established by the Board on October 18, 1989 (Board Order 443, 54 FR 46097, November 1, 1989), and expanded on April 18, 2000 (Board Order 1091, 65 FR 24676, April 27, 2000), on June 9, 2005 (Board Order 1397, 70 FR 36117, June 22, 2005), on July 26, 2006 (Board Order 1467, 71 FR 44996, August 8, 2006), on November 9, 2006 (Board Order 1487, 71 FR 67098, November 20, 2006), on June 26, 2009 (Board Order 1631, 74 FR 34306–34307, July 15, 2009), on July 8, 2010 (Board Orders 1692 and 1693, 75 FR 41801, July 19, 2010), and on May 24, 2012 (Board Order 1830, 77 FR 32929, June 4, 2012).

The zone project currently consists of the following sites in Puerto Rico: *Site*

1 (269 acres, 5 parcels)—within the Port of the Americas located at the Port of Ponce, at 3309 Avenida Santiago de los Caballeros, at Percon Industrial Park, at Phase 3A 100% and at Bayland, Ponce; *Site 2* (183.8 acres, 5 parcels)—Peerless Oil & Chemicals, Inc., petroleum terminal facilities in Peñuelas and Guaynilla; *Site 3* (3 acres)—Hato Rey Distribution Center, located at Angel Buonoma Street #361 and #71, San Juan; *Site 4* (14 acres)—Centro Automatriz Santa Rosa, Inc., State Road No. 3, Km 140.1, Guayama; *Site 5* (256 acres)—Mercedita Industrial Park, Rt. PR–9 and Las Americas Highway, Ponce; *Site 6* (86 acres)—Coto Laurel Industrial Park, Highways PR–56 and PR–52, Ponce; *Site 7* (17.2 acres)—Cesar Castillo warehouse, State Road No. 1, Km 21.1, Guaynabo; *Site 8* (5 acres)—Ayala Warehouse, Inc., 42 Salmon Street, Ponce; *Site 10* (5.83 acres)—Colomer & Suarez, Inc., Centro de Distribucion Playa de Ponce, Building 7, Avenida Santiago de los Caballeros, Ponce; *Site 11* (52 acres)—ProCaribe, Road 385, Km 5.4, Bo. Tallaboa, Peñuelas; *Site 12* (5.97 acres)—Yaucono Industrial Park, 2822 Las Americas Avenue, Corner Cuatro Calles, Ponce; and, *Site 13* (10 acres)—Rio Piedras Distribution Center, Quebrada Arena Industrial Park, PR Road #1, Km 26.0, San Juan. (Note: Sites 9, 14, 15 and 16 have expired and the site numbers will not be reused.)

The applicant is requesting authority to expand the zone to include a site in Ponce: *Proposed Site 17* (29.184 acres)—Ponce Regional Distribution Center, 3199 Ave. Santiago de los Caballeros, Ponce. No authorization for production activity is being requested at this time. Such requests would be made to the FTZ Board on a case-by-case basis.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is August 20, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to September 4, 2018.

A copy of the application 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 FTZ Board's website, which is accessible via *www.trade.gov/ftz*.

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: June 13, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–13133 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–832]

Pure Magnesium From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) has completed its administrative review of the antidumping duty order on pure magnesium from the People's Republic of China (China) for the period of review (POR), May 1, 2016, through April 30, 2017. We continue to find that Tianjin Magnesium International, Co., Ltd. (TMI) and Tianjin Magnesium Metal Co., Ltd. (TMM) (collectively, TMI/TMM) had no shipments of pure magnesium during the POR.

DATES: Applicable June 19, 2018.

FOR FURTHER INFORMATION CONTACT: James Terpstra or Brendan Quinn, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3965 or (202) 482–5848, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2018, Commerce published the *Preliminary Results*.[1] We invited interested parties to comment on the *Preliminary Results;* however, no interested party submitted comments.[2] Accordingly, we made no changes to the *Preliminary Results.* On May 29, 2018, we extended the time period for issuing these final results by 14 days, until June 14, 2018, in accordance with section 751(a)(3)(A) of the Act.[3]

Scope of the Order

Merchandise covered by the order is pure magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of the order. Pure magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure magnesium is used as an input in producing magnesium alloy. Pure magnesium encompasses products (including, but not limited to, butt ends, stubs, crowns and crystals) with the following primary magnesium contents:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium);

(2) Products that contain less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as ''pure'' magnesium); and

(3) Products that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium (generally referred to as ''off-specification pure'' magnesium).

''Off-specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: Aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of the order are alloy primary magnesium (that meets specifications for alloy magnesium), primary magnesium anodes, granular primary magnesium (including turnings, chips and powder) having a maximum physical dimension (*i.e.,* length or diameter) of one inch or less, secondary magnesium (which has pure primary magnesium content of less than 50% by weight), and remelted magnesium whose pure primary magnesium content is less than 50% by weight.

[1] *See Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,* 83 FR 4187 (January 30, 2018) (*Preliminary Results*).

[2] Accordingly, no decision memorandum accompanies this **Federal Register** notice.

[3] *See* memorandum, ''Pure Magnesium from the People's Republic of China: Extension of Deadline for Final Results of the 2016–2017 Antidumping Duty Administrative Review,'' dated May 29, 2018.

Pure magnesium products covered by the order are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8104.11.00, 8104.19.00, 8104.20.00, 8104.30.00, 8104.90.00, 3824.90.11, 3824.90.19 and 9817.00.90. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope is dispositive.

Final Determination of No Shipments

In the *Preliminary Results,* Commerce determined that TMI/TMM [4] had no shipments of the subject merchandise during the POR.[5] Since we did not receive any comments on our *Preliminary Results,* we continue to fine that that TMI/TMM did not have any shipments of subject merchandise during the POR.[6] We intend to issue appropriate instructions that are consistent with our ''automatic assessment'' clarification, for these final results.[7]

Assessment Rates

Commerce determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with section 751(a)(2)(C) of the Act and 19 CFR 351.212(b). We intend to issue assessment instructions to CBP 15 days after the date of publication of the final results of this review. Additionally, consistent with Commerce's assessment practice in non-market economy cases, because Commerce determined that TMI/TMM had no shipments of subject merchandise during the POR, any suspended entries of subject merchandise during the POR from TMI/TMM will be liquidated at the PRC-wide rate.[8]

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice of final results of the administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For TMI/TMM, which claimed no shipments, the cash deposit rate will remain unchanged from the rate assigned to TMI/TMM in the most recently completed review of the company; (2) for previously investigated or reviewed Chinese and non-Chinese exporters who are not under review in this segment of the proceeding but who have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the China-wide rate of 111.73 percent; [9] and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Administrative Protective Order

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

We are issuing and publishing these final results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: June 13, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–13134 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–DS–P

[4] In the 2011–2012 administrative review of the order, Commerce determined TMM and TMI to be collapsed and treated as a single entity for purposes of that proceeding. *See Pure Magnesium from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 94 (January 2, 2014) and accompanying Issues and Decision Memorandum at Comment 5. Because there have been no changes to the facts supporting the original collapsing determination, which remains unchallenged in this review, we continue to find that these companies are part of a single entity for the purposes of this administrative review.

[5] *See Preliminary Results,* 83 FR at 4187.

[6] *Id.* at 4188.

[7] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*Assessment Notice*); *see also* ''Assessment Rates'' section below.

[8] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[9] *See Pure Magnesium from the People's Republic of China: Final Results of the 2008–2009 Antidumping Duty Administrative Review of the Antidumping Duty Order,* 75 FR 80791 (December 23, 2010).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG282

Endangered Species; File No. 20561

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Virginia Aquarium and Marine Science Center (Responsible Party: W. Mark Swingle), 717 General Booth Boulevard, Virginia Beach, VA 23451, has applied in due form for a permit to take green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and loggerhead (*Caretta caretta*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before July 19, 2018.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 20561 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The Virginia Aquarium and Marine Science Center proposes to continue sea turtle research in the Chesapeake Bay and mid-Atlantic Ocean to enhance conservation and management of sea turtles in estuarine and marine waters. Specific research objectives are to (1) study the behavior, distribution, health, and nutrition and compare the relative abundance of green, Kemp's ridley, and loggerhead sea turtles in the Chesapeake Bay, Long Island Sound, and U.S. mid-Atlantic waters; and (2) investigate the survival and behavior of green, loggerhead, and Kemp's ridley sea turtles affected by human activities in the study area. Annually, up to 30 green, 30 Kemp's ridley, and 30 loggerhead sea turtles would be captured (hand, dip, tangle, or pound nets, or capture under another authority), biologically sampled (blood, tissue), and tagged (passive integrated transponder (PIT), flipper, and acoustic or satellite transmitters (by epoxy or drilling the carapace)), measured, weighed, and photographed. One leatherback sea turtle may be opportunistically taken during research and would receive a temporary carapace mark, PIT tag, and flipper tags as well as be blood sampled, measured, and photographed. The permit would be valid for 10 years.

Dated: June 13, 2018.

Amy Sloan,

Deputy Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–13065 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

62nd Meeting of the NOAA Science Advisory Board

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the NOAA Science Advisory Board (SAB). The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting will be held Tuesday, July 17, 2018 from 9:45 a.m. EDT to 5:00 p.m. EDT and on Wednesday, July 18, 2018 from 9 a.m. EDT to 12 p.m. EDT. These times and agenda topics described below are subject to change. For the latest agenda please refer to the SAB website: *http://sab.noaa.gov/SABMeetings.aspx.*

ADDRESSES: The meeting will be held at the Hugh Gregg Coastal Conservation Center, 93 Depot Road, Greenland, NH 03840. Members of the public may participate virtually by registering at: *https://attendee.gotowebinar.com/register/8542038057269870337.*

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Executive Director, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Phone Number: 301–734–1156; Email: *Cynthia.Decker@noaa.gov;* or visit the SAB website at *http://sab.noaa.gov/SABMeetings.aspx.*

SUPPLEMENTARY INFORMATION: The NOAA Science Advisory Board (SAB) was established by a Decision Memorandum dated September 25, 1997, and is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on strategies for research, education, and application of science to operations and information services. SAB activities and advice provide necessary input to ensure that National Oceanic and Atmospheric Administration (NOAA) science programs are of the highest quality and provide optimal support to resource management.

MATTERS to be CONSIDERED: The purpose of this meeting is to receive updates and information on elements of the SAB work plan. Meeting materials, including work products will be made available on the SAB website: *http://sab.noaa.gov/SABMeetings.aspx.*

STATUS: The meeting will be open to public participation with a 15-minute public comment period on July 17 from 4:45–5:00 p.m. EDT (check website to confirm time). The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minute. Written comments for the meeting should be received in the SAB Executive Director's Office by July 9, 2018 to provide sufficient time for SAB review. Written comments received after July 9th will be distributed to the SAB, but may not be reviewed prior to the meeting date. Seating at the meeting will be available on a first-come, first served basis.

SPECIAL ACCOMMODATIONS: These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on July 9, 2018, to Dr. Cynthia Decker, SAB Executive Director, SSMC3, Room 11230, 1315 East-West Highway, Silver Spring, MD 20910; Email: *Cynthia.Decker@noaa.gov.*

Dated: June 6, 2018.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–13140 Filed 6–18–18; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Notice Inviting Preliminary Public Input on Transformation and Sustainability Plan

AGENCY: Corporation for National and Community Service

ACTION: Request for preliminary public input; Notification of listening sessions.

SUMMARY: In accordance with the National and Community Service Act of 1990, as amended, and the President's Management Agenda for Modernizing the Federal Government, the Corporation for National and Community Service (CNCS) is inviting informal public comment concerning its Transformation and Sustainability Plan. CNCS will host four in-person listening sessions and three conference calls for public input, and accept written comments. This input will be used to shape the implementation of the plan.

DATES: Written comments are due by Friday, August 24, 2018.

Listening sessions:

1. June 21, 2018, Chicago, IL
2. June 22, 2018, New Orleans, LA
3. July 9, 2018, conference call
4. July 26, 2018, Los Angeles, CA
5. August 2, 2018, Boston, MA
6. August 8, 2018, conference call
7. August 13, Tribal conference call

ADDRESSES: You may submit written comments by any of the following methods:

(1) Electronically via *regulations.gov.*

(2) Electronically via email to *Transform@cns.gov.*

(3) By mail sent to: Amy Borgstrom, Docket Manager, Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525.

For public input meeting registration and conference call information see: *https://www.nationalservice.gov/about-cncs/transformation-and-sustainability-plan.*

FOR FURTHER INFORMATION CONTACT: Neill Minish, Special Initiatives Advisor, Corporation for National and Community Service, 250 E Street SW, Washington, DC 20525. Phone: 202–606–6664. Email: *nminish@cns.gov.*

SUPPLEMENTARY INFORMATION:

Description of Requested Input:

CNCS is inviting preliminary informal input from the public on its Transformation and Sustainability Plan. The plan, and further information about the meetings and calls, can be viewed at *https://www.nationalservice.gov/about-cncs/transformation-and-sustainability-plan.*

We will accept input in writing, as described in the **ADDRESSES** section above, at the four in-person listening sessions we will conduct this summer, and through three virtual listening sessions via conference call. CNCS will not respond individually to commenters, but will consider the input as we implement the Transformation and Sustainability Plan.

We are committed to hearing and considering input from all Americans. If you can't attend a face-to-face session, please attend a virtual session or provide your input via regulations.gov.

Reasonable Accommodations: The Corporation for National and Community Service provides reasonable accommodations to individuals with disabilities where appropriate. Anyone who needs an interpreter or other accommodation should notify Neill Minish at *nminish@cns.gov* or 202–606–6660.

Dated: June 13, 2018.

Thomas L. Bryant,

Acting General Counsel.

[FR Doc. 2018–13087 Filed 6–18–18; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID USAF–2018–HQ–0004]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Department of the Air Force announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 20, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Chief Operations Division, Headquarters Air Force Recruiting Service, 550 D Street West Suite 1, Randolph AFB, TX 78150–4527, or call 703–862–3746.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Air Force Recruiting Information Support System—Total Force (AFRISS–TF); OMB Control Number 0701–0150.

Needs and Uses: The system will provide field recruiters an automated tool to process prospective Active, Guard and Reserve applicants; evaluate recruiter's and job counselor's activity and efficiency levels; and analyze pre-enlistment job cancellations for common reasons.

Affected Public: Individuals or Households.

Annual Burden Hours: 4,500,000.

Number of Respondents: 1,500,000.

Responses per Respondent: 1.

Annual Responses: 1,500,000.

Average Burden per Response: 3 hours.

Frequency: On occasion.

The Air Force (AF) Active, Air National Guard (ANG), and Air Force Reserve Command (AFRC) duty field recruiters have a need for an automated tool to initially build prospective enlistees for all recruiting accessions for Enlisted, Officer, and Health Professions. Air Force Recruiting Information Support System-Total Force (AFRISS–TF) provides a comprehensive integration, interface, and standardization of all programs that manage personnel resources in support of recruiting and collecting personnel private information required to induct into the Armed Forces.

The system extends automated capabilities out to the individual recruiter, flight, squadron, and groups. It provides an automated interface to Military Entrance Processing Center Station (MEPS) where applicants undergo physical, testing, verification interviews, and tentative job reservation that can be entered into AFRISS–TF. It also provides reporting capabilities at all levels of management to make informed decisions on recruiting practices.

Dated: June 14, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13122 Filed 6–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF–2014–0015]

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Air Force Research Laboratory/Air Force Office of Scientific Research (AFRL/AFOSR) announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 20, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Air Force Office of Scientific Research, ATTN: Raheem A. Lawal, AFOSR/RTA, 875 North Randolph Street, Suite 325, Room 3112, Arlington, VA 22203–1768, or call AFOSR/RTA, at 703–696–7313.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Summer Faculty Fellowship Program (SFFP); OMB Control Number 0701–0155.

Needs and Uses: The information collection requirement is necessary to identify some of the nation's most talented scientific personnel for award of fellowships at Air Force research activities. Summer fellowships provide research opportunities for 8–14 weeks at an Air Force research site.

Affected Public: Individuals or Households.

Annual Burden Hours: 50.5 hours.

Number of Respondents: 202.

Responses per Respondent: 1.

Annual Responses: 202.

Average Burden per Response: 15 minutes.

Frequency: Annually.

Respondents are professors, associate professors, assistant professors, undergraduate and graduate students desiring to conduct stimulating research projects and activities at Air Force research sites. The online electronic application process provides information necessary for evaluation and selection of researchers.

Dated: June 11, 2018.

Shelly E. Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13072 Filed 6–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Science Board; Notice of Federal Advisory Committee Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Army Science Board (ASB) will take place. This notice replaces the original meeting notice published in the **Federal Register** on May 23, 2018.

DATES: Thursday, July 19, 2018. *Time:* 8:30 a.m. to 12:30 p.m. This meeting will be closed to the public.

ADDRESSES: Arnold and Mabel Beckman Center of the National Academies of Sciences and Engineering, 100 Academy Way, Irvine, CA 92617.

FOR FURTHER INFORMATION CONTACT: Ms. Heather J. Gerard (Ierardi), (703) 545–8652 (Voice), 571–256–3383 (Facsimile), *heather.j.ierardi.civ@mail.mil* (Email) or Mr. Paul Woodward at (703) 695–8344 or email: *paul.j.woodward2.civ@mail.mil.* Mailing address is Army Science Board, 2530 Crystal Drive, Suite 7098, Arlington, VA 22202. Website: *https://asb.army.mil/.*

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of the meeting is for ASB members to review, deliberate, and vote on the findings and recommendations presented for two Fiscal Year 2018 ASB Studies.

Agenda: The ASB will present findings and recommendations for deliberation and vote on the following studies: Multi Domain Battle II. This study is classified and will be discussed from 8:30 a.m. to 10:00 a.m.; Manned Unmanned Teaming. This study is classified and will be discussed from 10:15 a.m. to 12:30 p.m.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Department of the Army has determined that the meeting shall be closed to the public. Specifically, the Administrative Assistant to the Secretary of the Army, in consultation with the Office of the Army General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section 5 U.S.C. 552b(c)(1).

Written Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the ASB about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the ASB. All written statements must be submitted to the Designated Federal Officer (DFO) at the address listed above, and this individual will ensure that the written statements are provided to the membership for their consideration. Written statements not received at least 10 calendar days prior to the meeting may not be considered by the ASB prior to its scheduled meeting. After

reviewing written comments, the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

Brenda Bowen,

Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13104 Filed 6–18–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2018–OS–0035]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Assistant Secretary of Defense for Manpower and Reserve Affairs announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 20, 2018.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to ATTN: CDR David Clark, 1500 Defense Pentagon, Washington, DC 20301–1500, or call (703) 693–1068.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Transitional Compensation (TC) for Abused Dependents; DD Form 2698; 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to establish eligibility, determine the number of payments, determine the number of dependents, determine the amount of compensation, and direct payment to the abused dependent(s).

Affected Public: Individuals or Households.

Annual Burden Hours: 166.7.

Number of Respondents: 500.

Responses per Respondent: 1.

Annual Responses: 500.

Average Burden per Response: 20 minutes.

Frequency: On occasion.

Respondents are abused dependents or former dependents, or legal representatives of abused dependents or former dependents, of service members who are convicted or administratively separated from military service due to a dependent abuse offense. In order to receive the benefit, the recipient must complete the required information in DD Form 2698.

Dated: June 14, 2018.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–13111 Filed 6–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2018–OS–0007]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by July 19, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Travel System (DTS); OMB Control Number 0704–XXXX.

Type of Request: Existing collection in use without an OMB Control Number.

Number of Respondents: 1,500.

Responses per Respondent: 1.

Annual Responses: 1,500.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 250.

Needs and Uses: This information collection is necessary for the purpose of official travel. The information is used to satisfy reporting requirements and detect fraud and abuse. Non-DoD personnel whose information is in DTS includes dependents of DoD Military and Civilian personnel and guests of the DoD such as foreign nationals.

Affected Public: Individuals or Households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Requests for copies of the information collection proposal should be sent to Mr. Licari at *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

Dated: June 13, 2018.

Shelly E. Finke,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–13070 Filed 6–18–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Gaining Early Awareness and Readiness for Undergraduate Programs (State Grants)

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: On June 7, 2018, we published in the **Federal Register** a notice inviting applications for the fiscal year (FY) 2018 Gaining Early Awareness and Readiness for Undergraduate Programs State Grant Competition (GEAR UP State NIA). This notice revises information provided in Section II of the GEAR UP State NIA under Award Information. All other requirements and conditions stated in the GEAR UP State NIA remain the same.

DATES: The correction is applicable June 19, 2018.

FOR FURTHER INFORMATION CONTACT: Karmon Simms-Coates, U.S. Department of Education, 400 Maryland Avenue SW, Room 278–54, Washington, DC 20202–6200. Telephone: (202) 453–7917. Email: *karmon.simms-coates@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 June 7, 2018, we published in the **Federal Register** the GEAR UP State NIA (83 FR 26445), inviting applications for new awards for the State Grants GEAR UP program. This notice revises: (a) The estimated funding available for new GEAR UP State awards; (b) the estimated range of awards; (c) the estimated average size of awards; (d) the maximum amount of funding a State applicant can receive for a single budget period of 12 months; and (e) the estimated number of awards. All other requirements and conditions stated in the GEAR UP State NIA remain the same.

Correction

In FR Doc. 2018–12291, in the **Federal Register** of June 7, 2018, we make the following revisions:

(a) On page 26448, in the middle column, in the last sentence of the first paragraph in the section entitled ''Estimated Available Funds'', we remove the number ''$54,833,000'' and replace it with the number ''$64,833,000''.

(b) On page 26448, in the middle column, after the words ''Estimated Range of Awards'', we remove the numbers ''$2,500,000–$3,500,000'' and replace them with the numbers ''$2,500,000–$5,000,000''.

(c) On page 26448, in the middle column, after the words ''Estimated Average Size of Awards'', we remove the number ''$3,000,000'' and replace it with the number ''$4,250,000''.

(d) On page 26448, in the middle column, in the first sentence of the section entitled ''Maximum Award'', we remove the number ''$3,500,000'' and replace it with the number ''$5,000,000''.

(e) On page 26448, in the middle column, after the words ''Estimated Number of Awards'', we remove the number ''18'' and replace it with the number ''15''.

Program Authority: 20 U.S.C. 1070a–21–1070a–28.

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 the site.

You also may 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: June 14, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the Duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the Duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–13151 Filed 6–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Child Care Access Means Parents in School Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for new awards for fiscal year (FY) 2018 for the Child Care Access Means Parents in School (CCAMPIS) Program, Catalog of Federal Domestic Assistance (CFDA) number 84.335A.

DATES:

Applications Available: June 19, 2018.

Deadline for Transmittal of Applications: July 24, 2018.

Deadline for Intergovernmental Review: September 24, 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: Antoinette Clark Edwards, U.S. Department of Education, 400 Maryland Avenue SW, Room 278–50, Washington, DC 20202–4260. Telephone: (202) 453–7121. Email: *antoinette.clark@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 CCAMPIS Program supports the participation of low-income parents in postsecondary education through the provision of campus-based child care services.

Priorities: This notice contains one absolute priority and one competitive preference priority. In accordance with

34 CFR 75.105(b)(2)(iv), the priorities are from section 419N(d) of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1070e(d)).

Absolute Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Projects that utilize a sliding fee scale for child care services provided under section 419N of the HEA in order to support a high number of low-income parents pursuing postsecondary education at the institution.

Competitive Preference Priority: For FY 2018 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award up to an additional 5 points to an application, depending on how well the application meets this priority.

This priority is:

Projects that leverage significant local or institutional resources, including in-kind contributions, to support the activities assisted under section 419N of the HEA.

Requirements: An institution of higher education desiring a grant under this competition must submit an application that must—

(1) Demonstrate that the institution is an eligible institution;

(2) Specify the amount of funds requested;

(3) Demonstrate the need of low-income students at the institution for campus-based child care services by including in the application—

(A) information regarding student demographics;

(B) an assessment of child care capacity on or near campus;

(C) information regarding the existence of waiting lists for existing child care;

(D) information regarding additional needs created by concentrations of poverty or by geographic isolation; and

(E) other relevant data;

(4) Contain a description of the activities to be assisted, including whether the grant funds will support an existing child care program or a new child care program;

(5) Identify the resources, including technical expertise and financial support, the institution will draw upon to support the child care program and the participation of low-income students in the program, such as accessing social services funding, using student activity fees to help pay the costs of child care, using resources obtained by meeting the needs of parents who are not low-income students, and accessing foundation, corporate or other institutional support, and demonstrate that the use of the resources will not result in increases in student tuition;

(6) Contain an assurance that the institution will meet the child care needs of low-income students through the provision of services, or through a contract for the provision of services;

(7) Describe the extent to which the child care program will coordinate with the institution's early childhood education curriculum, to the extent the curriculum is available, to meet the needs of the students in the early childhood education program at the institution, and the needs of the parents and children participating in the child care program assisted under the applicant's project;

(8) In the case of an institution seeking assistance for a new child care program—

(A) provide a timeline, covering the period from receipt of the grant through the provision of the child care services, delineating the specific steps the institution will take to achieve the goal of providing low-income students with child care services;

(B) specify any measures the institution will take to assist low-income students with child care during the period before the institution provides child care services; and

(C) include a plan for identifying resources needed for the child care services, including space in which to provide child care services, and technical assistance if necessary;

(9) Contain an assurance that any child care facility assisted under this section will meet the applicable State or local government licensing, certification, approval, or registration requirements; and

(10) Contain a plan for any child care facility assisted under this section to become accredited within three years of the date the institution first receives assistance under this section.

Program Authority: 20 U.S.C. 1070e.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 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.

Note: Because there are no program-specific regulations for the CCAMPIS Program, applicants are encouraged to carefully read the authorizing statute: Title IV, part A, subpart 7, section 419N of the HEA (20 U.S.C. 1070e).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $32,027,299.

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: $30,000 to $375,000.

Estimated Average Size of Awards: $151,072.

Maximum Award: In accordance with section 419N(b)(2)(A) of the HEA, the maximum annual amount an applicant may receive under this program is one percent of the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution for FY 2017. A grant will not be less than $30,000 for a single budget period of 12 months.

Estimated Number of Awards: 212.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

III. Eligibility Information

1. *Eligible Applicants:* Any institution of higher education that awarded a total of $250,000 or more of Federal Pell Grant funds during FY 2017 to students enrolled at the institution.

2. *Cost Sharing or Matching:* This program does not require cost sharing or matching.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.

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:* Funding restrictions are outlined in section 419N(b)(2)(B) of the HEA. We reference 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 selection criteria that reviewers use to evaluate your application. We recommend that you (1) limit the application narrative, which includes the budget narrative, to no more than 50 pages and (2) use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins.
- Double-space all text in the application narrative, and single-space titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a 12-point font.
- Use an easily readable font such as Times New Roman, Courier, Courier New, or Arial.

The recommended 50-page limit does not apply to Part I, the Application for Federal Assistance cover sheet (SF 424); Part II, the Budget Information Summary form (ED Form 524); Part III, the CCAMPIS Program Profile form and the one-page Project Abstract form; or Part IV, the assurances and certifications. The recommended page limit also does not apply to a table of contents, which you should include in the application narrative. You must include your complete response to the selection criteria in the application narrative.

Note: Applications that do not follow the page limit and formatting recommendations will not be penalized.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from section 419N of the HEA and the Department's regulations at 34 CFR 75.210 and are listed below.

We will award up to 100 points to an application under the selection criteria and up to 5 additional points to an application under the competitive preference priority, for a total peer review score of up to 105 points. The maximum score for each criterion is indicated in parentheses, and the maximum score for each subcriterion is in the application package for this competition.

(a) *Need for the project.* (30 points).

In determining the need for the proposed project, the Secretary considers the extent to which the applicant demonstrates, in its application, the need for campus-based child care services for low-income students at the institution by including the following (see section 419N(c)(3) of the HEA):

(i) Information regarding student demographics.

(ii) An assessment of child care capacity on or near campus.

(iii) Information regarding the existence of waiting lists for existing child care.

(iv) Information regarding additional needs created by concentrations of poverty or by geographic isolation.

(v) Other relevant data.

(b) *Quality of project design.* (25 points).

In determining the quality of the design of the proposed project, the Secretary considers the following:

(i) The extent to which the applicant describes in its application the activities to be assisted, including whether the grant funds will support an existing child care program or a new child care program (see section 419N(c)(4) of the HEA).

(ii) The extent to which the services to be provided by the proposed project are focused on those with the greatest needs (see 34 CFR 75.210(d)(3)(xi)).

Note: For consistency in scoring applications, readers of applications will be instructed to include, in their assessment of focus on service of those with the greatest needs, the extent to which services are available during all hours that classes are in session, including evenings and weekends, to part-time students, and to students who need only emergency drop-in child care in the event that regularly scheduled child care is unexpectedly unavailable.

(iii) The likely impact of the services to be provided by the proposed project on the intended recipients of those services (see 34 CFR 75.210(d)(3)(iv)).

(iv) Whether the application includes an assurance that the institution will meet the child care needs of low-income students through the provision of services, or through a contract for the provision of services (see section 419N(c)(6) of the HEA).

(v) The extent to which the child care program will coordinate with the institution's early childhood education curriculum, to the extent the curriculum is available, to meet the needs of the students in the early childhood education program at the institution, and the needs of the parents and children participating in the child care program assisted under this section (see section 419N(c)(7) of the HEA).

(vi) The extent to which the proposed project encourages parental involvement (see 34 CFR 75.210(c)(2)(xix)).

(vii) If the applicant is requesting grant assistance for a new child care program (see section 419N(c)(8) of the HEA)—

(1) Whether the applicant provides in its application a timeline, covering the period from receipt of the grant through the provision of the child care services, delineating the specific steps the institution will take to achieve the goal of providing low-income students with child care services;

(2) The extent to which the applicant specifies in its application the measures the institution will take to assist low-income students with child care during the period before the institution provides child care services; and

(3) The extent to which the application includes a plan for identifying resources needed for the child care services, including space in which to provide child care services and technical assistance if necessary.

(c) *Quality of management plan.* (25 points).

In determining the quality of the management plan for the proposed project, the Secretary considers the following:

(i) The extent to which the application includes a management plan that describes the resources, including technical expertise and financial support, the institution will draw upon to support the child care program and the participation of low-income students in the program, such as accessing social services funding, using student activity fees to help pay the costs of child care, using resources obtained by meeting the needs of parents who are not low-income students, and accessing foundation, corporate or other institutional support, and demonstrates that the use of the resources will not result in increases in student tuition (see section 419N(c)(5) of the HEA).

(ii) The qualifications, including relevant training and experience, of key project personnel (see 34 CFR 75.210(e)(3)(ii)).

(iii) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks (see 34 CFR 75.210(g)(2)(i)).

(d) *Quality of project evaluation.* (15 points).

In determining the quality of the project evaluation, the Secretary considers the following:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project (see 34 CFR 75.210(h)(2)(i)).

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible (see 34 CFR 75.210(h)(2)(iv)).

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes (see 34 CFR 75.210(h)(2)(vi)).

(e) *Adequacy of resources.* (5 points).

In determining the adequacy of resources for the proposed project, the Secretary considers the following:

(i) The extent to which the budget is adequate to support the proposed project (see 34 CFR 75.210(f)(2)(iii)).

(ii) The extent to which the costs are reasonable in relation to the number of persons to be served and to the anticipated results and benefits (see 34 CFR 75.210(f)(2)(v)).

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 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 (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

For this competition, a panel of non-Federal readers will review each application in accordance with the selection criteria, consistent with 34 CFR 75.217. The individual scores of the reviewers will be added and the sum divided by the number of reviewers to determine the peer review score received in the review process.

If there are insufficient funds for all applications with the same total scores, the Secretary will choose among the tied applications so as to serve geographical areas that have been underserved by the CCAMPIS Program.

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.205, before awarding grants under this competition 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 will 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 will 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 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 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 multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 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.*

(c) Under 34 CFR 75.250(b), the Secretary may provide a grantee with additional funding for data collection analysis and reporting. In this case the Secretary establishes a data collection period.

5. *Performance Measures:* The success of the CCAMPIS Program will be

measured by the postsecondary persistence and degree of completion rates of the CCAMPIS Program participants that remain at the grantee institution. All CCAMPIS Program grantees will be required to submit an annual performance report documenting the persistence and degree attainment of their participants. Since students may take different lengths of time to complete their degrees, multiple years of performance report data are needed to determine the degree completion rates of CCAMPIS Program participants. The Department will aggregate the data provided in the annual performance reports from all grantees to determine the accomplishment level.

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 grant, 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 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.

Dated: June 14, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and delegated the duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–13150 Filed 6–18–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Case No. 2017–009]

Notice of Petition for Waiver of Jamison Door Company From the Department of Energy Walk-in Cooler and Walk-in Freezer Test Procedure, and Notice of Grant of Interim Waiver

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of petition for waiver and grant of an interim waiver and request for comments.

SUMMARY: This document announces receipt of, and publishes a petition for waiver from, Jamison Door Company (''Jamison''), which seeks an exemption from specified portions of the U.S. Department of Energy (''DOE'') test procedure used for determining the energy consumption of walk-in cooler and walk-in freezer doors (collectively, ''walk-in doors''). Jamison seeks to use an alternate test procedure to address issues involved in testing the basic models identified in its petition. Jamison asserts in its petition that the percent time off (''PTO'') value specified in the test procedure for walk-in door motors is unrepresentative of actual performance and causes the test procedure to over-estimate the energy use of the motors used in a number of its walk-in door basic models. Accordingly, Jamison seeks to test and rate the basic models identified in its petition using an alternative PTO value for walk-in door motors. DOE is granting Jamison an interim waiver from the DOE's walk-in door test procedure for its specified basic models, subject to use of the alternative test procedure as set forth in this document. DOE solicits comments, data, and information concerning Jamison's petition and its suggested alternate test procedure to inform its final decision on Jamison's waiver request.

DATES: DOE will accept comments, data, and information with respect to the Jamison petition until July 19, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, interested persons may submit comments, identified by case number ''2017–009'', and Docket number ''EERE–2017–BT–WAV–0040,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: JamisonDoor2017WAV0040@ee.doe.gov.* Include the case number [Case No. 2017–009] in the subject line of the message.
- *Postal Mail:* Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Petition for Waiver Case No. 2017–009, 1000 Independence Avenue SW, Washington, DC 20585–0121. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.
- *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, 950 L'Enfant Plaza SW, Room 6055, Washington, DC 20024. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted. For detailed instructions on submitting comments and additional information on this process, see section V of this document.

Docket: The docket, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket web page can be found at *https://www.regulations.gov/docket?D=EERE-2017-BT-WAV-0040.* The docket web page contains simple instruction on how to access all documents, including public comments, in the docket. See section V for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Lucy deButts, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–

0121. Email: *JamisonDoor2017WAV0040@ee.doe.gov.*

Mr. Michael Kido, U.S. Department of Energy, Office of the General Counsel, Mail Stop GC–33, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585–0103. Telephone: (202) 586–8145. Email: *Michael.Kido@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The Energy Policy and Conservation Act of 1975, as amended (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy efficiency of a number of consumer products and industrial equipment. Title III, Part C [2] of EPCA, added by the National Energy Conservation Act, Public Law 95–619, sec. 441 (Nov. 9, 1978), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency for certain types of industrial equipment. This equipment includes walk-in coolers and walk-in freezers, the focus of this document. (42 U.S.C. 6311(1)(G))

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(a); 42 U.S.C. 6295(s)), and (2) making representations about the efficiency of that equipment (42 U.S.C. 6314(d)). Similarly, DOE must use these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA. (42 U.S.C. 6316(a); 42 U.S.C. 6295(s))

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results reflecting the energy efficiency, energy use, or estimated annual operating costs during a representative average use cycle or period of use, and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2)) The test procedure for walk-in doors is contained in 10 CFR part 431, subpart R, appendix A.

The regulations set forth in 10 CFR 431.401 provide that upon receipt of a petition, DOE will grant a waiver from the test procedure requirements if DOE determines either that the basic model for which the waiver was requested contains a design characteristic that prevents testing of the basic model according to the prescribed test procedure, or that the prescribed test procedure evaluates the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 10 CFR 431.401(f)(2).

DOE may grant a waiver subject to conditions, including adherence to alternate test procedures. *Id.* As soon as practicable after the granting of any waiver, DOE will publish in the **Federal Register** a notice of proposed rulemaking to amend its regulations so as to eliminate any need for the continuation of such waiver. 10 CFR 431.401(l) As soon thereafter as practicable, DOE will publish in the **Federal Register** a final rule. *Id.*

The waiver process also provides that DOE may grant an interim waiver if it appears likely that the underlying petition for waiver will be granted and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the underlying petition for waiver. 10 CFR 431.401(e)(2). Within one year of issuance of an interim waiver, DOE will either: (i) Publish in the **Federal Register** a determination on the petition for waiver; or (ii) publish in the **Federal Register** a new or amended test procedure that addresses the issues presented in the waiver. 10 CFR 431.401(h)(1).

When DOE amends the test procedure to address the issues presented in a waiver, the waiver will automatically terminate on the date on which use of that test procedure is required to demonstrate compliance. 10 CFR 431.401(h)(2).

II. Jamison's Petition for Waiver and Application for Interim Waiver

On July 26, 2017, Jamison filed a petition for waiver and a petition for interim waiver from the test procedure applicable to walk-in doors set forth in 10 CFR part 431, subpart R, appendix A [3] Appendix A accounts for the power consumption of all electrical components associated with each door and discounts the power consumption of electrical components based on their operating time by an assigned PTO value. 10 CFR part 431, subpart R, appendix A, section 4.5.2 Section 4.5.2 specifies a PTO of 25% for ''other electricity-consuming devices'' (*i.e.,* electrical devices other than lighting or anti-sweat heaters) that have demand-based controls, and a PTO of 0% for other electricity-consuming devices without a demand-based control. (*Id.*) As described in its petition, the walk-in door basic models specified by Jamison are designed with door motors, which are considered ''other electricity-consuming devices'' with demand-based control.

In its petition, Jamison states that the DOE test procedure would grossly overstate the energy used by the motorized door models identified in its waiver request.[4] Jamison explains that assuming a more favorable application of a 25% PTO (as opposed to a 0% PTO) would imply that the door motor is running 18 hours per day, which is unrealistic for the walk-in doors specified in its petition given typical door motor use patterns of such doors. Thus, in light of the implications stemming from the assumptions built into the test procedure's prescribed PTO value, Jamison petitioned DOE for permission to apply a PTO value of 93.5% for walk-in door motors that move doors at a speed of at least 12 inches per second (''in/s'') or faster.

Jamison's suggested PTO value is dependent on its assumptions regarding the doors' size, motor speed and use frequency—that is, how many times per day the doors are opened. As an example, Jamison offered that its 96-inch doors have an average drive cycle time of 6 seconds and may undergo 40 door opening events per hour. Applying

[1] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015, Public Law 114–11 (April 30, 2015).

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated as Part A–1.

[3] Jamison's petition for waiver and petition for interim waiver can be found in the regulatory docket at *https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0040-0002.*

[4] Due to the lengthy list of affected walk-in door basic models covered by Jamison's July 26, 2017 petition, DOE is making the complete list publicly available in the relevant regulatory docket. The specific basic models identified in Appendix I of the petition can be found in the docket at *https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0040-0002.*

these assumptions, Jamison stated that the door motor would be in operation for 240 seconds per hour, equivalent to a 93.3% PTO value.

Although not in the context of electricity-consuming devices, DOE previously considered the operational characteristics of passage and freight doors [5] in proposing a procedure to determine the energy use associated with infiltration resulting from the opening of the walk-in doors. 75 FR 55068, 55085 (September 9, 2010) (supplemental proposal discussing potential assumptions to apply to address air infiltration across door types). In that context, DOE proposed, based on market research and stakeholder feedback, that passage and freight doors have 60 and 120 door openings per day, respectively. *Id.*[6] Those values correlate to fewer cycles than assumed in the Jamison analysis and are consistent with higher PTO values. Jamison notes that with a 6-second motor cycle time, freight doors operating with the DOE assumed frequency would run 30 seconds per hour, equivalent to a PTO of 99.2%. However, Jamison's petition seeks to apply the same PTO value to its listed basic models that are 24 to 288 inches (*i.e.* 2 to 24 feet) wide and have motors driven at a minimum speed of 12 inches per second (''in/s''). Assuming the largest door covered by the waiver (24 feet) is paired with the slowest covered motor (12 in/s), the most consumptive scenario, the proposed 93.5% PTO would correspond to 117 door openings per day, approximately equal to the 120 cycles per day previously assumed for freight doors by DOE. Accordingly, DOE believes that the PTO value that Jamison seeks to use for the specified basic models is appropriate.

DOE will grant an interim waiver if it appears likely that the petition for waiver will be granted, and/or if DOE determines that it would be desirable for public policy reasons to grant immediate relief pending a determination of the petition for waiver. See 10 CFR 431.401(e)(2). DOE understands that absent an interim waiver, Jamison's specified basic models cannot be tested and rated for energy consumption on a basis representative of their true energy consumption characteristics. DOE has reviewed the alternate procedure suggested by Jamison and concludes that the PTO value suggested by Jamison would allow for an accurate estimation of its walk-in door motor's energy use, and alleviate the problems with walk-in door testing identified by Jamison for the basic models specified in its petition. Thus, it appears likely that Jamison's petition for waiver will be granted. Furthermore, DOE has determined that it is desirable for public policy reasons to grant Jamison immediate relief pending a determination of the petition for waiver.

III. Alternate Test Procedure

EPCA requires that manufacturers use DOE test procedures when making representations about the energy consumption and energy consumption costs of products covered by the statute. (42 U.S.C. 6314(d)) Consistent representations are important for manufacturers to use in making representations about the energy efficiency of their products and to demonstrate compliance with applicable DOE energy conservation standards. Pursuant to the regulations applicable to waivers and interim waivers from applicable test procedures at 10 CFR 431.401 and after considering public comments on the petition, DOE will announce its decision as to an alternate test procedure for the equipment identified by Jamison in a subsequent Decision and Order.

In its petition, Jamison suggests that the basic models listed in the petition must be tested according to the test procedure for walk-in doors prescribed by DOE at 10 CFR part 431, subpart R, appendix A, except that the PTO value for door motors is modified from 25% to 93.5% for freight and passage doors.

During the period of the interim waiver in this document, the petitioner must test the specified basic models according to the test procedure as discussed in this section, *i.e.,* using a PTO value of 93.5%.

IV. Summary of Grant of an Interim Waiver

DOE has analyzed the technical performance data provided by Jamison and agrees that for the basic models specified in the waiver, the suggested 93.5% PTO for the door motors used in the specified models is more representative of actual energy use than the existing value of 25%. Based on Jamison's information, DOE concludes that a 93.5% PTO adequately accounts for the specified basic model's wide range in door sizes and door motor speeds.

For the reasons above, DOE is granting Jamison's petition for interim waiver from testing for its specified walk-in door basic models. The substance of DOE's Interim Waiver Order is summarized below.

Jamison is required to use the alternate test procedures set forth in this document to test and rate the walk-in door basic models listed in Appendix I of its July 26, 2017 petition. See *https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=EERE-2017-BT-WAV-0040.* Jamison is permitted to make representations of the energy use of these basic models for compliance, marketing, or other purposes only to the extent that such products have been tested in accordance with the provisions set forth in the alternate test procedure and such representations fairly disclose the results of such testing in accordance with 10 CFR 429.53.

DOE makes decisions on waivers and interim waivers for only those basic models specifically set out in the petition, not future models that may be manufactured by the petitioner. Jamison may request that DOE extend the scope of a waiver or an interim waiver to include additional basic models employing the same technology as the basic model(s) set forth in the original petition consistent with 10 CFR 431.401(g). In addition, DOE notes that granting of an interim waiver or waiver does not release a petitioner from the certification requirements set forth at 10 CFR part 429. See also 10 CFR 431.401(a) and (i).

Unless otherwise rescinded or modified, the interim waiver shall remain in effect consistent with 10 CFR 431.401(h). DOE may rescind or modify a waiver or interim waiver at any time upon a determination that the factual basis underlying the petition for waiver or interim waiver is incorrect, or upon a determination that the results from the alternate test procedure are unrepresentative of the basic model's true energy consumption characteristics. See 10 CFR 431.401(k). Furthermore, the interim waiver is conditioned upon the validity of the door motor performance characteristics, statements, representations, and documentary materials provided by Jamison.

V. Summary and Request for Comments

DOE is publishing Jamison's petition for waiver in its entirety, pursuant to 10 CFR 431.401(b)(1)(iv), absent any

[5] DOE defines a freight door as a door that is not a display door and is equal to or larger than 4 feet wide and 8 feet tall and a passage door as a door that is not a freight door or display door. Jamison's petition for waiver does not offer specific door dimensions of each basic model; instead Jamison gives the door face area for each basic model and minimum and maximum lengths and widths of Jamison doors. However, the range of dimensions in the petition indicate that the listed basic models include both freight and passage doors.

[6] DOE's prior consideration did not distinguish between motorized and non-motorized doors and DOE ultimately determined not to include door opening infiltration measurements of the test procedure for walk-ins. See 76 FR 21580, 21595 (April 15, 2011).

confidential business information. Jamison did not request any of the information in its petition to be considered confidential business information. The petition includes a suggested alternate test procedure, as specified in section III of this document, to determine the efficiency of Jamison's specified basic models of walk-in doors. DOE may consider including the alternate procedure specified in the Interim Waiver Order in a subsequent Decision and Order.

DOE invites all interested parties to submit in writing by July 19, 2018, comments and information on all aspects of the petition, including the alternate test procedure. Pursuant to 10 CFR 431.401(d), any person submitting written comments to DOE must also send a copy of such comments to the petitioner. The contact information for the petitioner is Jason Derrick, *jad@JamisonDoor.com,* 55 J.V. Jamison Drive Hagerstown, MD 21740–3916.

Submitting comments via *http://www.regulations.gov.* The *http://www.regulations.gov* web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

However, your contact information will be publicly viewable if you include it in the comment or in any documents attached to your comment. Any information that you do not want to be publicly viewable should not be included in your comment, nor in any document attached to your comment. Persons viewing comments will see only first and last names, organization names, correspondence containing comments, and any documents submitted with the comments.

Do not submit to *http://www.regulations.gov* information for which disclosure is restricted by statute, such as trade secrets and commercial or financial information (hereinafter referred to as Confidential Business Information (''CBI''). Comments submitted through *http://www.regulations.gov* cannot be claimed as CBI. Comments received through the website will waive any CBI claims for the information submitted. For information on submitting CBI, see the Confidential Business Information section.

DOE processes submissions made through *http://www.regulations.gov* before posting. Normally, comments will be posted within a few days of being submitted. However, if large volumes of comments are being processed simultaneously, your comment may not be viewable for up to several weeks. Please keep the comment tracking number that *http://www.regulations.gov* provides after you have successfully uploaded your comment.

Submitting comments via email, hand delivery, or mail. Comments and documents submitted via email, hand delivery, or mail also will be posted to *http://www.regulations.gov.* If you do not want your personal contact information to be publicly viewable, do not include it in your comment or any accompanying documents. Instead, provide your contact information on a cover letter. Include your first and last names, email address, telephone number, and optional mailing address. The cover letter will not be publicly viewable as long as it does not include any comments.

Include contact information each time you submit comments, data, documents, and other information to DOE. If you submit via mail or hand delivery, please provide all items on a CD, if feasible. It is not necessary to submit printed copies. No facsimiles (faxes) will be accepted.

Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: One copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked ''non-confidential'' with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

Signed in Washington, DC, on June 8, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

BILLING CODE 6450–01–P

Ashley Armstrong
U. S. Department of Energy
Office of Energy Efficiency and
Renewable Energy
Building Technologies Office
Washington, DC 20585
July 26, 2017

JAMISON DOOR™
55 J.V. Jamison Drive Hagerstown, MD 21740-3916
U.S.A. Phone: 1-800-532-3667 or 301-733-3100
Fax: 301-791-7339
www.jamisondoor.com

PETITION OF JAMISON DOOR COMPANY FOR WAIVER OF TEST PROCUDURE FOR WALK IN COOLERS AND FREEZER DOORS

Jamison Door Company is submitting this petition for Waiver and Application for Interim Waiver, in the law from the current DOE energy code for walk in freezer doors per Title 10 Chapter II Subpart V – General Provisions, Section 431.401.

Jamison Door Company is the United States leader in production of cold storage and freezer doors. Jamison's products are distributed to major supermarket, retail chains, distribution warehouses, wholesalers, and consumer packaged goods companies thought the United States, and Canada. Jamison's pursuit of innovation has led to a focus on sustainability and energy efficiency to add value to the customer, reducing power consumption by cold storage and freezer spaces though fast acting reliable doors.

I. Basic Models For Which A Waiver Is Requested

The basic model's for which a waiver and interim waiver is being requested is set forth in Appendix I.

II. Need For The Requested Waiver

Per the current standard, Title 10 Chapter II Subpart R – Walk-in Coolers and Walk-in Freezers, Section 431.306 Section 4.5.2 Direct Energy Consumption of Electrical Components of Non-Display Doors, rating the doors accounts for the insulation value of the door and then requires you to use the motor power as though the motor is running 75 percent of the time or has a PTO (percent time off) of 25. This means that the door is in motion 18 hours every day. Jamison finds this to be unrealistic, and will grossly overstate the energy used by these models.

Examining the PTO of 25 on a standard bi-part eight foot wide door, then the average drive speed is 16.9 in/s on each leaf so that would be 33.8 in/s. At a 96 inch requirement for door travel open/close then you would have 2.8 seconds to drive open and drive close. To include the motor going up to speed and ramping down then a safe estimate is 6 seconds of drive time in a full cycle. If the door motor is driving 75% of the time then that means the door is active 2,700 seconds per hour. If the drive cycle is 6 seconds then the door is activated 450 times per hour. Normally the door is kept open for an additional 5- 10 seconds. If we assume that the door is open and/or traveling for 16 seconds per pass at

450 passes/hr., this is 7200 seconds/hr. This is unrealistic due to the fact that there isn't enough time in an hour with the door cycle time, so in 1 hour there is 3600 seconds in essence the door cannot be open / traveling for 7200 seconds, as this would be two hours of actual time. In normal practice a door would be open less than 40 times per hour. If we use 40 opens per hour for the same door moving at the same rate then we would see 240 seconds of motor operation meaning the PTO (percent time off) of the motor would be 93.3.

In the document from Hired Hand Technologies, May 24, 2013 they stated that 50 to 100 cycles per day is normal operation of a freezer door. The DOE also developed that 120 passages per day were normal. If we use the 120 passes per day as the model then the PTO would be 99.2.

The requested exemption/waiver is so that motorized doors can continue to be sold which is a large part of the cold storage market this is because of the speed, efficiency and convenience of motorized doors. If this section of the market is closed then this would have a large negative impact on Jamison's business and move the entire industry back years.

Jamison Door Company is asking for an exemption/waiver to change the PTO to 93.5 for all doors driven by a motor that move at a speed of 12 in/s or faster, as the current standards PTO of 25 is unrealistic to real world applications of motorized doors.

III. Request for Interim Waiver

Jamison Door also request an interim waiver for its models listed in Appendix I. Based on its merits, the petition for waiver is likely to be granted. It is essential the interim waiver be granted, as Jamison Door plans to distribute units of the models that would be affected by the DOE rule as otherwise applicable on and after June 26, 2017, compliance date. Without waiver relief, Jamison will be at a competitive disadvantage in the market for these important products and would suffer economic hardship. Jamison Door would be subject to requirements which should not be applied to such products.

IV. Other Manufacturers

A list of manufacturers of all other basic models distributed in the United States known to Jamison which incorporate overall design characteristics similar to the found in the basic models that are subject to this petition is set forth in Appendix II.

Sincerely, Jason Derrick, PE

Jason Derrick, PE

Appendix I

For a list of specific basic models for which the test procedure applies see docket at https://www.regulations.gov/document?D=EERE-2017-BT-WAV-0040-0002.

Appendix II

The following manufacturers of all other basic models distributed in commerce in the United States and known to Jamison Door to incorporate overall design characteristic(s) similar to those found in the basic model(s) that are subject of this petition for waiver.

ASI Doors
Frank Door Company
Kingspan Door Components S.A. Edey
Mfg Co Inc
Chase Doors

[FR Doc. 2018–13113 Filed 6–18–18; 8:45 am]
BILLING CODE 6450–01–C

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, with revision, the Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates (FR Y–8; OMB No. 7100–0126). The revisions are effective as of the June 30, 2018 report date.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, with revision, of the following report:

Report title: Holding Company Report of Insured Depository Institutions' Section 23A Transactions with Affiliates.

Agency form number: FR Y–8.

OMB control number: 7100–0126.

Frequency: Quarterly.

Respondents: Certain bank holding companies (BHCs) and savings and loan holding companies (SLHCs), including certain foreign banking organizations (FBOs).

Estimated number of respondents: 933.

Estimated average hours per response: 7.8 hours.

Estimated annual burden hours: 29,110.

General description of report: The FR Y–8 collects information on covered transactions between an insured depository institution and its affiliates that are subject to the quantitative limits and requirements of section 23A of the Federal Reserve Act and the Board's Regulation W (12 CFR Pt. 223). The FR Y–8 is filed quarterly by all U.S. top-tier BHCs and SLHCs, and by FBOs that directly own or control a U.S. subsidiary insured depository institution. If an FBO indirectly controls a U.S. insured depository institution through a U.S. holding company, only the U.S. holding company must file the FR Y–8. A respondent must file a separate report for each U.S. insured depository institution it controls. The primary purpose of the data is to enhance the Board's ability to monitor the credit exposure of insured depository institutions to their affiliates and to ensure that insured depository institutions are in compliance with section 23A of the Federal Reserve Act and Regulation W. Section 23A of the Federal Reserve Act limits an insured depository institution's exposure to affiliated entities and helps to protect against the expansion of the federal safety net to uninsured entities.

Revisions: In order to reduce reporting burden, the Board has eliminated the FR Y–8 declaration page. Previously, respondents that own or control insured depository institutions could have, instead of completing the entire form, submitted a declaration page each quarter attesting to the fact that the institutions do not have any covered transactions with their affiliates. The Board also has revised the instructions to eliminate references to the declaration page and to clarify that respondents that own or control insured depository institutions that do not have any covered transactions with their affiliates would not have to file the FR Y–8.

Legal authorization and confidentiality: The FR Y–8 is mandatory for respondents that control an insured depository institution that has engaged in covered transactions with an affiliate during the reporting period, as defined by section 23A of the Federal Reserve Act. *See* 12 U.S.C. 371c. Section 5(c) of the Bank Holding Company Act authorizes the Board to require BHCs to file the FR Y–8

reporting form with the Board. 12 U.S.C. 1844(c). Section 10(b)(2) of the Home Owners' Loan Act authorizes the Board to require SLHCs to file the FR Y–8 reporting form with the Board. 12 U.S.C. 1467a(b)(2). The data collected on this form includes financial information that is not normally disclosed by respondents, the release of which would likely cause substantial harm to the competitive position of the respondent if made publicly available. The data collected on this form, therefore, would be kept confidential under exemption 4 of the Freedom of Information Act, which protects from disclosure trade secrets and commercial or financial information. 5 U.S.C. 552(b)(4).

Current actions: On March 15, 2018, the Board published a notice in the **Federal Register** (83 FR 11519) requesting public comment for 60 days on the extension, with revision, of the FR Y–8. The comment period for this notice expired on May 14, 2018, and no comments were received. The revisions will be implemented as proposed.

Board of Governors of the Federal Reserve System, June 14, 2018.

Michele Taylor Fennell,

Assistant Secretary of the Board.

[FR Doc. 2018–13107 Filed 6–18–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meetings

Agenda

Federal Retirement Thrift Investment Board Meeting Agenda June 25, 2018 In Person 8:30 a.m.

Open Session

1. Approval of the Minutes for the May 30, 2018 Board Member Meeting
2. Monthly Reports
   (a) Participant Activity
   (b) Legislative Report
   (c) Investment Policy
3. Vendor Financials
4. IT Update
5. Strategic Acquisition

Closed Session

Information covered under 5 U.S.C. 552b (c)(4), (c)(9)(B).

CONTACT PERSON FOR MORE INFORMATION: Kimberly Weaver, Director Office of External Affairs (202) 942–1640

Dated: June 14, 2018.

Dharmesh Vashee,

Deputy General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2018–13175 Filed 6–15–18; 11:15 am]

BILLING CODE 6760–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–306]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by August 20, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–306 Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities (PRTFs) for Individuals Under Age 21 and Supporting Regulations

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities (PRTFs) for Individuals Under Age 21 and Supporting Regulations; *Use:* Psychiatric residential treatment facilities are required to report deaths, serious injuries and attempted suicides

to the State Medicaid Agency and the Protection and Advocacy Organization. They are also required to provide residents the restraint and seclusion policy in writing, and to document in the residents' records all activities involving the use of restraint and seclusion. *Form Number:* CMS–R–306 (OMB Control Number 0938–0833); *Frequency:* Occasionally; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 390; *Total Annual Responses:* 1,466,823; *Total Annual Hours:* 449,609. (For policy questions regarding this collection contact Kirsten Jensen at 410–786–8146).

Dated: June 14, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–13149 Filed 6–18–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Emergency Repatriation (After Analysis Questionnaire).

Title: Evaluation of Services provided to Repatriates.

OMB No.:

Description: The Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement (ORR) is conducting an after event analysis of the activation of the Emergency Repatriation Plan and overall response during recent emergency repatriation. In an effort to strengthen our operations, learn from our experience, and ensure quality services in future similar efforts. (Evaluation of services provided).

Respondents: Repatriates (International Social Services ISS–USA).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
1 (Repatriates Questionnaire) Assessment	100–5000	1	1	1
1 (State Questionnaire Assessment)	100–500	1	1	1

Estimated Total Annual Burden Hours: 2 Hours.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert A. Sargis,

Reports Clearance Officer.

[FR Doc. 2018–13060 Filed 6–18–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–N–0545; FDA–2013–N–0878; FDA–2014–N–0998; FDA–2014–N–1076; FDA–2017–N–6162; FDA–2011–N–0510; FDA–2014–N–1414; FDA–2008–D–0610; FDA–2010–D–0073; FDA–2013–N–0080; FDA–2017–N–6397; FDA–2014–D–0313; FDA–2014–N–1030; and FDA–2014–D–1837]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain.* 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Infant Formula Requirements	0910–0256	5/31/2021
Premarket Notification for a New Dietary Ingredient	0910–0330	5/31/2021
Regulations for In Vivo Radiopharmaceuticals Used for Diagnosis and Monitoring	0910–0409	5/31/2021
Guidance for Industry: Formal Dispute Resolution; Scientific and Technical Issues Related to Pharmaceutical Current Good Manufacturing Practice	0910–0563	5/31/2021
Requests for Inspection by an Accredited Person Under the Inspection for Accredited Persons Program	0910–0569	5/31/2021
Substances Prohibited from Use in Animal Food or Feed	0910–0627	5/31/2021
Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms Classified Under 21 CFR 884.5300	0910–0633	5/31/2021
Guidance for Industry: Postmarketing Adverse Event Reporting for Medical Products and Dietary Supplements During an Influenza Pandemic	0910–0701	5/31/2021
Guidance on Consultation Procedures: Foods Derived From New Plant Varieties	0910–0704	5/31/2021
Human Subject Protection; Acceptance of Data From Clinical Investigations for Medical Devices	0910–0741	5/31/2021
Food Labeling; Calorie Labeling of Articles of Food in Vending Machines and Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments	0910–0782	5/31/2021
Guidance for Industry, Researchers, Patient Groups, and Food and Drug Administration Staff on Meetings with the Office of Orphan Products Development	0910–0787	5/31/2021
Food Allergen Labeling and Reporting	0910–0792	5/31/2021
Transfer of a Premarket Notification Clearance	0910–0852	5/31/2021

Dated: June 13, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–13098 Filed 6–18–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Ryan White HIV/AIDS Program Parts A and B Integrated HIV Planning Implementation Cooperative Agreement to John Snow, Inc. (JSI), U69HA30144

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice of non-competitive FY 2018 supplemental award.

SUMMARY: This noncompetitive supplement award to JSI will support and strengthen current Ryan White HIV/AIDS Program (RWHAP) Part A and Part B priority setting and resource allocation processes to ensure people living with HIV are linked to care, remain engaged in care, and achieve viral suppression.

FOR FURTHER INFORMATION CONTACT: Dr. Rene Sterling, Acting Director, Division of State HIV/AIDS Programs, HIV/AIDS Bureau, HRSA; 5600 Fishers Lane, Room 09W50, Rockville, MD 20857; Phone: (301) 443–9017, Email: *rsterling@hrsa.gov.*

SUPPLEMENTARY INFORMATION:

Intended Recipient of the Award: JSI (U69HA30144).

Amount of Non-Competitive Award: $300,000 in FY 2018.

Period of Funding: July 1, 2018, through June 30, 2019.

CFDA Number: No. 93.145.

Authority: Sections 2606 and 2654(b) of the Public Health Service Act, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. 111–87).

Justification: In 2016, JSI was awarded a 3-year cooperative agreement under HRSA–16–082 RWHAP Integrated HIV Planning Implementation (CFDA 93.145), authorized by Sections 2606 and 2654(b) of the Public Health Service Act, as amended by the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. 111–87). The cooperative agreement was established to provide technical assistance to RWHAP Parts A and B recipients and their planning bodies regarding: (1) The integration of HIV planning across prevention, care, and treatment service delivery systems; and (2) the development, implementation, monitoring, and evaluation of Integrated HIV Prevention and Care Plans. RWHAP Parts A and B recipients and planning bodies use Integrated Plans to better inform and coordinate HIV prevention and care program planning, resource allocation, and continuous quality improvement efforts to meet the HIV service delivery needs within their jurisdictions.

The proposed supplemental funding will provide RWHAP Parts A and B recipients with additional technical assistance (TA) specifically focused on resource allocation planning and implementation. These additional TA activities will build upon data elements identified in the Integrated Plan and provide jurisdictions with strategies, tools, and resources to effectively allocate annual available resources to prioritize HIV unmet needs. The TA activities will be directed at addressing more efficient and proactive methods in the Priority Setting and Resource Allocation (PSRA) process to increase the ability of health care providers and systems to ensure people living with HIV are linked to care, remain engaged in care, and achieve HIV viral suppression.

Dated: June 12, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–13121 Filed 6–18–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Immunity in the Elderly (R01).

Date: July 9–10, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health LD30, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Julio Aliberti, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, MSC–9823, Rockville, MD 20852, 301–761–7322, *alibertijc@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Maintaining Immunity after Immunization (U01).

Date: July 11–12, 2018.

Time: 8:30 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Geetanjali Bansal, Ph.D., Scientific Reviewer Officer, Scientific Review Program, Division of Extramural Activities, Room 3G49, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9834, Bethesda, MD 20892–9834, (240) 669–5073, *geetanjali.bansal@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID INVESTIGATOR INITIATED PROGRAM PROJECT (P01).

Date: July 11, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Raymond R. Schleef, Ph.D., Senior Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E61, National Institutes of Health/NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5019, *schleefrr@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: June 13, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–13138 Filed 6–18–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention's (CSAP) Drug Testing Advisory Board (DTAB) will convene via web conference on August 8, 2018, from 9:00 a.m. EDT to 5:00 p.m. EDT.

The board will meet in closed-session via web conference on August 8, 2018, from 9:00 a.m. EDT to 5:00 p.m. EDT to discuss the proposed Mandatory Guidelines for Federal Workplace Drug Testing Programs (hair specimens). Therefore, the meeting is closed to the public as determined by the Assistant Secretary for Mental Health and Substance Use, SAMHSA, in accordance with 5 U.S.C. 552b(c)(4) and (9)(B), and 5 U.S.C. App. 2, Section 10(d).

Meeting registration information can be completed at *http://snacregister.samhsa.gov/MeetingList.aspx.* Web conference and call information will be sent after completing registration. Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees website, *http://www.samhsa.gov/about-us/advisory-councils/drug-testing-advisory-board-dtab* or by contacting the Designated Federal Officer, CAPT Sean J. Belouin, USPHS.

Committee Name: Substance Abuse and Mental Health Services Administration's Drug Testing Advisory Board.

Dates/Time/Type: August 8, 2018, from 9:00 a.m. to 5:00 p.m. EDT: CLOSED.

Place: Web Conference.

Contact: CAPT Sean J. Belouin, USPHS, Senior Pharmacology and Regulatory Policy Advisor, Division of Workplace Programs, 5600 Fishers Lane, Room 16N06D, Rockville, Maryland 20857, Telephone: (240) 276–2600, Email: *sean.belouin@samhsa.hhs.gov.*

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2018–13116 Filed 6–18–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1830]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before September 17, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1830, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472,

(202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Cumberland County, Maine (All Jurisdictions)	
Project: 12–01–1059S Preliminary Dates: April 14, 2017 and March 28, 2018	
City of Portland	City Hall, 389 Congress Street, Portland, ME 04101.
City of South Portland	Planning and Development Department, 496 Ocean Street, South Portland, ME 04106.
City of Westbrook	Code Enforcement Department, 2 York Street, Westbrook, ME 04092.
Town of Baldwin	Baldwin Town Hall, Code Enforcement Office, 534 Pequawket Trail, West Baldwin, ME 04091.
Town of Bridgton	Municipal Complex, 3 Chase Street, Suite 1, Bridgton, ME 04009.
Town of Brunswick	Town Hall, 85 Union Street, Brunswick, ME 04011.
Town of Cape Elizabeth	Town Hall, 320 Ocean House Road, Cape Elizabeth, ME 04107.
Town of Casco	Town Hall, 635 Meadow Road, Casco, ME 04015.
Town of Chebeague Island	Town Office, 192 North Road, Chebeague Island, ME 04017.
Town of Cumberland	Town Hall, 290 Tuttle Road, Cumberland, ME 04021.
Town of Falmouth	Town Hall, 271 Falmouth Road, Falmouth, ME 04105.
Town of Freeport	Town Hall, 30 Main Street, Freeport, ME 04032.
Town of Frye Island	Town Hall, 1 Sunset Road, Frye Island, ME 04071.
Town of Gorham	Municipal Center, 75 South Street, Gorham, ME 04038.
Town of Gray	Town Hall, Community Development Department, 24 Main Street, Gray, ME 04039.
Town of Harpswell	Town Hall, 263 Mountain Road, Harpswell, ME 04079.
Town of Harrison	Town Office, 20 Front Street, Harrison, ME 04040.
Town of Long Island	Town Hall, 105 Wharf Street, Long Island, ME 04050.
Town of Naples	Town Hall, 15 Village Green Lane, Naples, ME 04055.
Town of New Gloucester	Town Hall, 385 Intervale Road, New Gloucester, ME 04260.
Town of North Yarmouth	Town Hall, 10 Village Square Road, North Yarmouth, ME 04097.
Town of Pownal	Town Hall, 429 Hallowell Road, Pownal, ME 04069.
Town of Raymond	Town Hall, 401 Webbs Mills Road, Raymond, ME 04071.
Town of Scarborough	Municipal Building, Planning and Code Enforcement Office, 259 US Route 1, Scarborough, ME 04074.
Town of Sebago	Town Office, Code Enforcement, 406 Bridgton Road, Sebago, ME 04029.
Town of Standish	Town Hall, 175 Northeast Road, Standish, ME 04084.
Town of Windham	Town Hall, Code Enforcement Department, 8 School Road, Windham, ME 04062.

Community	Community map repository address
Town of Yarmouth	Town Hall, 200 Main Street, Yarmouth, ME 04096.
York County, Maine (All Jurisdictions)	
Project: 12–01–1061S Preliminary Dates: April 14, 2017 and March 28, 2018	
City of Biddeford	City Hall, 205 Main Street, Biddeford, ME 04005.
City of Saco	City Hall, 300 Main Street, Saco, ME 04072.
City of Sanford	Code Enforcement Office, 919 Main Street, Suite 159, Sanford, ME 04073.
Town of Acton	Town Hall, 35 H Road, Acton, ME 04001.
Town of Alfred	Town Hall, Code Enforcement Office, 16 Saco Road, Alfred, ME 04002.
Town of Arundel	Town Office, 468 Limerick Road, Arundel, ME 04046.
Town of Berwick	Town Hall, 11 Sullivan Street, Berwick, ME 03901.
Town of Buxton	Town Hall, 185 Portland Road, Buxton, ME 04093.
Town of Cornish	Town Hall, 17 Maple Street, Cornish, ME 04020.
Town of Dayton	Town Hall, 33 Clarks Mills Road, Dayton, ME 04005.
Town of Eliot	Town Hall, 1333 State Road, Eliot, ME 03903.
Town of Hollis	Town Hall, 34 Town Farm Road, Hollis, ME 04042.
Town of Kennebunk	Town Hall, Community Development Office, 1 Summer Street, Kennebunk, ME 04043.
Town of Kennebunkport	Town Hall, 6 Elm Street, Kennebunkport, ME 04046.
Town of Kittery	Town Hall, 200 Rogers Road, Kittery, ME 03904.
Town of Lebanon	Town Hall, 15 Upper Guinea Road, Lebanon, ME 04027.
Town of Limerick	Municipal Building, Code Enforcement Office, 55 Washington Street, Limerick, ME 04048.
Town of Limington	Municipal Complex, 425 Sokokis Avenue, Limington, ME 04049.
Town of Lyman	Town Hall, Code Enforcement Office, 11 South Waterboro Road, Lyman, ME 04002.
Town of Newfield	Town Office, 637 Water Street, Newfield, ME 04095.
Town of North Berwick	Town Hall, 21 Main Street, North Berwick, ME 03906.
Town of Ogunquit	Town Hall, 23 School Street, Ogunquit, ME 03907.
Town of Old Orchard Beach	Town Hall, 1 Portland Avenue, Old Orchard Beach, ME 04064.
Town of Parsonsfield	Town Hall, 634 North Road, Parsonsfield, ME 04047.
Town of Shapleigh	Town Hall, 22 Back Road, Shapleigh, ME 04076.
Town of South Berwick	Town Hall, 180 Main Street, South Berwick, ME 03908.
Town of Waterboro	Waterboro Town Hall, 24 Townhouse Road, East Waterboro, ME 04030.
Town of Wells	Town Hall, 208 Sanford Road, Wells, ME 04090.
Town of York	Town Hall, 186 York Street, York, ME 03909.
Burnet County, Texas and Incorporated Areas	
Project: 15–06–1088S Preliminary Date: March 16, 2018	
Unincorporated Areas of Burnet County	Burnet County Development Services, Annex on the Square, 133 East Jackson Street, Room 107, Burnet, TX 78611.
Williamson County, Texas and Incorporated Areas	
Project: 15–06–1088S Preliminary Date: March 16, 2018	
City of Georgetown	Georgetown Utility Systems, 300–1 Industrial Avenue, Georgetown, TX 78626.
City of Granger	City Hall, 119 East Davilla Street, Granger, TX 76530.
City of Taylor	City Hall, 400 Porter Street, Taylor, TX 76574.
City of Thrall	City Hall, 104 South Main Street, Thrall, TX 76578.
City of Weir	City Hall, 2205 South Main Street, Weir, TX 78674.
Unincorporated Areas of Williamson County	Williamson County Central Maintenance Facility, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.

[FR Doc. 2018–13092 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–B–1834]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

David I. Maurstad,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arkansas: Pulaski	City of Little Rock (18–06–0091P).	The Honorable Mark Stodola, Mayor, City of Little Rock, 500 West Markham Street, Room 203, Little Rock, AR 72201.	Department of Public Works, 701 West Markham Street, Little Rock, AR 72201.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2018	050181
Connecticut: Fairfield.	City of Norwalk (18–01–0702P).	The Honorable Harry W. Rilling, Mayor, City of Norwalk, 125 East Avenue, Norwalk, CT 06851.	Planning and Zoning Department, 125 East Avenue, Norwalk, CT 06851.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 17, 2018 ..	090012
Florida:						
Alachua	Unincorporated areas of Alachua County (18–04–2705X).	The Honorable Lee Pinkoson, Chairman, Alachua County Board of Commissioners, 12 Southeast 1st Street, Gainesville, FL 32601.	Alachua County Public Works Department, 5620 Northwest 120th Lane, Gainesville, FL 32653.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 7, 2018	120001

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lee	City of Sanibel (18–04–1789P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning Department, 800 Dunlop Road, Sanibel, FL 33957.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 17, 2018 ..	120402
Orange	Unincorporated areas of Orange County (17–04–8126P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Storm Water Management Department, 4200 South John Young Parkway, Orlando, FL 32839.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 17, 2018 ..	120179
Pinellas	City of Dunedin (18–04–2226P).	Ms. Jennifer K. Bramley, Manager, City of Dunedin, 542 Main Street, Dunedin, FL 34698.	Planning and Development Department, 737 Louden Avenue, 2nd Floor, Dunedin, FL 34698.	*https://msc.fema.gov/portal/advanceSearch*.	Sep. 4, 2018	125103
Polk	Unincorporated areas of Polk County (17–04–4685P).	The Honorable R. Todd Dantzler, Chairman, Polk County Board of Commissioners, 330 West Church Street, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33831.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 16, 2018 ..	120261
St. Johns	Unincorporated areas of St. Johns County (18–04–2537P).	The Honorable Henry Dean, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 31, 2018 ..	125147
Sarasota	Unincorporated areas of Sarasota County (18–04–2558P).	The Honorable Nancy Detert, Chair, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Building and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 24, 2018 ..	125144
Sarasota	Unincorporated areas of Sarasota County (18–04–2561P).	The Honorable Nancy Detert, Chair, Sarasota County Board of Commissioners, 1660 Ringling Boulevard, Sarasota, FL 34236.	Sarasota County Building and Development Services Department, 1001 Sarasota Center Boulevard, Sarasota, FL 34240.	*https://msc.fema.gov/portal/advanceSearch*.	Sep. 10, 2018 ..	125144
Volusia	City of Daytona Beach (18–04–2080P).	The Honorable Derrick L. Henry, Mayor, City of Daytona Beach, 301 South Ridgewood Avenue, Suite 200, Daytona Beach, FL 32114.	Utilities Department, 125 Basin Street, Suite 131, Daytona Beach, FL 32114.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 28, 2018 ..	125099
Kentucky:						
Owsley	City of Booneville (17–04–7624P).	The Honorable Charles Long, Mayor, City of Booneville, P.O. Box 1, Booneville, KY 41314.	City Hall, 46 South Mulberry Street, Booneville, KY 41314.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 31, 2018 ..	210187
Owsley	Unincorporated areas of Owsley County (17–04–7624P).	The Honorable Cale Turner, Owsley County Judge Executive, P.O. Box 749, Booneville, KY 41314.	Owsley County Courthouse, 201 Court Street, Booneville, KY 41314.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 31, 2018 ..	210296
Maine: Lincoln	Town of Bristol (17–01–2489P).	The Honorable Chad Hanna, Chairman, Town of Bristol Board of Selectmen, P. O. Box 339, Bristol, ME 04539.	Code Enforcement Department, 1268 Bristol Road, Bristol, ME 04539.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 17, 2018 ..	230215
Massachusetts:						
Essex	City of Lynn (18–01–0336P).	The Honorable Thomas M. McGee, Mayor, City of Lynn, 3 City Hall Square, Room 306, Lynn, MA 01901.	Inspectional Services Department, 3 City Hall Square, Room 401, Lynn, MA 01901.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 13, 2018 ..	250088
Essex	City of Newburyport (18–01–0751P).	The Honorable Donna D. Holaday, Mayor, City of Newburyport, 60 Pleasant Street, Newburyport, MA 01950.	Department of Planning and Development, 60 Pleasant Street, Newburyport, MA 01950.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 31, 2018 ..	250097
North Carolina: Union.	Town of Waxhaw (18–04–1304P).	The Honorable Stephen Maher, Mayor, Town of Waxhaw, P.O. Box 6, Waxhaw, NC 28173.	Town Hall, 1150 North Broome Street, Waxhaw, NC 28173.	*https://msc.fema.gov/portal/advanceSearch*.	Aug. 25, 2018 ..	370473
Oklahoma: Tulsa	City of Tulsa (18–06–0745P).	The Honorable G.T. Bynum, Mayor, City of Tulsa, 175 East 2nd Street, 15th Floor, Tulsa, OK 74103.	Engineering Services Department, 2317 South Jackson Avenue, Tulsa, OK 74107.	*https://msc.fema.gov/portal/advanceSearch*.	Sep. 10, 2018 ..	405381

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Pennsylvania: Montgomery.	Borough of North Wales (18–03–0693P).	Ms. Christine A. Hart, Borough of North Wales Manager, 300 School Street, North Wales, PA 19454.	Zoning Department, 300 School Street, North Wales, PA 19454.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 23, 2018 ..	420704
Texas:						
Bexar	City of San Antonio (17–06–4239P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Stormwater Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2018 ..	480045
Bexar	Unincorporated areas of Bexar County (17–06–4239P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2018 ..	480035
Denton	City of Denton (18–06–0064P).	The Honorable Chris A. Watts, Mayor, City of Denton, 215 East McKinney Street, Suite 100, Denton, TX 76201.	Engineering Department, 901–A Texas Street, Denton, TX 76509.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 23, 2018 ..	480194
Denton	Town of Shady Shores (18–06–0064P).	The Honorable Cindy Aughinbaugh, Mayor, Town of Shady Shores, 101 South Shady Shores Road, Shady Shores, TX 76208.	Planning and Zoning Department, 101 South Shady Shores Road, Shady Shores, TX 76208.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 23, 2018 ..	481135
Denton	Unincorporated areas of Denton County (18–06–0064P).	The Honorable Mary Horn, Denton County Judge, 110 West Hickory Street, 2nd Floor, Denton, TX 76201.	Denton County Public Works and Planning Department, 1505 East McKinney Street, Suite 175, Denton, TX 76209.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 23, 2018 ..	480774
Hays	City of Kyle (17–06–4031P).	The Honorable Travis Mitchell, Mayor, City of Kyle, P.O. Box 40, Kyle, TX 78640.	Storm Drainage and Flood Risk Mitigation, Utility Department, 100 West Center Street, Kyle, TX 78640.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2018 ..	481108
Hays	Unincorporated areas of Hays County (17–06–4031P).	The Honorable Bert Cobb, Hays County Judge, 111 East San Antonio Street, Suite 300, San Marcos, TX 78666.	Hays County Development Services Department, 2171 Yarrington Road, San Marcos, TX 78666.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2018 ..	480321
Johnson	City of Burleson (17–06–4103P).	Mr. Dale Cheatham, Manager, City of Burleson, 141 West Renfro Street, Burleson, TX 76028.	City Hall, 141 West Renfro Street, Burleson, TX 76028.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2018	485459
Tarrant	City of Crowley (17–06–4103P).	The Honorable Billy P. Davis, Mayor, City of Crowley, 201 East Main Street, Crowley, TX 76036.	City Hall, 201 East Main Street, Crowley, TX 76036.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 4, 2018	480591
Tarrant	City of Fort Worth (17–06–0155P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works, Engineering Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 10, 2018 ..	480596
Tarrant	City of Saginaw (17–06–0155P).	The Honorable Todd Flippo, Mayor, City of Saginaw, 333 West McLeroy Boulevard, Saginaw, TX 76179.	Public Works and Community Development Department, 205 Brenda Lane, Saginaw, TX 76179.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 10, 2018 ..	480610
Utah: Washington	City of St. George (18–08–0075P).	The Honorable Jonathan T. Pike, Mayor, City of St. George, 175 East 200 North, St. George, UT 84770.	City Hall, 175 East 200 North, St. George, UT 84770.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 30, 2018 ..	490177
Virginia:						
Fauquier	Unincorporated areas of Fauquier County (17–03–2627P).	Mr. Paul S. McCulla, Fauquier County Administrator, 10 Hotel Street, Suite 204, Warrenton, VA 20186.	Fauquier County Zoning and Development Services Department, 29 Ashby Street, Suite 310, Warrenton, VA 20186.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 9, 2018	510055
Loudoun	Unincorporated areas of Loudoun County (17–03–2543P).	Mr. Tim Hemstreet, Loudoun County Administrator, 1 Harrison Street Southeast, Leesburg, VA 20175.	Loudoun County Government Center, 1 Harrison Street Southeast, Leesburg, VA 20175.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 10, 2018 ..	510090

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Prince William	City of Manassas (17–03–2321P).	Mr. William P. Pate, Manager, City of Manassas, 9027 Center Street, Suite 401, Manassas, VA 20110.	Department of Public Works and Engineering, 8500 Public Works Drive, Manassas, VA 20110.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 13, 2018 ..	510090
Prince William	Unincorporated areas of Prince William County (17–03–2321P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Prince William, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Prince William, VA 22192.	*https://msc.fema.gov/portal/advanceSearch.*	Sep. 13, 2018 ..	510119
West Virginia:						
Lincoln	Town of Hamlin (17–03–2229P).	The Honorable David Adkins, Mayor, Town of Hamlin, 220 Main Street, Hamlin, WV 25523.	Lincoln County Courthouse, 8000 Court Avenue, Hamlin, WV 25523.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2018 ..	540089
Lincoln	Unincorporated areas of Lincoln County (17–03–2229P).	The Honorable Charles N. Vance, President, Lincoln County Commission, P.O. Box 497, Hamlin, WV 25523.	Lincoln County Courthouse, 8000 Court Avenue, Hamlin, WV 25523.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 16, 2018 ..	540088
Logan	City of Logan (17–03–2459P).	The Honorable Serafino J. Nolletti, Mayor, City of Logan, 219 Dingess Street, Logan, WV 25601.	City Hall, 219 Dingess Street, Logan, WV 25601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2018 ..	545535
Logan	Unincorporated areas of Logan County (17–03–2459P).	The Honorable Danny R. Godby, President, Logan County Commission, 300 Stratton Street, Logan, WV 25601.	Logan County Code Enforcement Officer's Office, 300 Stratton Street, Logan, WV 25601.	*https://msc.fema.gov/portal/advanceSearch.*	Aug. 20, 2018 ..	545536

[FR Doc. 2018–13091 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4363–DR; Docket ID FEMA–2018–0001]

Indiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4363–DR), dated May 4, 2018, and related determinations.

DATES: This amendment was issued June 5, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 4, 2018.

Pulaski County for Public Assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–13094 Filed 6–18–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4363–DR; Docket ID FEMA–2018–0001]

Indiana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–4363–DR), dated May 4, 2018, and related determinations.

DATES: This amendment was issued June 5, 2018.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 4, 2018.

Kosciusko and Pulaski Counties for Individual Assistance.

Dearborn, Fulton, Jasper, LaPorte, Ohio, Porter, Spencer, Starke, Switzerland, Vanderburgh, and White Counties for Individual Assistance (already designated for Public Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2018–13093 Filed 6–18–18; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0031]

Office for Interoperability and Compatibility Seeks Nominations for the Project 25 Compliance Assessment Program (P25 CAP) Advisory Panel

AGENCY: Science and Technology Directorate, DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) is seeking nominations and expressions of interest for filling two open positions on the Project 25 (P25) Compliance Assessment Program (CAP) Advisory Panel (AP). The P25 CAP AP holds quarterly meetings with the public on topics related to P25 CAP. The next meeting is scheduled for August 2018 timeframe.

DATES: All responses must be received by July 19, 2018 at the address listed below.

ADDRESSES: Expressions of interest and nominations shall be submitted to *P25CAP@hq.dhs.gov.*

Instructions: All submissions received must include the words ''Department of Homeland Security'' and DHS–2018–0031.

FOR FURTHER INFORMATION CONTACT: Sridhar Kowdley, Program Manager, Office for Interoperability and Compatibility, Science and Technology Directorate, Department of Homeland Security, 202–254–8804, *Sridhar.Kowdley@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

P25 is a standards development process for the design, manufacture, and evaluation of interoperable digital two-way land mobile radio communications products created by and for public safety professionals. The goal of P25 is to specify formal standards for interfaces and features between the various components of a land mobile radio system commonly used by public safety agencies in portable handheld and mobile vehicle-mounted devices. The P25 standard enables interoperability among different suppliers' products.

P25 CAP was developed by DHS to test equipment designed to comply with P25 standards. P25 CAP ensures that communications equipment that is declared by the supplier to be P25-compliant, in fact, is tested against the standards with publicly published results. The program provides public safety agencies with evidence that the communications equipment they are purchasing is tested against and complies with the P25 standards for performance, conformance, and interoperability. The P25 CAP AP provides a resource by which DHS gains insight into the collective interest of organizations that procure P25-compliant equipment and a resource for DHS to continue to establish the policies of the P25 CAP, along with assisting the DHS Office for Interoperability and Compatibility (OIC) in the administration of the program.

P25 CAP is a voluntary program that provides a mechanism for the recognition of testing laboratories based on internationally accepted standards. It identifies competent P25 CAP testing laboratories for DHS-recognition through a robust assessment process and promotes the acceptance of compliant test results from these laboratories.

As a voluntary program, P25 CAP allows suppliers to publicly attest to their products' compliance with a selected group of requirements through Summary Test Report (STR) and Supplier's Declaration of Compliance (SDOC) documents based on the Detailed Test Report (DTR) from the DHS-recognized laboratory (ies) that performed the product testing. In turn, DHS makes these documents available to the first response community to inform their purchasing decisions via the *dhs.gov/science-and-technology/p25-cap* website.

Membership

The Science and Technology Directorate (S&T) of DHS formed the P25 CAP AP to provide S&T with the views of active local, state, tribal, territorial and Federal government officials who use or whose offices use portable handheld and mobile vehicle-mounted radios. Those government officials selected to participate in the P25 CAP AP are selected based on their experience with the management and procurement of land mobile radio systems or knowledge of conformity assessment programs and methods. The OIC selection process balances viewpoints required to effectively address P25 CAP issues under consideration. To fill two open positions on the P25 CAP AP, OIC is particularly interested in receiving nominations and expressions of interest from individuals in the following categories:

- State, tribal, territorial, or local government agencies and organizations with expertise in communications issues and technologies.
- Federal government agencies with expertise in communications or homeland security matters.

While OIC can call for a meeting of the P25 CAP AP as it deems necessary and appropriate, for member commitment and planning purposes, it is anticipated that the P25 CAP AP will meet approximately 3–4 times annually in their role of providing guidance and support to the P25 CAP.

Those selected to serve on the P25 CAP AP will be required to sign a gratuitous services agreement and will not be paid or reimbursed for their participation; however, DHS S&T will, subject to the availability of funds, reimburse the travel expenses associated with the participation of non-Federal members in accordance with Federal Travel Regulations. OIC reserves the right to select primary and alternate members to the P25 CAP AP for terms appropriate for the accomplishment of the Board's mission. Members serve at the pleasure of the OIC Director.

Registered lobbyists pursuant to the Lobbying Disclosure Act of 1995 are not eligible for membership on the P25 CAP AP and will not be considered.

Roles and Responsibilities

The duties of the P25 CAP AP will include providing recommendations of its individual members to OIC regarding actions and steps OIC could take to promote the P25 CAP. The duties of the P25 CAP AP may include but are not limited to its members reviewing, commenting on, and advising on:

a. The laboratory component of the P25 CAP under established, documented laboratory recognition guidelines.

b. Proposed Compliance Assessment Bulletins (CABs).

c. Proposed updates to previously approved CABs, as Notices of Proposed CABs, to enable comment and input on the proposed CAB modifications.

d. OIC updates to existing test documents or establishing new test documents for new types of P25 equipment.

e. Best practices associated with improvement of the policies and procedures by which the P25 CAP operates.

f. Existing test documents including but not limited to SDOCs and STRs posted on the *dhs.gov/science-and-technology/p25-cap* website.

g. Proposed P25 user input for improving functionality through the standards-making process.

Nominations/Expressions of Interest Procedures and Deadline

Nominations and expressions of interest shall be received by OIC no later than July 19, 2018 at the address *P25CAP@hq.dhs.gov.* Nominations and expressions of interest received after this date shall not be considered. All submissions received must include the words ''Department of Homeland Security'' and DHS–2018–0031. Each nomination and expression of interest must provide the following information as part of the submission:

- A cover letter that highlights a history of proven leadership within the public safety community including, if applicable, a description of prior experience with law enforcement, fire response, emergency medical services, emergency communications, National Guard, or other first responder roles and how the use of communications in those roles qualifies the nominee to participate on the P25 CAP AP.
- Name, title, and organization of the nominee.
- A resume summarizing the nominee's contact information (including the mailing address, phone number, facsimile number, and email address), qualifications, and expertise to explain why the nominee should be appointed to the P25 CAP AP.
- The resume must demonstrate a minimum of ten years (10) years of experience directly using P25 systems in an operational environment in support of established public safety communications or from a system implementer/administrator perspective; a bachelor's or associate degree with an emphasis in communications and engineering may be substituted for three (3) years, a master's/professional certification for seven (7) years, and a Ph.D. for ten (10) years of the requirement.
- The resume must discuss the nominee's familiarity with the current P25 CAP, including documents that are integral to the process such as the SDOCs, STRs, and CABs referenced in this notice.
- A letter from the nominee's supervisor indicating the nominee's agency's support for the nominee to participate on the P25 CAP AP as a representative from their respective agency.
- Disclosure of Federal boards, commissions, committees, task forces, or work groups on which the nominee currently serves or has served within the past 12 months.
- A statement confirming that the nominee is not registered as a lobbyist pursuant to the Lobbying Disclosure Act of 1995.

Additional information can be found as follows: Project 25 Compliance Assessment Program and Compliance Assessment Bulletins *https://www.dhs.gov/science-and-technology/bulletins.*

William N. Bryan,

Senior Official Performing the Duties of Under Secretary for Science and Technology, Department of Homeland Security.

[FR Doc. 2018–13095 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0022]

Soft Target Countermeasure Surveys

AGENCY: Office of Infrastructure Protection (IP), National Protection and Programs Directorate (NPPD), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments; new collection, 1670—NEW.

SUMMARY: DHS NPPD IP will submit the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. NPPD IP is contracting a study to analyze a broad set of business security measures in terms of their costs and spillover effects, with an emphasis on identifying security measures that had a positive effect. Additionally, NPPD IP will survey the businesses' customers to evaluate the public's perceptions of the security measures, and evaluate the enhanced security measures on business operations and customers' responses.

DATES: Comments are encouraged and will be accepted until August 20, 2018.

ADDRESSES: You may submit comments, identified by docket number DHS–2018–0022, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Please follow the instructions for submitting comments.
- *Email: Bill.Schweigart@HQ.DHS.GOV.* Please include docket number DHS–2018–0022 in the subject line of the message.
- *Mail:* Written comments and questions about this Information Collection Request should be forwarded to DHS/NPPD/IP, ATTN: 1670—NEW, 245 Murray Lane SW, Mail Stop 0608, Bill Schweigart, Arlington, VA 20528.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Bill Schweigart at 703–603–5148 or at *Bill.Schweigart@HQ.DHS.GOV.*

SUPPLEMENTARY INFORMATION: Title II of the Homeland Security Act of 2002 (Pub. L. 107–296), as amended (2006), directs the DHS to coordinate all Federal homeland security activities, including infrastructure protection. On behalf of DHS, NPPD IP manages the Department's program to protect and enhance the resilience of the Nation's physical and cyber infrastructure within the 16 critical infrastructure sectors designated by Presidential Policy Directive 21 Critical Infrastructure Security and Resilience (PPD–21) (February 2013) by implementing the National Infrastructure Protection Plan (NIPP) 2013: Partnering for Critical Infrastructure Security and Resilience. NPPD IP accomplishes their mission by building sustainable partnerships with its public and private sector stakeholders to enable more effective sector coordination, information sharing, and program development and implementation.

The Homeland Security Act of 2002, as amended (2006), also grants DHS the authority to create university-based Centers of Excellence (COEs) using

grants, cooperative agreements and contracts. The COEs are authorized by Congress and selected by DHS Science and Technology Directorate (S&T) through a competitive selection process. Among the COEs is The National Center for Risk & Economic Analysis of Terrorism Events (CREATE) at The University of Southern California. The Strategic Sourcing Program Office for DHS has approved the Basic Ordering Agreements (BOAs) for DHS-wide use. Any and all DHS Components requiring the research, analysis, and/or services of the COEs described in the COE BOAs may issue Task Orders under the BOAs through their assigned warranted Contracting Officers.

NPPD IP is contracting a study through the approved BOA with CREATE to analyze a broad set of security measures in terms of their costs and spillover effects, with an emphasis on identifying security measures that had a positive effect. This includes examining a broad range of measures including increased police/security guard presence and other non- or less-invasive options. NPPD IP will work with business leaders to identify locations that have implemented various security measures already, and develop and administer surveys for statistical analysis and modeling. Additionally, NPPD IP will survey the businesses' customers to evaluate the public's perceptions of the security measures, and evaluate the enhanced security measures on business operations and customers' responses.

CREATE will work with NPPD personnel to identify locations that have implemented various security measures already, and develop and administer surveys for statistical analysis and modeling. Management professionals (Chief Operating Officers, Head of Marketing, and Head of Security) from five selected businesses will be asked questions tailored to the five specific businesses regarding current and planned safety measures, management understanding of customer perceptions of security measures, management beliefs about the impacts of security measures, management beliefs about how security measures change customer behaviors and business volume, and some select demographic information. This will be conducted as a structured interview, herein referred to as ''Business Structured Interview'', and is needed to obtain necessary and relevant data for subsequent economic analyses. The purpose of these analyses is to evaluate whether specific counterterrorism efforts have a negative or positive impact on the company in question.

CREATE will administer a customer survey, herein referred to as ''Customer Survey'', regarding awareness of countermeasures in the Commercial Facilities sector, attitudes and perceptions toward safety, impacts (physical, psychological, and monetary) countermeasures have on customers, and select demographic and individual difference questions. There will be five variations of this survey targeted to each of the five specific businesses with slight variations in the language as a result, however the same information is being sought from the groups. These surveys are intended to create an understanding of the impacts of security countermeasures on customers/visitors' perceptions and behaviors at each of the specific target businesses selected.

Information will be analyzed to determine whether the spillover effects are positive and negative and to what extent. Statistical analysis of the results will identify the direct impacts. These will be fed into an economy-wide modeling approach known as computable general equilibrium (CGE) analysis to determine the ''ripple'' effects on the entire local economy. The analysis will be performed with an eye toward uncertainty analysis, as well in terms of the framing of survey questions and, rigorously specifying the confidence intervals for the statistical results.

The DHS and CREATE research team will use the information being collected in order to inform the study described above.

The Business Structured Interview will be conducted as interviews, either in-person or via video conferencing that will have a list of questions to help structure and guide discussions. The Customer Survey will be created and sent utilizing a professional-grade software, ''Research Core,'' by Qualtrics. The software allows the researchers to send customized email invitations to respondents, track their progress, and prevent fraud and abuse of the survey.

This is a new information collection.

OMB is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Soft Target Countermeasure Surveys.

OMB Control Number: 1670—NEW.

Frequency: Annually.

Affected Public: Private and Public Sector.

Number of Respondents: 2,020.

Estimated Time per Respondent: 25 minutes.

Total Burden Hours: 677 hours.

Total Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Total Burden Cost (operating/maintaining): $0.

David Epperson,

Chief Information Officer.

[FR Doc. 2018–13067 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Extension of Agency Information Collection Activity Under OMB Review: Law Enforcement (LEO) Reimbursement Request

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0063, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the reimbursement of expenses incurred by airport operators for the provision of law enforcement officers (LEOs) to support airport security checkpoint screening.

DATES: Send your comments by July 19, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on

the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on March 14, 2018, at 83 FR 11240.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: LEO Reimbursement Request.

Type of Request: Extension of currently approved collection.

OMB Control Number: 1652–0063.

Form(s): LEO Reimbursement Request-Invoice.

Affected Public: Airport operators.

Abstract: TSA has authority to enter into agreements with airport operators to reimburse expenses they incur for the provision of LEOs in support of screening at airport security checkpoints. *See* 49 U.S.C. 106(m) and 114(m). To implement this authority, TSA created the LEO Reimbursement Program. TSA requires that participants in the LEO Reimbursement Program record the details of all reimbursements sought on the LEO Reimbursement Request-Invoice form. TSA will use this form to provide for the orderly tracking of reimbursements.

Number of Respondents: 297.[1]

Estimated Annual Burden Hours: An estimated 3,564 hours annually.

Dated: June 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–13145 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2005–20118]

Revision of Agency Information Collection Activity Under OMB Review: Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0029, abstracted below to OMB for review and approval of revision of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection is necessary to comply with a requirement for individuals to successfully complete a security threat assessment before operating an aircraft to or from the three Maryland airports (Maryland Three Airports) that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ), or serving as an airport security coordinator at one of these three airports.

DATES: Send your comments by July 19, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov*.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov*.

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on March 9 2018, 83 FR 10510.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the

[1] The estimates have been updated since the publication of the 60-day notice, which reported 294 respondents and 3,528 annual burden hours.

Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone.

Type of Request: Revision of a currently approved collection.

OMB Control Number: 1652–0029.

Forms(s): TSA Form No. 418, MD–3 PIN Application.

Affected Public: Airports and pilots operating an aircraft to or from one of three Maryland airports, and airport employees who serve as an airport security coordinator at one of these three Maryland airports.

Abstract: TSA's regulations set forth security measures that apply to flight operations at the Maryland Three airports (College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field). *See* 49 CFR part 1562. Under these regulations, the following individuals must provide personal information and fingerprints to TSA to conduct a security threat assessment: (1) Pilots who fly to, from, or between the Maryland Three airports and (2) airport employees who serve as security coordinators at one of these airports. A successfully completed security threat assessment is required for a pilot to fly to or from the Maryland Three airports, or for an airport employee to serve as a security coordinator at one of these airports. TSA is revising the collection by providing an electronic option for the submission of the FAA Flight Standards District Offices vetting information and for final approval of the application.

Number of Respondents: 369.

Estimated Annual Burden Hours: An estimated 2,859.75 hours annually.

Dated: June 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–13141 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2003–14610]

Extension of Agency Information Collection Activity Under OMB Review: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License

AGENCY: Transportation Security Administration, DHS.

ACTION: 30-Day notice.

SUMMARY: This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0027, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves applicant's voluntary submission of biometric and biographic information for TSA's security threat assessment required before obtaining the hazardous materials endorsement (HME) on a commercial driver's license (CDL) issued by States and the District of Columbia.

DATES: Send your comments by July 19, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011; telephone (571) 227–2062; email *TSAPRA@tsa.dhs.gov.*

SUPPLEMENTARY INFORMATION: TSA published a **Federal Register** notice soliciting comments for a 60-day period on April 4, 2018, 83 FR 14485.

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

Title: Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Driver's License.

Type of Request: Extension of a currently approved collection.

OMB Control Number: 1652–0027.

Forms(s): TSA Form 2214; HME Threat Assessment Program (HTAP).

Affected Public: Drivers seeking an HME on their CDL.

Abstract: This collection supports the implementation of sec. 1012 of the USA PATRIOT Act,[1] which mandates that no State or the District of Columbia may issue an HME on a CDL unless TSA has first determined the driver is not a threat to transportation security. TSA's implementing regulations (codified at 49 CFR part 1572) describe the procedures, standards, and eligibility criteria for security threat assessments (STAs) on individuals seeking to obtain, renew, or transfer an HME on a CDL. The collection includes an HME application, applicant biometrics (*e.g.,* fingerprints), recordkeeping requirement for States to maintain a

[1] Public Law 107–56, 115 Stat. 272, 396, Oct. 26, 2001 (49 U.S.C. 5103a).

copy of the driver application for a period of one year, an application for appeal or waiver of HME ineligibility, and an optional customer satisfaction survey.

Number of Respondents: 268,295.

Estimated Annual Burden Hours: An estimated 524,746 hours annually.

Dated: June 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–13137 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2002–11602]

Intent To Request Extension From OMB of One Current Public Collection of Information: Security Programs for Foreign Air Carriers

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0005, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States.

DATES: Send your comments by August 20, 2018.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *http://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (E.O.) 13771, Reducing Regulation and Controlling Regulatory Costs, and E.O. 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

Information Collection Requirement

OMB Control Number 1652–0005; Security Programs for Foreign Air Carriers, 49 CFR part 1546. TSA uses the information collected to determine compliance with 49 CFR part 1546 and to ensure passenger safety by monitoring foreign air carrier security procedures. Foreign air carriers must carry out security measures to provide for the safety of persons and property traveling on flights provided by the foreign air carrier against acts of criminal violence and air piracy, and the introduction of explosives, incendiaries, or weapons aboard an aircraft. The information TSA collects includes identifying information on foreign air carriers' flight crews and passengers. Specifically, TSA requires foreign air carriers to electronically submit the following information: (1) A master crew list of all flight and cabin crew members flying to and from the United States; (2) the flight crew list on a flight-by-flight basis; and (3) passenger identifying information on a flight-by-flight basis. This information collection is mandatory for foreign air carriers and must be submitted prior to entry into the United States.

Additionally, foreign air carriers must maintain these records, as well as training records for crew members and individuals performing security-related functions, and make them available to TSA for inspection upon request. TSA will continue to collect information described above to determine foreign air carrier compliance with requirements of 49 CFR part 1546. TSA estimates that there will be approximately 180 respondents to the information collection, with an annual burden estimate of 1,278,352 hours.

Dated: June 13, 2018.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2018–13143 Filed 6–18–18; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2018–N042; FXES11130800000–189–FF08EVEN00]

Habitat Conservation Plan and Environmental Assessment for Gavilan College San Benito Campus and Fairview Corners Residential Development

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; receipt of permit application, draft environmental assessment, draft habitat conservation plan, request for comment.

SUMMARY: This notice advises the public that we, the U.S. Fish and Wildlife Service, have prepared a draft environmental assessment under the National Environmental Policy Act of 1967, as amended, and it's implementing regulations. This notice also announces the receipt of an application for an incidental take permit under the Endangered Species Act of 1973, as amended, and receipt of a draft habitat conservation plan.

DATES: *Submitting Comments:* To ensure consideration, written comments must be received by July 19, 2018.

ADDRESSES: You may obtain a copy of the draft Habitat Conservation Plan, draft Environmental Assessment, and related documents on the internet at *http://www.fws.gov/ventura,* or you may request copies of the documents by writing to the Ventura Fish and Wildlife Ecological Services Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003. Please address written comments to Stephen P. Henry, Field Supervisor, at the address above. Comments may also be sent by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Chad Mitcham, Fish and Wildlife Biologist, by mail to the address in

ADDRESSES or by phone at (805) 677–3328.

SUPPLEMENTARY INFORMATION: This notice advises the public that we, the U.S. Fish and Wildlife Service (Service), have prepared the draft environmental assessment (EA) under the National Environmental Policy Act of 1967, as amended (42 U.S.C. 4321 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1506.6.

This notice also announces the receipt of an application from Mary Beth Long of Fairview Corners LLC and Frederick Harris of the Gavilan Joint Community College District (Applicants) for a 25-year incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Act). The Applicants prepared the draft Gavilan College San Benito Campus and Fairview Corners Residential Development Habitat Conservation Plan (HCP) pursuant to section 10(a)(1)(B) of the Act. The Applicants are requesting the authorization of incidental take for the federally threatened California tiger salamander (*Ambystoma californiense*) and the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*) that could result from activities covered under the HCP.

Introduction

The HCP is a combined effort between the Gavilan Joint Community College District and Fairview Corners, LLC, for development of a college campus and residential subdivision (maximum 220 units) on an approximately 137-acre site located southeast of the City of Hollister, in unincorporated San Benito County. In addition to measures proposed for the protection of the covered species during construction within the project site, the Applicants propose to mitigate impacts to the covered species and their habitat by placing a conservation easement over approximately 329 acres of the Mariposa Peak Conservation Preserve in eastern Santa Clara County.

Background Information

Section 9 of the Act (16 U.S.C. 1531–1544 *et seq.*) and Federal regulations (50 CFR 17) prohibit the taking of fish and wildlife species listed as endangered or threatened under section 4 of the Act. Take of federally listed fish or wildlife is defined under the Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect listed species, or attempt to engage in such conduct. The term ''harass'' is defined in the regulations as to carry out actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns, which include, but are not limited to, breeding, feeding, or sheltering (50 CFR 17.3). The term ''harm'' is defined in the regulations as significant habitat modification or degradation that results in death or injury of listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3). However, under specified circumstances, the Service may issue permits that allow the take of federally listed species, provided that the take that occurs is incidental to, but not the purpose of, an otherwise lawful activity.

Regulations governing permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. Section 10(a)(1)(B) of the Act contains provisions for issuing such incidental take permits to non-Federal entities for the take of endangered and threatened species, provided the following criteria are met:

(1) The taking will be incidental;

(2) The applicants will, to the maximum extent practicable, minimize and mitigate the impact of such taking;

(3) The applicants will develop a proposed HCP and ensure that adequate funding for the HCP will be provided;

(4) The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and

(5) The applicants will carry out any other measures that the Service may require as being necessary or appropriate for the purposes of the HCP.

Proposed Action

The Service would issue an ITP to the Applicants for a period of 25 years for covered activities at the proposed project site in San Benito County. The proposed project would result in the permanent loss of approximately 137 acres of suitable habitat for the California tiger salamander and San Joaquin kit fox.

Plan Area

The project site is located southeast of the City of Hollister, in unincorporated San Benito County. The Gavilan Join Community College District owns approximately 77 acres of the southern portion of the 137-acre project site, while Fairview Corners, LLC, owns the remaining 60 acres. The project site currently consists of unimproved rangeland and agricultural fields of cultivated barley that are annually disked and periodically grazed by cattle.

Covered Activities

The proposed section 10 ITP would allow take of covered wildlife species resulting from covered activities in the proposed HCP area. The Applicants are requesting incidental take authorization for covered species that could be affected by all activities associated with the construction of the Gavilan College San Benito Campus and Fairview Corners Residential Development project, as identified in the HCP.

Covered Species

Covered species are those species addressed in the HCP for which conservation actions will be implemented and for which the Applicants are seeking an ITP for a period of 25 years. Proposed covered species include the federally threatened California tiger salamander (*Ambystoma californiense*) and the federally endangered San Joaquin kit fox (*Vulpes macrotis mutica*).

National Environmental Policy Act Compliance

The EA was prepared to analyze the impacts of issuing an ITP based on the HCP and to inform the public of the proposed action, alternatives, and associated impacts and disclose any irreversible commitments of resources.

The proposed permit issuance triggers the need for compliance with NEPA. The proposed action presented in the EA is compared to the no-action and reduced development scale alternatives. The No-Action and Reduced Development Scale alternatives represent estimated future conditions to which the proposed action's estimated future conditions can be compared.

No-Action Alternative

Under the No-Action Alternative, the Service would not issue an ITP, and the HCP would not be implemented. Under this alternative, the project site would continue to be utilized for the purposes of cultivation of barley and the periodic grazing of cattle. Under the No-Action Alternative, the permanent loss of suitable habitat for the covered species would not occur; although, agricultural activities would continue resulting in negative effects to the species. Additionally, offsite mitigation of higher quality habitat would not occur.

Reduced Development Scale Alternative

This alternative assumes that the Fairview Corners Residential Development would be developed with estate homes on minimum 5-acre lots, and a reduced version of the Gavilan College project would be also developed. This alternative could

include the preservation of a portion of the project site for the California tiger salamander in and around the area of the former stock pond; however, this would potentially increase the likelihood of the area to function as a population sink, primarily due to the loss of suitable upland habitat in the immediate vicinity. The biological resource impacts under this alternative would be similar to and potentially more significant that those identified under the proposed project.

Public Comments

If you wish to comment on this notice, the EA, and HCP, you may submit comments by any one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Next Steps

Issuance of an incidental take permit is a Federal proposed action subject to compliance with NEPA. We will evaluate the application, associated documents, and any public comments we receive to determine whether the application meets the requirements of NEPA regulations and section 10(a) of the Act. If we determine that those requirements are met, we will issue a permit to the applicant for the incidental take of the Covered Species. We will make our final permit decision no sooner than 30 days after the public comment period closes.

Authority

We publish this notice under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.;* NEPA), and its implementing regulations in the Code of Federal Regulations (CFR) at 40 CFR 1500–1508, as well as in compliance with section 10(c) of the Endangered Species Act (16 U.S.C. 1531–1544 *et seq.;* Act).

Dated: June 13, 2018.

Stephen P. Henry,

Field Supervisor, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2018–13127 Filed 6–18–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNM950000 L13400000.BX0000 18XL1109AF]

Notice of Filing of Plats of Survey, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Filing of Plats of Survey.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

FOR FURTHER CONTACT INFORMATION: These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, 301 Dinosaur Trail, Santa Fe, New Mexico. Copies may be obtained from this office upon payment. Contact Carlos Martinez at 505–954–2096, or by email at *cjjmarti@blm.gov,* for assistance. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours.

SUPPLEMENTARY INFORMATION:

New Mexico Principal Meridian, New Mexico (NM)

The plat representing the dependent resurvey and survey in Township 10 North, Range 7 West, of the New Mexico Principal Meridian, accepted May 15, 2018 for Group 1188 NM.

The plat representing the survey of Tract 24 within the Sebastian Martin Grant, of the New Mexico Principal Meridian, accepted May 29, 2018 for Group 1155 NM.

The Indian Meridian, Oklahoma (OK)

The plat, representing the dependent resurvey and survey in Township 7 North, Range 10 West, of the Indian Meridian, accepted May 17, 2018, for Group 234 OK.

The supplemental plat, restoring the lotting in section 3, created on January 18, 2007 in Township 5 South, Range 14 West, of the Indian Meridian, accepted January 30, 2018, for Group 236 OK.

The supplemental plat, restoring the lotting in sections 4 and 9, created on January 18, 2007 in Township 5 South, Range 14 West, of the Indian Meridian, accepted January 30, 2018, for Group 236 OK.

The Sixth Principal Meridian, Kansas (KA)

The plat representing the dependent resurvey and survey in Township 1 South, Range 18 East, of the Sixth Principal Meridian, accepted February 18, 2018 for Group 40 KS. These plats are scheduled for official filing 30 days from the notice of publication in the **Federal Register**, as provided for in the BLM Manual Section 2097—Opening Orders.

If a protest against a survey, in accordance with 43 CFR 4.450–2, of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the Bureau of Land Management New Mexico State Director stating that they wish to protest.

A statement of reasons for a protest may be filed with the Notice of Protest to the State Director or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

Dated: June 12, 2018.

Thomas A. Maestas,

Acting Chief Cadastral Surveyor for New Mexico.

[FR Doc. 2018–13123 Filed 6–18–18; 8:45 am]

BILLING CODE 4310–FB–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on May 14, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), Medical CBRN Defense Consortium (''MCDC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Spero Therapeutics, Inc., Cambridge, MA; DCN Diagnostics, Carlsbad, CA; Silver Lake Research

Corporation, Azusa, CA; Coagulant Therapeutics, Mill Valley, CA; Duke University, Durham, NC; International AIDS Vaccine Initiative (IAVI), New York, NY; AN2 Therapeutics, Inc., Menlo Park, CA; University of Nevada Reno, Reno, NV; New Mexico Institute of Mining and Technology, Socorro, NM; VecTOR Test Systems, Inc., Thousand Oaks, CA; The Regents of the University of California, Irvine, Irvine, CA; The Wistar Institute, Philadelphia, PA; Chenega Support Services, LLC, San Antonia, TX; PlantVax Inc., Rockville, MD; Binergy Scientific, Inc., Atlanta, GA; Zeteo Tech, Inc., Sykesville, MD; The Regents of University of New Mexico, Health Sciences Center, Albuquerque, NM; Rubicon Biotechnology, Lake Forest, CA; Innovative Emergency Management, Inc. (IEM), Arlington, VA; Macromoltek, Austin, TX; Paratek Pharmaceuticals, Boston, MA; Terminal Horizon Operations and Resourcing, Inc. (THOR), St. Petersburg, FL; Phosphorex Inc., Hopkinton, MA; Celina Tent, Inc., Celina, OH; Medinstill Development LLC, New Milford, CT; BioHybrid Solutions LLC, Pittsburgh, PA; GeneCapture Inc., Huntsville, AL; University of Arizona (Arizona Board of Regents), Tucson, AZ; Peregrine Technical Solutions, LLC, Yorktown, VA; and DxDiscovery, Inc., Reno, NV, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on January 16, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on February 27, 2018 (83 FR 8506).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13061 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Border Security Technology Consortium

Notice is hereby given that, on May 2, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Border Security Technology Consortium (''BSTC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adelos, Inc., Polson, MT; Astrophysics, Inc., City of Industry, CA; Asymmetric Technologies, LLC, Columbus, OH; Belcan-Government Services, LLC, Arlington, VA; Cobham Advanced Electronic Solutions Inc., Lansdale, PA; Copious Imaging LLC, Lexington, MA; Eikon Corporation, Andover, MA; Epigen Technology Corporation, Mclean, VA; Fairlead Integrated, Portsmouth, VA; Fortem Technologies, Inc., Pleasant Grove, UT; Intel Corporation, Santa Clara, CA; Keysight Technologies, Inc., Santa Rosa, CA; Kratos Defense & Rocket Support Services, Inc., Huntsville, AL; Motorola Solutions, Inc., Linthicum Heights, MD; Neos Diamant, LLC, Manassas, VA; nMeta LLC, New Orleans, LA; Rigaku Analytical Devices, Inc., Wilmington, DE; Shipcom Wireless Inc., Houston, TX; TKK Electronics, LLC, Milwaukee, WI; TriaSys Technologies Corporation, N. Billerica, MA; and Vencore Labs dba Applied Communication Sciences, Basking Ridge, NJ, have been added as parties to this venture.

Also, General Robotics, Van Nuys, CA; Rajant, Malvern, PA; Aerostar International, Inc., Sioux Falls, SD; Vista Research, Arlington, VA; Stark Aerospace, Arlington, VA; and PRO Barrier Engineering LLC, Middletown, PA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and BSTC intends to file additional written notifications disclosing all changes in membership.

On May 30, 2012, BSTC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 18, 2012 (77 FR 36292).

The last notification was filed with the Department on September 22, 2017. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 17, 2017 (82 FR 48267).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13062 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—3d Pdf Consortium, Inc.

Notice is hereby given that, on May 22, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), 3D PDF Consortium, Inc. (''3D PDF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NIST Engineering Lab, Gaithersburg, MD; and Bill Corey (individual member), Charlottesville, VA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and 3D PDF intends to file additional written notifications disclosing all changes in membership.

On March 27, 2012, 3D PDF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on April 20, 2012 (77 FR 23754).

The last notification was filed with the Department on April 25, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 21, 2018 (83 FR 23485).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13058 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993— Medical Technology Enterprise Consortium

Notice is hereby given that, on May 3, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical Technology Enterprise Consortium (''MTEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Adventist Health System/Sunbelt, Inc. dba Florida Hospital, Orlando, FL; AegisCN LLC, Durham, NC; AmpliPhi Biosciences Corporation, San Diego, CA; Auckland UniServices Limited, Auckland, NEW ZEALAND; AxoGen Corporation, Alachua, FL; Axonova Medical, LLC, Philadelphia, PA; Blood Systems, Inc. dba Blood Systems Research Institute, Scottsdale, AZ; Blumio, Inc., San Francisco, CA; Board of Trustees of the Leland Stanford Junior University, Palo Alto, CA; Cellphire, Inc., Rockville, MD; Clinical Research Management, Inc. dba ICON Government and Public Health Solutions (ICON GPHS), Hinckley, OH; Cohen Veterans Bioscience, Inc., Cambridge, MA; Deloitte Consulting LLP, McLean, VA; Design Interactive, Inc., Orlando, FL; Disarm Therapeutics, Inc., Cambridge, MA; Dynport Vaccine Company LLC, Frederick, MD; Engineering and Computer Simulations, Inc., Orlando, FL; EyeSonix LLC, Long Beach, CA; Fibralign Corp., Union City, CA; FlexDex, Inc., Brighton, MI; FloTBI, Cleveland, OH; Fortuna Fix, London, UK; Imbed Biosciences, Fitchburg, WI; Kitware, Inc., Clifton Park, NY; LayerBio, Inc., Arlington, MA; LifeLens Technologies, LLC, Warrington, PA; Massachusetts Eye and Ear Infirmary, Boston, MA; MVK Pharmaceuticals, LLC, Indianapolis, IN; National Trauma Institute dba Coalition for National Trauma Research, San Antonio, TX; New York University School of Medicine, New York, NY; Noveome Biotherapeutics, Inc., Pittsburgh, PA; Pendar Technologies LLC, Cambridge, MA; Pluristem LTD, Haifa, ISRAEL; Quantum Applied Science and Research, Inc., San Diego, CA; RegenFix, LLC, Toledo, OH; Renerva, LLC, Pittsburgh, PA; ReNetX Bio, Inc., New Haven, CT; SAVIR GmbH, Berlin, GERMANY; Scion NeuroStim, LLC, Raleigh, NC; Selfit Medical Ltd., Ramat Ha'sharon, ISRAEL; SOL–DEL MEDICAL LTD., KFAR SABA, ISRAEL; Southern Research Institute, Birmingham, AL; SRI International, Menlo Park, CA; TerumoBCT, Inc., Lakewood, CO; The Children's Hospital Corporation dba Boston Children's Hospital, Boston, MA; The Informatics Applications Group, Inc., Reston, VA; The Methodist Hospital Research Institute dba Houston Methodist Research Institute, Houston, TX; University of California, San Diego, San Diego, CA; University of California, San Francisco, San Francisco, CA; University of Kentucky Research Foundation, Lexington, KY; URO–RESEARCH, LLC, Houston, TX; West Virginia University Research Corporation, Morgantown, WV; WESTAT, Inc., Rockville, MD; and Yale University, New Haven, CT, have been added as parties to this venture.

Also, Aequor, Inc., Oceanside, CA; Brainpaths LLC, Las Vegas, NV; Combat Wounded Veteran Challenge, Inc., Saint Petersburg, FL; Infinite Arthroscopy, Inc., Cleveland Heights, OH; Institute for Applied Neurosciences, Charleston, SC; Kestrel Corporation, Albuquerque, NM; LifeLink Foundation, Inc., Tampa, FL; Maryland Development Center, Baltimore, MD; Nerves Incorporated, Dallas, TX; Neuroplast BV, Maastricht, THE NETHERLANDS; Northwestern University, Evanston, IL; NovaHep AB, Gothenburg, SWEDEN; Pertexa Healthcare Technologies, Inc., Ridgecrest, CA; The University of Cincinnati, Department of Surgery, Cincinnati, OH; Trideum BioSciences, Frederick, MD; University of South Carolina, Columbia, SC; University of Utah, Salt Lake City, UT; and Vapogenix, Inc., Houston, TX, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on January 18, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 12, 2018 (83 FR 10751).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13064 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Portable Lights American Trade Organization

Notice is hereby given that, on May 14, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Portable Lights American Trade Organization (''PLATO'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the name and principal place of business of the standards development organization and (2) the nature and scope of its standards development activities. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the name and principal place of business of the standards development organization is: Portable Lights American Trade Organization, St. Paul, MN. The nature and scope of PLATO's standards development activities are: Basic performance requirements for hand-held, portable flashlights, spotlights and headlamps that provide directional lighting. It includes relevant definitions, test methods and marking requirements in order to establish minimum performance for these consumer devices. The project will consider expanding the scope to include portable area lights in addition to directional lighting, as well as any relevant updates needed for test methods.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13059 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on May 14, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Spectrum Consortium (''NSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Peraton Inc., Herndon, VA; Colorado Engineering Inc., Colorado, CO; and General Dynamics SATCOM Technologies, Inc., State College, PA, have been added as parties to this venture.

Also, The Ohio State University, Columbus, OH; University of Dayton, Dayton, OH; University of Michigan, Ann Arbor, MI; Cloud Front Group, Inc., Reston, VA; EMC Corporation, McLean, VA; NEBENS, LLC, Deer Park, IL; Digital Global Systems, Beltsville, MD; and Charles River Analytics Inc., Cambridge, MA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends to file additional written notifications disclosing all changes in membership.

On May 24, 2014, NSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 4, 2014 (79 FR 65424).

The last notification was filed with the Department on January 16, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 6, 2018 (83 FR 9544).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–13063 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–NEW]

Office of Private Sector; Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Federal Bureau of Investigation, Office of Private Sector, Department of Justice.

ACTION: 60 Day notice.

SUMMARY: The Department of Justice, Federal Bureau of Investigation, Office of Private Sector, 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 August 20, 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 Michael Whitaker, Supervisory Special Agent, Federal Bureau of Investigation, Office of Private Sector, 935 Pennsylvania Ave. NW, Washington, DC 20535, *MJWhitaker@fbi.gov,* 202–324–3000.

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 Private Sector, 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:* Annual Private Sector Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Un-Numbered. The applicable component within the Department of Justice is the Federal Bureau of Investigation, Office of Private Sector.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Survey will affect businesses or other for-profit, and not-for-profit institutions. The survey is intended to measure the effectiveness of the FBI's Office of Private Sector's engagement efforts with the Private Sector.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Approximately 600 respondents. Average response time: 15 minutes per respondent.

6. *An estimate of the total public burden (in hours) associated with the collection:* 150 hours (15 min × 600 respondents).

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: June 14, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–13099 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Jack Noble,* Case No. 4:16–cv–06178–SBA, was lodged with the United States District Court for the Northern District of California on June 11, 2018.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant Jack Noble, pursuant to Clean Water Act Section 301(a), 33 U.S.C. 1311(a), and Endangered Species Act Section 9, 16

U.S.C. 1528, to obtain injunctive relief from and impose civil penalties against the Defendant for violating these statutes by discharging pollutants without a permit into waters of the United States and taking protected species. The proposed Consent Decree resolves these allegations by requiring the Defendant to remove the offending material, restore the impacted areas, enhance fish habitat, and pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to John Thomas H. Do, United States Department of Justice, Environment & Natural Resources Division, Post Office Box 7611, Washington, DC 20044–7611 and refer to *United States* v. *Jack Noble,* DJ # 90–5–1–1–20923.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2018–13056 Filed 6–18–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the International Price Program U.S. Import and Export Price Indexes. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before August 20, 2018.

ADDRESSES: Send comments to Nora Kincaid, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by fax to 202–691–5111 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Nora Kincaid, BLS Clearance Officer, 202–691–7628 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The U.S. Import and Export Price Indexes, produced by the Bureau of Labor Statistics' International Price Program (IPP), measure price change over time for all categories of imported and exported products, as well as selected services. The IPP has produced the U.S. Import Price Indexes continuously since 1973 and the U.S. Export Price Indexes continuously since 1971. The Office of Management and Budget has listed the Import and Export Price Indexes as a Principal Federal Economic Indicator since 1982. The indexes are widely used in both the public and private sectors. The primary public sector use is the deflation of the U.S. monthly Trade Statistics and the quarterly estimates of U.S. Gross Domestic Product; the indexes also are used in formulating U.S. trade policy and in trade negotiations with other countries. In the private sector, uses of the Import Price Indexes include market analysis, inflation forecasting, contract escalation, and replacement cost accounting.

The IPP indexes are closely followed statistics, and are viewed as a key indicator of the economic environment. The U.S. Department of Commerce uses the monthly statistics to produce monthly and quarterly estimates of inflation-adjusted trade flows. Without continuation of data collection, it would be extremely difficult to construct accurate estimates of the U.S. Gross Domestic Product. In fact, DOL–BLS' attempt to curtail publication of the export price indexes beginning in FY15 was met with resistance from the Commerce Department who explained that a viable substitute is not available. The *Beyond the Numbers* article ''Analyzing alternatives to export price indexes'' (*http://www.bls.gov/opub/btn/volume-3/analyzing-alternatives-to-export-price-indexes.htm*) explores alternatives to using IPP's export price indexes to deflate the U.S. Gross Domestic Product and explains why there are currently no comparable replacements.

Additionally, Federal policymakers in the Department of Treasury, the Council of Economic Advisers, and the Federal Reserve Board utilize these statistics on a regular basis to improve these agencies' formulation and evaluation of monetary and fiscal policy and evaluation of the general business environment.

II. Current Action

Office of Management and Budget clearance is being sought for the U.S. Import and Export Price Indexes. The IPP continues to modernize data collection and processing to permit more timely release of its indexes, and to reduce reporter burden. The IPP has expanded the use of its web application, introduced in 2003 to allow respondents to update their data online and more rapidly than using a paper-based form. As of March 2018, 91 percent of IPP respondents were providing prices via the web application or had agreed to start using this repricing method. Field Economists currently offer web repricing to all new respondents and at initiation, it is the preferred method of collection offered to companies.

The Program continues its multi-year effort to develop a more effective sampling and collection strategy for companies that are considered major importers or exporters. Research has shown that, while hundreds of thousands of companies import and export goods into and from the United States each year, the volume of trade (in terms of dollar value) is heavily concentrated on a very small percentage of these companies. IPP's sampling methodology results in the large companies being sampled on a frequent basis. As a result of the continual fielding of these companies, Field Economists combine collection efforts for multiple IPP samples, as they deem appropriate. The collection of multiple IPP samples at once results in fewer visits and consequently, reduced burden.

Also, IPP has started revising its Data Collection Procedures, with the goal of improving collection methods for

respondents (and for the Field Economists).

III. Desired Focus of Comments

The Bureau of Labor Statistics 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.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: International Price Program (IPP) U.S. Import and Export Price Indexes.

OMB Number: 1220–0025.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Private Sector, Business or other for-profits.

Form	Total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden hours
Form 3008		Annually.			
Imports	1,500		1,500	1.0	1,500
Exports	1,000		1,000	1.0	1,000
Total	2,500		2,500		2,500
Repricing Form		Monthly.			
Imports	2,700	9.0 [1]	24,300	[2].4438	10,784
Exports	1,750	9.3 [1]	16,275	[3].4541	7,390
Total	4,450		40,575		18,174
Totals			43,075		20,674

[1] During initiation, the respondent determines how many months he/she will need to supply data in a given year based upon how often the company changes its pricing information. The average company is requested to supply information 9.3 months per year for exports and 9.0 months per year for imports.

[2] Time to reprice is based upon 5 minutes of response time per item x 5.325 items = 26.625 minutes/60 = .4438 hours.

[3] Time to reprice is based upon 5 minutes of response time per item x 5.449 items = 27.245 minutes/60 = .4541 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 12th day of June 2018.

Eric P. Molina,

Acting Chief, Division of Management Systems.

[FR Doc. 2018–13077 Filed 6–18–18; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0860]

The 13 Carcinogens Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements contained in the 13 Carcinogens Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by August 20, 2018.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0012, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3653, 200 Constitution Avenue NW, Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Docket Office's normal business hours, 10:00 a.m. to 3:00 p.m., ET.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2012–0012) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the above address. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Christie Garner at the phone number below in **FOR FURTHER INFORMATION CONTACT** to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Thomas Mockler or Christie Garner, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small business, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The information collection requirements specified in the 13 Carcinogens Standard protect workers from the adverse health effects that may result from their exposure to the specified carcinogens. The following is a brief description of the collection of information requirements contained in the 13 Carcinogens Standard: Establishing and implementing a medical surveillance program for workers assigned to enter regulated areas; informing workers of their medical examination results; and providing workers with access to their medical records. Further, employers must retain worker medical records for specified time periods and make them available upon request to OSHA and NIOSH.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the 13 Carcinogens Standard (29 CFR 1910.1003). OSHA is requesting an adjustment increase of 67 hours (from 1,493 hours to 1,560 hours). The increase is a result of a slight growth in the number of establishments affected by the Standards from 97 to 101.

The Agency will summarize any comments submitted in response to this notice and will include this summary in its request to OMB.

Type of Review: Extension of a currently approved collection.

Title: 13 Carcinogens Standard (29 CFR 1910.1003).

OMB Control Number: 1218–0085.

Affected Public: Businesses or other for-profits.

Number of Respondents: 101.

Frequency of Responses: On occasion, annually.

Total Number of Responses: 2,291.

Average Time per Response: Time per response ranges from approximately 5 minutes (for employers to maintain records) to 2 hours (for worker medical surveillance).

Estimated Total Burden Hours: 1,560 hours.

Estimated Cost (Operation and Maintenance): $115,370.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for the ICR (Docket No. OSHA–2011–0860). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as their social security number and dates of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office.

Information on using the *http://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on June 13, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–13112 Filed 6–18–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–052)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel.

DATES: Thursday, July 26, 2018, 1:00 p.m. to 2:15 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, Room 9H40, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Evette Whatley, Aerospace Safety Advisory Panel Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–4733 or *evette.whatley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its Third Quarterly Meeting for 2018. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the Exploration Systems Development

—Updates on the Commercial Crew Program

The meeting will be open to the public up to the seating capacity of the room. Seating will be on a first-come basis. This meeting is also available telephonically. Any interested person may call the USA toll free conference call number 888–566–6575; pass code 3391926. Attendees will be requested to sign a register and to comply with NASA security requirements, including the presentation of a valid picture ID before receiving access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 working days prior to the meeting: Full name; gender; date/place of birth; citizenship; visa information (number, type, expiration date); passport information (number, country, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee; and home address to Ms. Evette Whatley via email at *evette.whatley@nasa.gov.* To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days prior to the meeting to Ms. Evette Whatley via email at *evette.whatley@nasa.gov.* It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–13118 Filed 6–18–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (18–054)]

Notice of Information Collection

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection.

SUMMARY: The National Aeronautics and Space Administration, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: All comments should be submitted within 60 calendar days from the date of this publication.

ADDRESSES: All comments should be addressed to Gatrie Johnson, Mail Code JF000, National Aeronautics and Space Administration, Washington, DC 20546–0001 or *Gatrie.Johnson@NASA.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Gatrie Johnson, NASA PRA Clearance Officer, NASA Headquarters, 300 E Street SW, Mail Code JF000, Washington, DC 20546, or *Gatrie.Johnson@NASA.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

Since the mid-1960s, neutral buoyancy has been an invaluable tool for testing procedures, developing hardware, and training astronauts. Neutrally buoyant conditions sufficiently simulate reduced gravity conditions, comparable to the environmental challenges of space. The Neutral Buoyancy Laboratory (NBL) at NASA Johnson Space Center (JSC) provides opportunities for astronauts to practice future on-orbit procedures, such as extravehicular activities (EVA), and to work through simulation exercises to solve problems encountered on-orbit. NASA hires individuals with demonstrated diving experience as NBL Working Divers in teams comprised of four divers; two safety divers, one utility diver, and one cameraman to assist astronauts practice various tasks encountered in space.

NASA allows guest divers, typically non-federal photographers representing the media, opportunities to engage in the NBL diving experience. To participate, guest divers must present a dive physical, completed within one year of the targeted diving opportunity, for review by the NASA Buoyancy Lab Dive Physician.

If the guest diver does not have a current U.S. Navy, Association of Diving Contractors (ADC), or current British standard for commercial diving physical, they are required to complete a medical examination, performed by a certified Diving Medical Examiner. The results of the physical will be documented by on the *JSC Form 1830/Report of Medical Examination for Applicant and presented* for review prior to participating in diving activities conducted at the JSC Neutral Buoyancy Lab. The associated cost for guest divers to complete the medical examination will vary, typically based on the guest diver's insurance.

A completed JSC Form 1830/Report of Medical Examination, with test results attached as applicable, must be submitted to enable NASA to validate an individual's physical ability to dive in the NBL at NASA Johnson Space Center. The completed JSC Form 1830 will be protected in accordance with the Privacy Act. Records will be retained in accordance with NASA Records Retention Schedules.

II. Method of Collection

Paper.

III. Data

Title: JSC Neutral Buoyancy Lab Guest Diver Physical Exam Results.

OMB Number: 2700–XXXX.

Type of review: Existing collection in use without an OMB Control Number.

Affected Public: Individuals.

Estimated Number of Respondents: 175.

Estimated Time per Response: 60 minutes.

Estimated Total Annual Burden Hours: 175.

Estimated Total Annual Cost to Respondents: $6,125.00.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information

is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (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 automated collection techniques or the use of other forms of information technology.

Gatrie Johnson,

NASA PRA Clearance Officer.

[FR Doc. 2018–13139 Filed 6–18–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–053)]

NASA Astrophysics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Astrophysics Advisory Committee. This Committee reports to the Director, Astrophysics Division, Science Mission Directorate, NASA Headquarters. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Monday, July 23, 2018, 8:00 a.m.–5:00 p.m.; and Tuesday, July 24, 2018, 8:00 a.m.–5:00 p.m., Eastern Time.

ADDRESSES: NASA Headquarters, 300 E Street SW, Washington, DC 20546. Day #1: Room 5H41; Day #2: Room 8Q40.

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The meeting will be available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number 1–800–475–0361 or toll number 1–312–470–7233, passcode 4604167, to participate in this meeting by telephone on both days. The WebEx link is *https://nasa.webex.com/;* the meeting number on July 23 is 990 133 746, password is APAC*0718; and the meeting number on July 24 is 999 299 266, password is APAC*0718.

The agenda for the meeting includes the following topics:

—Astrophysics Division Update

—Updates on Specific Astrophysics Missions

—Reports from the Program Analysis Groups

—Evaluation of Astrophysics Science Performance for Government Performance and Results Modernization Act

The agenda will be posted on the Astrophysics Advisory Committee web page *https://science.nasa.gov/researchers/nac/science-advisory-committees/apac.*

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days in advance by contacting Ms. KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–13119 Filed 6–18–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–051)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: NASA hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the invention described and claimed in U.S. Patent Application entitled, ''Liquid-Filled Frequency-Tunable Vibration Damper'', NASA Case Number MFS–33613–1, to Thornton Tomasetti, Inc. having its principal place of business in New York, NY. The field of use may be limited to all commercial applications where a ducted fluid absorber can be utilized in buildings 300 feet and taller. The patent rights in this invention, a new type of vibration mitigation, have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective partially exclusive license may be granted unless NASA receives written objections, including evidence and argument no later than July 5, 2018 that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dole Act and implementing regulations. Competing applications completed and received by NASA no later than July 5, 2018 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to James J. McGroary, Chief Patent Counsel/LS01, NASA Marshall Space

Flight Center, Huntsville, AL 35812, (256) 544–0013. Email *james.j.mcgroary@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Sammy A. Nabors, Technology Transfer Branch/ST22, NASA Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Email *sammy.nabors@nasa.gov.*

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR. 404.7.

Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Mark Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2018–13097 Filed 6–18–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018–043]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by July 19, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Labor, Occupational Safety and Health Administration (DAA–0100–2018–0002, 9 items, 9 temporary items). Records related to safety and health inspections in area and field offices, including local policy, complaints, and whistleblower investigations.

2. Department of Labor, Occupational Safety and Health Administration (DAA–0100–2018–0003, 1 item, 1 temporary item). Records related to responses to natural disasters or emergencies, including action plans, reports, and coordination with other agencies.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–13096 Filed 6–18–18; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0114]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from May 22, 2018, to June 4, 2018. The last biweekly notice was published on June 5, 2018.

DATES: Comments must be filed by July 19, 2018. A request for a hearing must be filed by August 20, 2018.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0114. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Janet Burkhardt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1384, email: *Janet.Burkhardt@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2018–0114, facility name, unit number(s), plant docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0114.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2018–0114, facility name, unit number(s), plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in section 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at

hearing.docket@nrc.gov, or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of amendment request: January 23, 2018. A publicly-available version is in ADAMS under Accession No. ML18023A896.

Description of amendment request: The proposed amendments would revise Technical Specification 3.6.4.1, ''Secondary Containment,'' Surveillance Requirement (SR) 3.6.4.1.2, for Brunswick Steam Electric Plant, Units 1 and 2. The proposed changes are based on Technical Specifications Task Force (TSTF) Traveler TSTF–551, Revision 3, ''Revise Secondary Containment Surveillance Requirements'' (ADAMS Accession No. ML16277A226).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change addresses conditions during which Secondary Containment SR 3.6.4.1.2 is not met. The Secondary Containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased. The consequences of an accident previously evaluated while utilizing the proposed change is no different than the consequences of an accident while utilizing the existing eight hour Completion Time for an inoperable Secondary Containment. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the protection system design, create new failure

modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant; and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change addresses conditions during which Secondary Containment SR 3.6.4.1.2 is not met. The allowance for both an inner and outer Secondary Containment door to be open simultaneously for entry and exit does not affect the safety function of the Secondary Containment as the doors are promptly closed after entry or exit, thereby restoring the Secondary Containment boundary.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Acting Branch Chief: Brian W. Tindell.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of amendment request: January 23, 2018. A publicly-available version is in ADAMS under Accession No. ML18023A899.

Description of amendment request: The amendments would revise the Technical Specifications to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–208, Revision 0, ''Extension of Time to Reach Mode 2 in LCO [Limiting Condition for Operation] 3.0.3.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The time frame to take response action in accordance with LCO 3.0.3 is not an initiating condition for any accident previously evaluated. The proposed change does not authorize the addition of any new plant equipment or systems, nor does it alter the assumptions of any accident analyses. The small increase in the time allowed to reach Mode 2 would not place the plant in any significantly increased probability of an accident occurring. The unit would already be preparing for a plant shutdown condition because of the 1 hour requirement to initiate shutdown actions. There is no change in the time period to reach Mode 3. The Mode 3 Condition is the point at which the plant reactor core is no longer critical (*i.e.,* Hot Shutdown).

Therefore, since there is no change to the time period to reach the Hot Shutdown condition, the small change in the time to reach Mode 2 status does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the allowed time to reach Mode 2 in LCO 3.0.3 does not require any modification to the plant or change equipment operation. The proposed change will not introduce failure modes that could result in a new accident, and the change does not alter assumptions made in the safety analysis. The proposed change will not alter the design configuration, or method of operation of plant equipment beyond its normal functional capabilities. The proposed change does not create any new credible failure mechanisms, malfunctions, or accident initiators.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from those that have been previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to the allowed time to reach Mode 2 in LCO 3.0.3 does not alter or exceed a design basis or safety limit. There is no change being made to safety analysis assumptions or the safety limits that would adversely affect plant safety as a result of the proposed change. Margins of safety are unaffected by the proposed change and the applicable requirements of 10 CFR 50.36(c)(2)(ii) and 10 CFR 50, Appendix A will continue to be met.

Therefore, the proposed change does not involve any reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, 550 South Tryon Street, M/C DEC45A, Charlotte, NC 28202.

NRC Acting Branch Chief: Brian W. Tindell.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit No. 3 (Waterford 3), St. Charles Parish, Louisiana

Date of amendment request: March 8, 2018. A publicly-available version is in ADAMS under Accession No. ML18068A705.

Description of amendment request: The amendment would update Section 15.4.3.1 of the Updated Final Safety Analysis Report for Waterford 3, which describes the dose consequence of the worst undetectable single fuel assembly misload. The updated analysis would reflect the use of Next Generation Fuel and integrated fuel burnable absorbers.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the fuel assembly misload event analysis. The analysis of the fuel assembly misload event showed that the total number of failed fuel rods is less than other Waterford 3 Condition 3 events that have already been demonstrated to meet the 10 CFR 50.67 acceptance criteria. For Waterford 3, the Excess Load with Loss of Alternating Current (LOAC) has this same release and fuel failure that has been shown to meet the offsite dose requirements. Since the worst undetectable misload has a fuel failure less than the excess load with LOAC event, the fuel assembly misload event is consistent with the Standard Review Plan 15.4.7 and meets the 10 CFR 50.67 requirements.

This change is only analyzing the consequences of the fuel assembly misload event and no changes are being made that would impact the probability of the event occurring.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the fuel assembly misload event analysis. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing plant operations. The proposed change will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose

consequences exceed the consequences of accidents previously analyzed.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the fuel assembly misload event analysis. The worst undetectable misloads have fuel failure less than the excess load with the Excess Load with Loss of Alternating Current (LOAC) event; the fuel assembly misload event meets the 10 CFR 50.67 criteria and is consistent with the Standard Review Plan Section 15.4.7 guidance. The new analysis shows more adverse consequences than were shown in previous fuel assembly misload event analyses, but remains within the regulatory acceptance limits. Since the event remains within the 10 CFR 50.67 requirements and is bounded by the excess load with LOAC event, this is not a significant reduction in margin.

Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Anna Vinson Jones, Senior Counsel, Entergy Services, Inc., 101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.

NRC Branch Chief: Robert J. Pascarelli.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1, DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Unit Nos. 2 and 3, Grundy County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Unit Nos. 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, Rock Island County, Illinois

Date of amendment request: April 25, 2018. A publicly-available version is in ADAMS under Accession No. ML18116A133.

Description of amendment request: The amendments would revise the technical specification (TS) requirements for inoperable snubbers for each facility. The amendments would also make other administrative changes to the TSs.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each site, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows a delay time before declaring supported Technical Specification (TS) systems inoperable when the associated snubber(s) cannot perform its required safety function. Entrance into Actions or delaying entrance into Actions is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The consequences of an accident while relying on the delay time allowed before declaring a TS supported system inoperable and taking its Conditions and Required Actions are no different than the consequences of an accident under the same plant conditions while relying on the existing TS supported system Conditions and Required Actions. Therefore, the consequences of an accident previously evaluated are not significantly increased by this change. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change allows a delay time before declaring supported TS systems inoperable when the associated snubber(s) cannot perform its required safety function. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows a delay time before declaring supported TS systems inoperable when the associated snubber(s) cannot perform its required safety function. The proposed change restores an allowance in the pre-Improved Standard Technical Specifications (ISTS) conversion TS that was unintentionally eliminated by the conversion. The pre-ISTS TS were considered to provide an adequate margin of safety for plant operation, as does the post-ISTS conversion TS. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis for each site and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit No. 1, Lake County, Ohio

Date of amendment request: March 7, 2018. A publicly-available version is in ADAMS under Accession No. ML18066A648.

Description of amendment request: The proposed amendment would revise Technical Specification 5.5.12, ''Primary Containment Leakage Rate Testing Program,'' to follow guidance developed by the Nuclear Energy Institute (NEI) in topical report NEI 94–01, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' Revision 3–A, dated July 2012, with the conditions and limitations specified in NEI 94–01, Revision 2–A, dated October 2008. The proposed license amendment would also revise Technical Specification 5.5.12 by deleting two of the four listed exceptions to program guidelines.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed test interval extensions do not involve either a physical change to the plant or a change in the way the plant is operated or controlled. The containment is designed to provide an essentially leak tight barrier against the uncontrolled release of radioactivity to the environment for postulated accidents. As such, the containment and the testing requirements invoked to periodically demonstrate the integrity of the containment exist to ensure the plant's ability to mitigate the consequences of an accident, and do not involve the prevention or identification of any precursors of an accident. Therefore, the proposed extensions do not involve a significant increase in the probability of an accident previously evaluated.

The effect resulting from changing the Type A test frequency to 1 per 15 years, measured as an increase to the total integrated plant risk for those accident sequences influenced by Type A testing, is

0.0318 person-rem/year. EPRI [Electric Power Research Institute] Report No. 1009325, Revision 2–A, states that a very small population dose is defined as an increase of less than or equal to 1.0 person-rem per year or less than or equal to 1 percent of the total population dose, whichever is less restrictive for the risk impact assessment of the extended integrated leak rate test intervals. The results of the risk assessment calculation for the Type A test extension meet these criteria. The risk impact for the integrated leak rate test extension when compared to other severe accident risks is negligible.

The integrity of the containment is subject to two types of failure mechanisms that can be categorized as: (1) Activity based, and (2) time based. Activity based failure mechanisms are defined as degradation due to system and component modifications or maintenance. Local leak rate test requirements and administrative controls such as configuration management and procedural requirements for system restoration ensure that containment integrity is not degraded by plant modifications or maintenance activities. The design and construction requirements of the containment combined with the containment inspections performed in accordance with [American Society for Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code)], Section XI, and Technical Specification requirements serve to provide a high degree of assurance that the containment would not degrade in a manner that is detectable only by a Type A test. Based on the above, the proposed test interval extensions do not significantly increase the consequences of an accident previously evaluated.

The proposed amendment also deletes two previously granted exceptions to Primary Containment Leakage Rate Testing Program guidelines. The exception regarding the performance of a Type A test no later than a specified date would be deleted as this Type A test has already been performed. Additionally, the exception to use the corrections to NEI 94–01, Revision 0, would be deleted as those corrections would no longer be in use. These changes to the exceptions in Technical Specification 5.5.12 are administrative in nature and do not affect the probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not result in a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Containment Type A and Type C testing requirements periodically demonstrate the integrity of the containment and exist to ensure the plant's ability to mitigate the consequences of an accident. These tests do not involve any accident precursors or initiators.

The proposed change does not involve a physical modification to the plant (that is, no new or different type of equipment will be installed) nor does it alter the design, configuration, or change the manner in which the plant is operated or controlled beyond the standard functional capabilities of the equipment.

The proposed amendment also deletes two previously granted exceptions. The exception regarding the performance of a Type A test no later than a specified date would be deleted as this Type A test has already been performed. Additionally, the exception to use the corrections to NEI 94–01, Revision 0, would be deleted as those corrections would no longer be in use. These changes to the exceptions in Technical Specification 5.5.12 are administrative in nature and do not create the possibility of a new or different kind of accident from any previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed license amendment does not alter the way safety limits, limiting safety system set points, or limiting conditions for operation are determined. The specific requirements and conditions of the Technical Specification Primary Containment Leakage Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by Technical Specifications is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met, with the acceptance of this proposed amendment, since they are not affected by implementation of a performance-based containment testing program. This ensures that the margin of safety in the plant safety analysis is maintained.

The proposed amendment also deletes two previously granted exceptions. The exception regarding the performance of a Type A test no later than a specified date would be deleted as this Type A test has already been performed. Additionally, the exception to use the corrections to NEI 94–01, Revision 0, would be deleted as those corrections would no longer be in use. These changes to the exceptions in Technical Specification 5.5.12 are administrative in nature and do not involve a significant reduction in a margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A–GO–15, 76 South Main Street, Akron, OH 44308.

NRC Branch Chief: David J. Wrona.

NextEra Energy, Point Beach, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant (PBNP), Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of amendment request: March 30, 2018. A publicly-available version is in ADAMS under Accession No. ML18092A239.

Description of amendment request: The amendments would revise Technical Specification (TS) 5.5.15, ''Containment Leakage Rate Testing Program,'' to require a program in accordance with Nuclear Energy Institute (NEI) topical report NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J.'' This proposed change will allow extension of the Type A test interval up to one test in 15 years and extension of the Type C test interval up to 75 months, based on acceptable performance history as defined in NEI 94–01, Revision 3–A.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability consequences of an accident previously evaluated?

Response: No.

The proposed amendment adopts the NRC-accepted guidelines of NEI 94–01, Revision 3–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' for development of the PBNP performance-based containment testing program. NEI 94–01 allows, based on risk and performance, an extension of Type A and Type C containment leak test intervals. Implementation of these guidelines continues to provide adequate assurance that during design basis accidents, the primary containment and its components will limit leakage rates to less than the values assumed in the plant safety analyses.

The findings of the PBNP risk assessment confirm the general findings of previous studies that the risk impact with extending the containment leak rate is small. Per the guidance provided in Regulatory Guide 1.174, an extension of the leak test interval in accordance with NEI 94–01, Revision 3–A results in an estimated change within, the very small change region.

Since the change is implementing a performance-based containment testing program, the proposed amendment does not involve either a physical change to the plant or a change in the manner in which the plant is operated or controlled. The requirement for containment leakage rate acceptance will not be changed by this amendment.

Therefore, the containment will continue to perform its design function as a barrier to fission product releases.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test frequency, does not change the design or operation of structures, systems, or components of the plant.

The proposed change would continue to ensure containment integrity and would ensure operation within the bounds of existing accident analyses. There are no accident initiators created or affected by this change. Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to confidence in the ability of the fission product barriers (fuel cladding, reactor coolant system, and primary containment) to perform their design functions during and following postulated accidents. The proposed change to implement a performance-based containment testing program, associated with integrated leakage rate test and local leak rate testing frequency, does not affect plant operations, design functions, or any analysis that verifies the capability of a structure, system, or component of the plant to perform a design function. In addition, this change does not affect safety limits, limiting safety system setpoints, or limiting conditions for operation.

The specific requirements and conditions of the TS Containment Leakage Rate Testing Program exist to ensure that the degree of containment structural integrity and leak-tightness that is considered in the plant safety analysis is maintained. The overall containment leak rate limit specified by TS is maintained. This ensures that the margin of safety in the plant safety analysis is maintained. The design, operation, testing methods and acceptance criteria for Type A, B, and C containment leakage tests specified in applicable codes and standards would continue to be met with the acceptance of this proposed change since these are not affected by implementation of a performance-based containment testing program.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, 700 Universe Boulevard, Juno Beach, FL 33408–0420.

NRC Branch Chief: David J. Wrona.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station (HCGS), Salem County, New Jersey

Date of amendment request: April 13, 2018. A publicly-available version is in ADAMS under Accession No. ML18103A218.

Description of amendment request: The amendment would revise Technical Specification (TS) 3.8.3.1, ''Distribution—Operating,'' to increase the alternating current (AC) inverters allowed outage time (AOT) from 24 hours to 7 days. The proposed change is based on application of the HCGS probabilistic risk assessment (PRA) in support of a risk-informed extension, and on additional considerations and compensatory actions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS amendment does not affect the design of the AC inverters, the operational characteristics or function of the inverters, the interfaces between the inverters and other plant systems, or the reliability of the inverters. An inoperable AC inverter is not considered an initiator of an analyzed event. In addition, TS Actions and the associated Allowed Outage Times are not initiators of previously evaluated accidents. Extending the Allowed Outage Time for an inoperable AC inverter would not have a significant impact on the frequency of occurrence of an accident previously evaluated. The proposed amendment will not result in modifications to plant activities associated with inverter maintenance, but rather, provides operational flexibility by allowing additional time to perform inverter troubleshooting, corrective maintenance, and post-maintenance testing on-line.

The proposed extension of the Completion Time for an inoperable AC inverter will not significantly affect the capability of the inverters to perform their safety function, which is to ensure an uninterruptible supply of 120-volt AC electrical power to the associated power distribution subsystems. An evaluation, using PRA methods, confirmed that the increase in plant risk associated with implementation of the proposed Allowed Outage Time extension is consistent with the NRC's Safety Goal Policy Statement, as further described in RG [Regulatory Guide] 1.174 and RG 1.177. In addition, a deterministic evaluation concluded that plant defense-in-depth philosophy will be maintained with the proposed Allowed Outage Time extension.

There will be no impact on the source term or pathways assumed in accidents previously evaluated. No analysis assumptions will be changed and there will be no adverse effects on onsite or offsite doses as the result of an accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not involve physical alteration of the HCGS. No new equipment is being introduced, and installed equipment is not being operated in a new or different manner. There is no change being made to the parameters with in which the HCGS is operated. There are no setpoints at which protective or mitigating actions are initiated that are affected by this proposed action. The use of the alternate Class 1E power source for the AC distribution panel is consistent with the HCGS plant design. The change does not alter assumptions made in the safety analysis. This proposed action will not alter the manner in which equipment operation is initiated, nor will the functional demands on credited equipment be changed. No alteration is proposed to the procedures that ensure the HCGS remains with in analyzed limits, and no change is being made to procedures relied upon to respond to an off-normal event. As such, no new failure modes are being introduced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

Margin of safety is related to the confidence in the ability of the fission product barriers to perform their design functions during and following an accident. These barriers include the fuel cladding, the reactor coolant system, and the containment system. The proposed change, which would increase the AOT from 24 hours to 7 days for one inoperable inverter, does not exceed or alter a setpoint, design basis or safety limit.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, PSEG Nuclear LLC—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Branch Chief: James G. Danna.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: April 26, 2018. A publicly-available version is in ADAMS under Accession No. ML18116A138.

Description of amendment request: The requested amendment proposes changes to combined license (COL) Appendix C, with corresponding changes to the associated plant-specific Tier 1 information, and involves associated Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) (which includes the plant-specific Design Control Document (DCD) Tier 2 information). Pursuant to the provisions of 10 CFR 52.63(b)(1), also requested is an exemption from elements of the design as certified in the 10 CFR part 52, appendix D, design certification rule for the plant-specific DCD departures.

The requested amendment proposes changes to COL Appendix C (and plant-specific Tier 1) to reflect a new design of containment sump level sensors that affects the acceptance criterion for the detected containment sump level change test and the associated minimum detectable unidentified leakage rate in plant-specific DCD Tier 2 information.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is to the containment sump water level instrumentation and its expected [reactor coolant system (RCS)] leakage detection capability. The affected equipment is not safety-related, but the containment sump water level sensors are seismically qualified. The change in containment sump level monitoring instruments has no adverse effect on the ability to detect a 0.5 [gallons per minute (gpm)] leak in containment, and therefore, has no adverse effect on design criteria for leak-before-break. The change does not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events.

Because the containment sump water level monitoring channels are still capable of detecting a 0.5 gpm leak in containment, the change to the SSC has no effect on plant operations. There is no change to plant systems or the response of systems to postulated accident conditions. There is no change to the predicted radioactive releases due to normal operation or postulated accident conditions.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The proposed change to the containment sump water level instrumentation and its expected RCS leakage detection capability has no adverse effect on the ability to detect a 0.5 gpm leak in containment. The containment sump level instrumentation functions are unchanged and leak-before-break design criteria are not adversely affected.

Loss of coolant accidents for a spectrum of pipe sizes and locations are already postulated in UFSAR Chapter 15, Section 15.6. Breaks in the main steam lines inside containment are also analyzed in UFSAR Chapter 15, Section 15.1. Unidentified leakage detection and operator action in response to unidentified leakage are not postulated for any of the design basis accident analyses described in UFSAR Chapter 15.

Therefore, the requested amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The described change to the containment sump water level instrumentation and its expected RCS leakage detection capability is proposed to verify that the ability to detect a 0.5 gpm leak in containment is maintained. The proposed change does not alter any safety-related equipment, applicable design codes, code compliance, design function, or safety analysis. By ensuring that the chosen equipment can detect a 0.5 gpm leak in containment with the described accuracy, guidance in Regulatory Guide 1.45, Revision 0, as committed to in the UFSAR, and requirements in the Technical Specifications are met which ensures that leak-before-break design criteria are not adversely affected. Consequently, no safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed change, thus the margin of safety is not reduced.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and based on this review it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazard consideration

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: April 27, 2018. A publicly-available version is in ADAMS under Accession No. ML18117A464.

Description of amendment request: The requested amendment proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) (which includes the plant-specific Design Control Document Tier 2 information) and involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated combined license (COL) Appendix C information. Specifically, the amendment, if approved, would revise the Tier 2 information in the UFSAR and related changes to Tier 1 and the associated COL Appendix C to remove the fire protection system non-safety related containment cable spray and install passive fire stops and radiant energy shields. The changes to Tier 1 require an exemption, which is included in the license amendment request.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation or reliability of any system, structure or component (SSC) required to maintain a normal power operating condition or to mitigate anticipated transients without safety-related systems. Testing has demonstrated that the passive fire stops prevent propagation of fires along the length of cable trays and prevent the propagation of cable tray fires to adjacent fire zones. The proposed changes do not affect the operation of equipment whose failure could initiate an accident previously analyzed. The existence or failure of passive fire stops in fire zone 1100 AF 11300B does not affect normal equipment operation.

The proposed changes do not adversely affect the reliability or function of an SSC relied upon to mitigate an accident previously analyzed. The existence or failure of passive fire stops in fire zone 1100 AF 11300B will not adversely affect passive core cooling system (PXS) performance during containment recirculation because the passive fire stops are located outside of the zone of influence (ZOI) of postulated high energy line breaks, and the passive fire stops' material-of-construction complies with in-containment refueling water storage tank (IRWST) and containment recirculation screens design criteria for debris generation and transport.

The existing active open nozzle cable tray suppression system is not fully automatic, is nonsafety-related, and is not credited in the probabilistic risk assessment (PRA). Therefore, replacing the active open nozzle cable tray suppression system with passive fire stops does not have an impact on PRA calculations and results.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of systems or equipment that could initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created. The use of passive fire stops is recognized by Regulatory Guide 1.189. The passive fire stops in nonsafety-related open cable trays are more reliable than active systems such as the current open nozzle cable tray suppression system because they require no mechanical or human action to perform their protective function. When protection is required, there is no delay for operator or mechanical response. Testing has demonstrated that the passive fire stops prevent propagation of fires along the length of cable trays and prevent the propagation of cable tray fires to adjacent fire zones.

The existence or failure of passive fire stops in fire zone 1100 AF 11300B will not adversely affect passive core cooling system (PXS) performance during containment recirculation because the passive fire stops are located outside of the zone of influence (ZOI) of postulated high energy line breaks, and their material-of-construction complies with in-containment refueling water storage tank (IRWST) and containment recirculation screens design criteria for debris generation and transport.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not affect existing safety margins. The current open nozzle cable tray suppression system is nonsafety-related. The use of passive fire stops is recognized by Regulatory Guide 1.189. The passive fire stops in nonsafety-related open cable trays are more reliable than active systems such as the current open nozzle cable tray suppression system because they require no mechanical or human action to perform their protective function. When protection is required, there is no delay for operator or mechanical response. Testing has demonstrated that the passive fire stops prevent propagation of fires along the length of cable trays and prevent the propagation of cable tray fires to adjacent fire zones.

Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and based on this review it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazard consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue, North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant, Unit Nos. 3 and 4, Burke County, Georgia

Date of amendment request: April 27, 2018. A publicly-available version is in ADAMS under Accession No. ML18117A464.

Description of amendment request: The requested amendment proposes to depart from Tier 2 information in the Updated Final Safety Analysis Report (UFSAR) (which includes the plant-specific Design Control Document Tier 2 information) and involves related changes to plant-specific Tier 1 information, with corresponding changes to the associated combined license (COL) Appendix C information. Specifically, the amendment, if approved, would revise the Tier 2 information in the UFSAR and related changes to Tier 1 and the associated COL Appendix C to remove the fire protection system non-safety related containment cable spray and install passive fire stops and radiant energy shields. The changes to Tier 1 require an exemption, which is included in the license amendment request.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that initiate an analyzed accident or alter any structures, systems, and components (SSC) accident initiator or initiating sequence of events.

The proposed changes do not affect the physical design and operation of the Passive Residual Heat Removal Heat Exchanger (PRHR HX) or In-containment Refueling Water Storage Tank (IRWST) as described in the Updated Final Safety Analysis Report (UFSAR). The proposed changes do not affect the probability of inadvertent operation or failure. Therefore, the probabilities of the accidents previously evaluated in the UFSAR are not affected.

The proposed changes do not affect the ability of the PRHR HX and IRWST to perform their design functions. The designs of the PRHR HX and IRWST continue to meet the same regulatory acceptance criteria, codes, and standards as required by the UFSAR. In addition, the proposed changes maintain the capabilities of the PRHR HX and IRWST to mitigate the consequences of an accident and to meet the applicable regulatory acceptance criteria.

The proposed changes do not affect the prevention and mitigation of other abnormal events (*e.g.* anticipated operational occurrences, earthquakes, floods and turbine missiles), or their safety or design analyses. Therefore, the consequences of the accidents evaluated in the UFSAR are not affected.

Therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not affect the operation of any systems or equipment that may initiate a new or different kind of accident, or alter any SSC such that a new accident initiator or initiating sequence of events is created.

The proposed changes do not affect any other SSC design functions or methods of operation in a manner that results in a new failure mode, malfunction, or sequence of events that affect safety-related or nonsafety related equipment. Therefore, this activity does not allow for a new fission product release path, result in a new fission product barrier failure mode, or create a new sequence of events that result in significant fuel cladding failures.

Therefore, the requested amendment does not create the possibility of a new or different type of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes maintain existing safety margins. The proposed changes verify and maintain the capabilities of the PRHR HX and IRWST to perform their design functions. Therefore, the proposed changes

satisfy the same design functions in accordance with the same codes and standards as stated in the UFSAR. These changes do not affect any design code, function, design analysis, safety analysis input or result, or design/safety margin.

No safety analysis or design basis acceptance limit/criterion is challenged or exceeded by the proposed changes, and no margin of safety is reduced.

Therefore, the requested amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M. Stanford Blanton, Balch & Bingham LLP, 1710 Sixth Avenue North, Birmingham, AL 35203–2015.

NRC Branch Chief: Jennifer L. Dixon-Herrity.

Virginia Electric and Power Company, Docket Nos. 50–280 and 50–281, Surry Power Station, Unit Nos. 1 and 2 (Surry), Surry County, Virginia

Date of amendment request: March 2, 2018. A publicly-available version is in ADAMS under Accession No. ML18075A021.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) consistent with Revision 0 to the Technical Specifications Task Force (TSTF) Standard Technical Specification Change Document TSTF–490, ''Deletion of E Bar Definition and Revision to RCS Specific Activity Tech Spec.'' The proposed amendments would adopt TSTF–490 and make the following associated changes: (1) Adoption of a TS change to replace the current limits on primary coolant gross specific activity with limits on primary coolant noble gas activity, and (2) an update of the Alternative Source Term (AST) analyses for Surry.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Criterion 1. The Proposed Changes Do Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

Reactor coolant specific activity is not an initiator for any accident previously evaluated, and the allowed time period when primary coolant gross activity is not within limits is not an initiator for any accident previously evaluated. In addition, the current variable limit on primary coolant iodine concentration is not an initiator to any accident previously evaluated. Updating the Alternative Source Term analyses does not require any changes to any plant structures, systems, or components (SSCs) and therefore does not affect any accident initiators. As a result, the proposed changes do not significantly increase the probability of an accident. The proposed TS change will limit primary coolant noble gases to concentrations consistent with the accident analyses, and the proposed completion time when the limit may be exceeded has no impact on the consequences of any design basis accident since the consequences of an accident during this time period is the same as the consequences of an accident during the existing time periods. The revised assessments of the radiological consequences due to design basis accidents listed in the Surry Updated Final Safety Analysis Report, using the updated AST methodology and proposed assumptions and inputs, conclude that the Exclusion Area Boundary (EAB), Low Population Zone (LPZ), and Control Room doses are within the limits of 10 CFR 50.67 and within the limits of Regulatory Guide (RG) 1.183. As a result, the consequences of any accident previously evaluated are not significantly increased.

Criterion 2. The Proposed Changes Do Not Create the Possibility of a New or Different Kind of Accident From Any Accident Previously Evaluated

The proposed TS change in specific activity limits and the updated AST dose consequences analyses do not alter any physical part of the plant, (*i.e.,* no new or different type of equipment will be installed,) nor do they affect any plant operating parameter or create new accident precursors. Therefore, the proposed changes do not create the potential for a new or different kind of accident from any previously calculated.

Criterion 3. The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety.

The proposed TS change in specific activity limits is consistent with the assumptions in -the safety analyses and will ensure the monitored values protect the initial assumptions in the safety analyses. The proposed changes for radiological events related to the computer code used to calculate dose, revised X/Qs for control room and offsite receptors (including the computer code and method used to determine control room X/Qs for SG releases), the computer code used to determine core inventory, the change in FHA [Fuel Handling Accident] gap fraction methodology, and removing the LRA [Locked Rotor Accident] from the radiological design basis have been analyzed and result in acceptable consequences, meeting the criteria as specified in 10 CFR 50.67 and RG 1.183. The proposed changes will not result in plant operation in a configuration outside the analyses or design basis and do not adversely affect systems that are required to respond for safe shutdown of the plant and to maintain the plant in a safe operating condition. Therefore, the changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.

NRC Branch Chief: Michael T. Markley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation, and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

DTE Electric Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of amendment request: August 14, 2017.

Brief description of amendment: The amendment modified Fermi 2 Technical Specification 5.5.7, ''Ventilation Filter Testing Program (VFTP),'' by adopting the format and language of NUREG–1433, ''Standard Technical Specifications for General Electric BWR/4 Plants,'' Revision 4.

Date of issuance: May 24, 2018.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No: 208. A publicly-available version is in ADAMS under Accession No. ML18108A022; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–43: The amendment revised the Facility Operating License and Technical Specifications.

Date of initial notice in ***Federal Register:*** September 26, 2017 (82 FR 44851).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 24, 2018.

No significant hazards consideration comments received: No.

Duke Energy Progress, LLC, Docket Nos. 50–325 and 50–324, Brunswick Steam Electric Plant, Unit Nos. 1 and 2, Brunswick County, North Carolina

Date of amendment request: June 29, 2017, as supplemented by letters dated January 4, 2018, and January 23, 2018.

Brief description of amendments: The amendments adopted Technical Specifications Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control,'' for Brunswick Steam Electric Plant, Units 1 and 2. The amendments replaced existing technical specification (TS) requirements associated with ''operations with the potential for draining the reactor vessel,'' with revised TSs providing alternative requirements for reactor pressure vessel water inventory control. These alternative requirements protect Safety Limit 2.1.1.3, which states, ''Reactor vessel water level shall be greater than the top of active irradiated fuel.''

Date of issuance: April 13, 2018.

Effective date: As of the date of issuance and shall be implemented prior to the 2019 Unit 2 refueling outage. This Notice of Issuance corrects the effective date of License Amendment No. 283, originally noticed in the **Federal Register** on May 8, 2018 (83 FR 20865).

Amendment Nos.: 283 (Unit 1) and 311 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML18039A444; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendments. Amendment Nos. 283 and 311 were corrected by letter dated May 23, 2018 (ADAMS Accession No. ML18137A143).

Renewed Facility Operating License No. DPR–49: The amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** September 12, 2017 (82 FR 42846). The supplemental letters dated January 4, 2018, and January 23, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety evaluation dated April 13, 2018.

No significant hazards consideration comments received: No.

Duke Energy Progress, LLC, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: April 3, 2017, as supplemented by letters dated April 3, 2017; May 2, 2017; September 28, 2017; and January 8, 2018.

Brief description of amendment: The amendment revised the Technical Specifications (TSs) to extend the required frequency of certain 18-month Surveillance Requirements to 24 months to accommodate a 24-month refueling cycle. In addition, the amendment revised certain programs in TS Section 5.5, ''Programs and Manuals,'' to change 18-month frequencies to 24 months.

Date of issuance: May 25, 2018.

Effective date: As of the date of issuance and shall be implemented within 120 days from the end of the next refueling outage.

Amendment No.: 258. A publicly-available version is in ADAMS under Accession No. ML18115A150; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–23: The amendment revised the Renewed Facility Operating License and TSs.

Date of initial notice in ***Federal Register:*** July 5, 2017 (82 FR 31092). The supplemental letters dated September 28, 2017, and January 8, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 25, 2018.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket No. 50–461, Clinton Power Station, Unit No. 1 (Clinton), DeWitt County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station (LaSalle), Unit Nos. 1 and 2, LaSalle County, Illinois

Exelon Generation Company, LLC, Docket Nos. 50–352 and 50–353, Limerick Generating Station (Limerick), Unit Nos. 1 and 2, Montgomery County, Pennsylvania

Exelon Generation Company, LLC, Docket No. 50–410, Nine Mile Point Nuclear Station, Unit No. 2 (Nine Mile), Oswego County, New York

Date of amendment request: November 8, 2017.

Brief description of amendments: The amendments revised the technical specification requirements for secondary containment.

Date of issuance: May 29, 2018.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: Clinton—218; LaSalle, Units 1 and 2—228 and 214; Limerick, Units 1 and 2—229 and 192; and Nine Mile—169. A publicly-available version is in ADAMS under Accession No. ML18113A045. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–62, NPF–11, NPF–18, NPF–39, NPF–85, and NPF–69: The amendments revised the Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** December 19, 2017 (82 FR 60227).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 29, 2018.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc.; Georgia Power Company; Oglethorpe Power Corporation; Municipal Electric Authority of Georgia; and City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: April 20, 2017, as supplemented by letters dated September 14, 2017; February 19, 2018; and May 1, 2018.

Brief description of amendments: The amendments revised the Technical Specifications by replacing the existing requirements related to ''operations with a potential for draining the reactor vessel'' with new requirements on Reactor Pressure Vessel Water Inventory Control to protect Safety Limit 2.1.1.3, which requires reactor vessel water level to be greater than the top of active irradiated fuel.

Date of issuance: May 31, 2018.

Effective date: As of the date of issuance and shall be implemented prior to the commencement of the Unit No. 2 refueling outage (U2R25) in February 2019.

Amendment Nos.: Unit 1—290, Unit 2—235. A publicly-available version is in ADAMS under Accession No. ML18123A368; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: The amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

Date of initial notice in ***Federal Register:*** August 29, 2017 (82 FR 41071). The supplemental letters dated September 14, 2017; February 19, 2018; and May 1, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 31, 2018.

No significant hazards consideration comments received: No.

Tennessee Valley Authority (TVA) Docket Nos. 50–259, 50–260, 50–296, and 72–052, Browns Ferry Nuclear Plant, Unit Nos. 1, 2, and 3, Limestone County, Alabama

TVA Docket Nos. 50–327, 50–328, and 72–034, Sequoyah Nuclear Plant, Unit Nos. 1 and 2, Hamilton County, Tennessee

TVA Docket Nos. 50–390, 50–391, and 72–1048, Watts Bar Nuclear Plant, Unit Nos. 1 and 2, Rhea County, Tennessee

Date of amendment request: January 4, 2017, as supplemented by letters dated July 7, 2017, and July 27, 2017. (Note: This Notice of Issuance corrects the amendments by adding the supplement dated July 27, 2017, which was inadvertently omitted from the original **Federal Register** notice (January 16, 2018; 83 FR 2234).

Brief description of amendments: The amendments revised TVA Emergency Plans for the above nuclear plants. Specifically, the amendments adopted the NRC-endorsed Radiological Emergency Plan Emergency Action Level schemes developed by the Nuclear Energy Institute (NEI 99–01, Revision 6, ''Development of Emergency Action Levels for Non-Passive Reactors'').

Date of issuance: December 22, 2017.

Effective date: As of the date of issuance and shall be implemented within 180 days from the date of its issuance, or July 3, 2018, whichever comes later.

Amendment Nos.: Browns Ferry Nuclear Plant—303 (Unit 1), 327 (Unit 2), and 287 (Unit 3); Sequoyah Nuclear Plant—339 (Unit 1) and 332 (Unit 2); and Watts Bar Nuclear Plant—118 (Unit 1) and 18 (Unit 2). A publicly-available version is in ADAMS under Accession No. ML17289A032; documents related to these amendments are listed in the Safety Evaluations enclosed with the amendments. These amendments were corrected by letter dated May 29, 2018 (ADAMS Accession No. ML18138A452).

Renewed Facility Operating License Nos. DPR–33, DPR–52, DPR–68, DPR–77, and DPR–79, and Facility Operating License Nos, NPF–90 and NPF–96: The amendments revised the licenses.

Date of initial notice in ***Federal Register:*** June 19, 2017 (82 FR 27891). The supplemental letters dated July 7, 2017, and July 27, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated December 22, 2017.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit No. 1, Callaway County, Missouri

Date of amendment request: April 6, 2017, as supplemented by letter dated February 5, 2018.

Brief description of amendment: The amendment revised the Final Safety Analysis Report to clearly describe conformance with NRC Regulatory Guide 1.106, Revision 1, ''Thermal Overload Protection for Electric Motors on Motor-Operated Valves.''

Date of issuance: May 30, 2018.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 218. A publicly-available version is in ADAMS under Accession No. ML18124A026; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–30: The amendment revised the Final Safety Analysis Report.

Date of initial notice in ***Federal Register:*** July 18, 2017 (82 FR 32885). The supplemental letter dated February 5, 2018, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 30, 2018.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 6th day of June 2018.

For the Nuclear Regulatory Commission.

Tara Inverso,

Acting Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–12506 Filed 6–18–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–456, STN 50–457, 72–73, 50–454, 50–455, 72–68, 50–461, 72–1046, 50–010, 50–237, 50–249, 72–37, 50–373, 50–374, 72–70, 50–254, 50–265, and 72–53; NRC–2018–0122]

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2; Byron Station, Units 1 and 2; Clinton Power Station, Unit 1; Dresden Nuclear Power Station, Units 1, 2, and 3; LaSalle County Station, Units 1 and 2; and Quad Cities Nuclear Power Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to licenses held by Exelon Generation Company, LLC (Exelon, the licensee) for the operation of Braidwood Station (Braidwood), Unit Nos. 1 and 2; Byron Station (Byron), Unit Nos. 1 and 2; Clinton Power Station (Clinton), Unit No. 1; Dresden Nuclear Power Station (Dresden), Unit Nos. 1, 2, and 3; LaSalle County Station (LaSalle), Unit Nos. 1 and 2; and Quad Cities Nuclear Power Station (Quad Cities), Unit Nos. 1 and 2 (the facilities). The proposed amendments would revise the emergency response organization (ERO) positions identified in the emergency plan for each facility. The NRC is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) associated with the proposed license amendments.

DATES: The EA referenced in this document is available on June 19, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0122 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0122. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Blake A. Purnell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1380; email: *Blake.Purnell@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is considering issuance of amendments to the following licenses held by Exelon: (1) Renewed Facility Operating License Nos. NPF–72 and NPF–77 for the operation of Braidwood, Unit Nos. 1 and 2, respectively, located in Will County, Illinois; (2) Renewed Facility Operating License Nos. NPF–37 and NPF–66 for the operation of Byron, Unit Nos. 1 and 2, respectively, located in Ogle County, Illinois; (3) Facility Operating License No. NPF–62 for the operation of Clinton located in DeWitt County, Illinois; (4) Facility Operating License No. DPR–2 for the possession and maintenance of Dresden, Unit No. 1, located in Grundy County, Illinois; (5) Renewed Facility Operating License Nos. DPR–19 and DPR–25 for the operation of Dresden, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois; (6) Renewed Facility Operating License Nos. NPF–11 and NPF–18 for the operation of LaSalle, Unit Nos. 1 and 2, respectively, located in LaSalle County, Illinois; and (7) Renewed Facility Operating License No. DPR–29 and DPR–30 for the operation of Quad Cities, Unit Nos. 1 and 2, located in Rock Island County, Illinois.

In accordance with section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), the NRC performed the following EA that analyzes the environmental impacts of the proposed licensing action. Based on the results of this EA, and in accordance with 10 CFR 51.31(a), the NRC has determined not to prepare an environmental impact statement for the proposed licensing action, and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The proposed action would revise the ERO positions identified in the emergency plan for each facility. The on-shift, minimum, and full-augmentation ERO staffing requirements listed in the emergency plan would be revised. The proposed revisions include eliminating ERO positions; adding ERO positions; changing position descriptions, duties, and duty locations; and relocating certain position descriptions to other parts of the emergency plan or to implementing procedures.

The proposed action is in accordance with the licensee's application dated January 31, 2018 (ADAMS Package Accession No. ML18053A159).

Need for the Proposed Action

Nuclear power plant owners, Federal agencies, and State and local officials work together to create a system for emergency preparedness and response that will serve the public in the unlikely event of an emergency. An effective emergency preparedness program decreases the likelihood of an initiating event at a nuclear power reactor proceeding to a severe accident. Emergency preparedness cannot affect the probability of the initiating event, but a high level of emergency preparedness increases the probability of accident mitigation if the initiating event proceeds beyond the need for initial operator actions.

Each licensee is required to establish an emergency plan to be implemented in the event of an accident. The emergency plan, in part, covers preparation for evacuation, sheltering, and other actions to protect individuals near plants in the event of an accident.

The NRC, as well as other Federal and State regulatory agencies, reviews the emergency plan to ensure that it provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Separate from this EA, the NRC staff is performing a safety assessment of Exelon's proposed changes to the emergency plan for each facility. This safety review will be documented in a safety evaluation. The safety evaluation will determine whether, with the

proposed changes to the emergency plan for each facility, there continues to be reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at Braidwood, Byron, Clinton, Dresden, LaSalle, or Quad Cities, in accordance with the standards of 10 CFR 50.47(b) and the requirements in appendix E to 10 CFR part 50.

The proposed action is needed to align the emergency plans for Exelon's facilities with draft Revision 2 to NUREG–0654/FEMA–REP–1, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants'' (ADAMS Accession Nos. ML14163A605 and ML17083A815). This change will provide Exelon with greater flexibility in staffing ERO positions, and reflects changes in NRC regulations and guidance and advances in technologies and best practices that have occurred since NUREG–0654 was originally issued in 1980. The State of Illinois reviewed a draft of the licensee's application and recommended its approval. The State of Iowa reviewed a draft of the license amendment request for Quad Cities, and had no comments or concerns.

Environmental Impacts of the Proposed Action

The NRC staff has completed its evaluation of the environmental impacts of the proposed action.

The proposed action consists mainly of changes related to the staffing levels and positions specified in the emergency plans for Braidwood, Byron, Clinton, Dresden, LaSalle, and Quad Cities. The on-shift, minimum, and full-augmentation ERO staffing requirements listed in the emergency plan would be revised. The revisions include eliminating ERO positions; adding ERO positions; changing position descriptions, duties, and duty locations; and relocating certain position descriptions to other parts of the emergency plan or to implementing procedures.

With regard to potential nonradiological environmental impacts, the proposed changes would have no direct impacts on land use or water resources, including terrestrial and aquatic biota, as they involve no new construction or modification of plant operational systems. There would be no changes to the quality or quantity of nonradiological effluents and no changes to the plant's National Pollutant Discharge Elimination System permit are needed. Changes in staffing levels could result in minor changes in vehicular traffic and associated air pollutant emissions, but no significant changes in ambient air quality would be expected from the proposed changes. In addition, there would be no noticeable effect on socioeconomic conditions in the region, no environment justice impacts, and no impacts to historic and cultural resources from the proposed changes. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

With regard to potential radiological environmental impacts, if the NRC staff's safety review of the proposed changes to the licensee's emergency plans determines that, with the proposed changes, the emergency plans continue to meet the standards of 10 CFR 50.47(b) and the requirements in appendix E to 10 CFR part 50, then the proposed action would not increase the probability or consequences of radiological accidents. Additionally, the NRC staff has concluded that the proposed changes would have no direct radiological environmental impacts. There would be no change to the types or amounts of radioactive effluents that may be released and, therefore, no change in occupational or public radiation exposure from the proposed changes. Moreover, no changes would be made to plant buildings or the site property from the proposed changes. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the license amendment request would result in no change in current environmental impacts. Accordingly, the environmental impacts of the proposed action and the no-action alternative are similar.

Alternative Use of Resources

There are no unresolved conflicts concerning alternative uses of available resources under the proposed action.

Agencies and Persons Consulted

No additional agencies or persons were consulted regarding the environmental impact of the proposed action.

III. Finding of No Significant Impact

The licensee has requested license amendments pursuant to 10 CFR 50.54(q) to revise the ERO positions identified in the emergency plans for Braidwood, Byron, Clinton, Dresden, LaSalle, and Quad Cities by eliminating ERO positions; adding ERO positions; changing position descriptions, duties, and duty locations; and relocating certain position descriptions to other parts of the emergency plan or to implementing procedures. The NRC is considering issuing the requested amendments. The proposed action would not significantly affect plant safety, would not have a significant adverse effect on the probability of an accident occurring, and would not have any significant radiological and nonradiological impacts. The reason the environment would not be significantly affected is because the proposed changes would only result in minor changes in staffing levels and a small change in in air pollutant emissions associated with vehicular traffic. This FONSI incorporates by reference the EA in Section II of this notice. Therefore, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Previous considerations regarding the environmental impacts of operating Braidwood, Unit Nos. 1 and 2; Byron, Unit Nos. 1 and 2; Clinton, Unit No. 1; Dresden, Unit Nos. 2 and 3; LaSalle, Units 1 and 2; and Quad Cities, Unit Nos. 1 and 2, in accordance with their original or renewed operating licenses, as applicable, are described in the following documents:

- NUREG–1437, Supplement 55, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Braidwood Station, Units 1 and 2,'' Final Report, dated November 2015 (ADAMS Accession No. ML15314A814).
- NUREG–1437, Supplement 54, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Byron Station, Units 1 and 2,'' Final Report, dated July 2015 (ADAMS Accession No. ML15196A263).
- NUREG–0854, ''Final Environmental Statement Related to the Operation of Clinton Power Station, Unit No. 1,'' dated May 1982 (ADAMS Accession No. ML15098A042).
- NUREG–1437, Supplement 17, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding the Dresden Nuclear Power Station, Units 2 and 3,'' Final Report, dated June 2004 (ADAMS Accession No. ML041890266).
- NUREG–1437, Supplement 57, ''Generic Environmental Impact Statement for License Renewal of

Nuclear Plants: Regarding LaSalle County Station, Units 1 and 2,'' Final Report, dated August 2016 (ADAMS Accession No. ML16238A029).

• NUREG–1437, Supplement 16, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding the Quad Cities Nuclear Power Station, Units 1 and 2,'' Final Report, dated June 2004 (ADAMS Accession No. ML041880213).

Previous considerations regarding the environmental impacts of decommissioning Dresden, Unit 1, are described in the following documents:

• ''Environmental Assessment by the Office of Nuclear Reactor Regulation Regarding Order Authorizing Facility Decommissioning and Amendment of License No. DPR–2, Commonwealth Edison Company, Dresden Nuclear Power Station, Unit 1, Docket No. 50–010,'' dated August 30, 1993 (ADAMS Accession No. ML17123A156).

• NUREG–0586, Supplement 1, Volumes 1 and 2, ''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Regarding the Decommissioning of Nuclear Power Reactors,'' Final Report, dated November 2002 (ADAMS Accession Nos. ML023470304 and ML023500187).

This FONSI and other related environmental documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. Publicly-available records will be accessible online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*.

Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC's PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or send an email to *pdr.resource@nrc.gov*.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document	ADAMS accession No.
Exelon, License Amendment Request for Approval of Changes to Emergency Plan Staffing Requirements, dated January 31, 2018.	ML18053A159 (package).
NUREG–0654/FEMA–REP–1, draft Revision 2, ''Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants''.	ML14163A605 and ML17083A815.
NUREG–1437, Supplement 55, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Braidwood Station, Units 1 and 2,'' Final Report, dated November 2015.	ML15314A814.
NUREG–1437, Supplement 54, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding Byron Station, Units 1 and 2,'' Final Report, dated July 2015.	ML15196A263.
NUREG–0854, ''Final Environmental Statement Related to the Operation of Clinton Power Station, Unit No. 1,'' dated May 1982.	ML15098A042.
NUREG–1437, Supplement 17, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding the Dresden Nuclear Power Station, Units 2 and 3,'' Final Report, dated June 2004.	ML041890266.
NUREG–1437, Supplement 57, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding LaSalle County Station, Units 1 and 2,'' Final Report, dated August 2016.	ML16238A029.
NUREG–1437, Supplement 16, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants: Regarding the Quad Cities Nuclear Power Station, Units 1 and 2,'' Final Report, dated June 2004.	ML041880213.
NRC, ''Environmental Assessment by the Office of Nuclear Reactor Regulation Regarding Order Authorizing Facility Decommissioning and Amendment of License No. DPR–2, Commonwealth Edison Company, Dresden Nuclear Power Station, Unit 1, Docket No. 50–010,'' dated August 30, 1993.	ML17123A156.
NUREG–0586, Supplement 1, Volumes 1 and 2, ''Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Regarding the Decommissioning of Nuclear Power Reactors,'' Final Report, dated November 2002.	ML023470304 and ML023500187.

Dated at Rockville, Maryland, this 13th day of June, 2018.

For the Nuclear Regulatory Commission.

Blake A. Purnell,

Project Manager, Plant Licensing Branch III, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2018–13089 Filed 6–18–18; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–167 and CP2018–239; MC2018–168 and CP2018–240; MC2018–169 and CP2018–241; MC2018–170 and CP2018–242; MC2018–171 and CP2018–243; MC2018–172 and CP2018–244; MC2018–173 and CP2018–245]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* June 20, 2018 and June 21, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: The June 20, 2018 comment due date applies to Docket Nos. MC2018–167 and CP2018–239; MC2018–168 and CP2018–240; MC2018–169 and CP2018–241; MC2018–170 and CP2018–242; MC2018–171 and CP2018–243.

The June 21, 2018 comment due date applies to Docket Nos. MC2018–172 and CP2018–244; MC2018–173 and CP2018–245.

Table of Contents

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market

dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–167 and CP2018–239; *Filing Title:* USPS Request to Add Priority Mail Express & Priority Mail Contract 67 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* June 20, 2018.

2. *Docket No(s).:* MC2018–168 and CP2018–240; *Filing Title:* USPS Request to Add Priority Mail Contract 443 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Michael L. Leibert; *Comments Due:* June 20, 2018.

3. *Docket No(s).:* MC2018–169 and CP2018–241; *Filing Title:* USPS Request to Add Priority Mail Express & Priority Mail Contract 68 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* June 20, 2018.

4. *Docket No(s).:* MC2018–170 and CP2018–242; *Filing Title:* USPS Request to Add Priority Mail Contract 444 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Michael L. Leibert; *Comments Due:* June 20, 2018.

5. *Docket No(s).:* MC2018–171 and CP2018–243; *Filing Title:* USPS Request to Add Priority Mail Contract 445 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Lawrence Fenster; *Comments Due:* June 20, 2018.

6. *Docket No(s).:* MC2018–172 and CP2018–244; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 38 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Matthew R. Ashford; *Comments Due:* June 21, 2018.

7. *Docket No(s).:* MC2018–173 and CP2018–245; *Filing Title:* USPS Request to Add First-Class Package Service Contract 94 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 12, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Matthew R. Ashford; *Comments Due:* June 21, 2018.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–13090 Filed 6–18–18; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Privacy Act of 1974, as Amended; Notice of Computer Matching Program (Railroad Retirement Board and Social Security Administration, Match Number 1007)

AGENCY: Railroad Retirement Board (RRB).

ACTION: Notice of a modified matching program.

SUMMARY: As required by the Privacy Act of 1974, as amended, the RRB is issuing public notice of its renewal of an ongoing computer-matching program with the Social Security Administration (SSA). The purpose of this notice is to advise individuals applying for or receiving benefits under the Railroad Retirement Act of the use made by RRB of this information obtained from SSA by means of a computer match. The RRB is also issuing public notice, on behalf of the SSA, of their intent to conduct a computer-matching program based on information provided to them by the RRB.

DATES: Public comments are welcome until July 19, 2018. We will file a report of this computer-matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

ADDRESSES: Interested parties may comment on this publication by writing to Ms. Martha P. Rico-Parra, Secretary to the Board, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Grant, Associate Chief Information Officer, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092, telephone 312–751–4869 or email at *tim.grant@rrb.gov.*

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988, (Pub. L. 100–503), amended by the Privacy Act of 1974, (5 U.S.C. 552a) as amended, requires a Federal agency participating in a computer matching program to publish a notice in the **Federal Register** for all matching programs.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records contained in a Privacy Act System of Records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain the approval of the matching agreement by the Data Integrity Boards (DIB) of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments. The last notice for this matching program was published in the **Federal Register** on November 9, 2015 (80 FR 69253).

Participating agencies: Railroad Retirement Board (RRB) and the Social Security Administration (SSA), Match #1007.

Authority for conducting the matching program: Section 7(b)(7) of the Railroad Retirement Act (45 U.S.C. 231f(b)(7)) provides that the Social Security Administration shall supply information necessary to administer the Railroad Retirement Act. Sections 202, 205(o) and 215(f) of the Social Security Act (42 U.S.C. 402, 405(o) and 415(f)) relate to benefit provisions, inclusion of railroad compensation together with wages for payment of benefits under certain circumstances, and the re-computation of benefits.

Purposes

1. Daily exchanges:

a. The RRB will obtain from SSA a record of the wages reported to SSA for persons who have applied for benefits under the Railroad Retirement Act and a record of the amount of benefits paid by that agency to persons who are receiving or have applied for benefits under the Railroad Retirement Act. The wage information is needed to compute the amount of the tier I annuity component provided by sections 3(a), 4(a) and 4(f) of the Railroad Retirement Act (45 U.S.C. 231b(a), 45 U.S.C. 231c(a) and 45 U.S.C. 231c(f)). The benefit information is needed to adjust the tier I annuity component for the receipt of the Social Security benefit. This information is available from no other source.

b. The RRB will receive from SSA the amount of certain social security benefits which the RRB pays on behalf of SSA. Section 7(b)(2) of the Railroad Retirement Act (45 U.S.C. 231f(b)(2)) provides that the RRB shall make the payment of certain social security benefits. The RRB also requires this information in order to adjust the amount of any annuity due to the receipt of a social security benefit. Section 10(a) of the Railroad Retirement Act (45 U.S.C. 231i(a)) permits the RRB to recover any overpayment from the accrual of social security benefits. This information is not available from any other source.

c. The SSA will receive from RRB earnings information on selected individuals. The transfer of information may be initiated either by RRB or by SSA. SSA needs this information to determine eligibility to Social Security benefits and, if eligibility is met, to determine the benefit amount payable. Section 18 of the Railroad Retirement Act (45 U.S.C. 231q(2)) requires that earnings considered as compensation under the Railroad Retirement Act be considered as wages under the Social Security Act for the purposes of determining entitlement under the Social Security Act if the person has less than 10 years of railroad service or has 10 or more years of service but does not have a current connection with the railroad industry at the time of his/her death.

2. *Weekly exchange:* The SSA will receive from the RRB earnings information for all railroad employees. SSA will match the identifying information of the records furnished by the RRB against the identifying information contained in its Master Benefit Record and its Master Earnings File. If there is a match, SSA will use the RRB earnings to adjust the amount of Social Security benefits in its Annual Earnings Reappraisal Operation. This information is available from no other source.

Yearly exchange: The RRB will receive from SSA a copy of SSA's Master Benefit Record for earmarked RRB annuitants. Section 7(b)(7)) of the Railroad Retirement Act (45 U.S.C. 231f(b)(7)) requires that SSA provide the requested information. The RRB needs this information to make the necessary cost-of-living computation adjustments quickly and accurately for those RRB annuitants who are also SSA beneficiaries.

Categories of individuals: All applicants for benefits under the Railroad Retirement Act and current beneficiaries will have a record of any social security wages and the amount of any social security benefits furnished to the RRB by SSA. In addition, all persons who ever worked in the railroad industry after 1936 will have a record of their service and compensation furnished to SSA by RRB.

Systems of records: The applicable RRB Privacy Act Systems of Records and their **Federal Register** citation used in the matching program are:

1. RRB–5, Master File of Railroad Employees' Creditable Compensation, September 30, 2014 (79 FR 58877)

2. RRB–22, Railroad Retirement, Survivor, and Pensioner Benefit System, May 15, 2015 (80 FR 28018)

The applicable SSA Privacy Act Systems of Records used and their **Federal Register** citation used in the matching program are:

1. SSA 60–0058, Master Files of Social Security Number (SSN) Holders and SSN Applications (the Enumeration System), last published on December 29, 2010 (75 FR 82121), July 5, 2013 (78 FR 40542), and February 13, 2014 (79 FR 8780).

2. SSA/OS, 60–0059, Earnings Recording and Self-Employment Income System (MEF), last published on January 11, 2006 (71 FR 1819), July 5, 2013 (78 FR 40542).

3. SSA/ORSIS 60–0090, Master Beneficiary Record (MBR), last published on January 11, 2006 (71 FR 1826), December 10, 2007 (72 FR 69723), and July 5, 2013 (78 FR 40542).

4. SSA/ODISSIS 60–103, Supplemental Security Income Record and Special Veteran Benefits last published on January 11, 2006 (71 FR 1830), December 10, 2007 (72 FR 69723).

5. SSA/OPB 60–0269, Prisoner Update Processing System (PUPS), last published on March 8, 1999 (64 FR 11076), December 10, 2007 (72 FR 69723), and July 5, 2013 (78 FR 40542).

Dated: June 14, 2018.

By authority of the Board.

Martha Rico-Parra,

Secretary to the Board.

[FR Doc. 2018–13103 Filed 6–18–18; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83426; File No. SR–CboeBYX–2018–007]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees

June 13, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 1, 2018, Cboe BYX Exchange, Inc. (''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the fee schedule applicable to Members [5] and non-Members of the Exchange pursuant to BYX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its fee schedule applicable to its equities trading platform (''BYX Equities'') to (i) eliminate Add Volume Tier 6 and (ii) modify criteria in certain Add and Remove Volume Tiers, effective June 1, 2018.

By way of background, for orders that yield fee codes B, V, and Y, the Exchange assesses a standard transaction fee of $0.0019 per share for orders that add liquidity for securities at or above $1.00. The Exchange also currently offers six tiers under footnote 1 that offer reduced fees for orders that add liquidity yielding fee codes B, V, and Y. The Exchange first proposes to eliminate Add Volume Tier 6. Add Volume Tier 6 currently provides Members a reduced fee of $0.0017 per share where a MPID (i) has an ADAV [6] of greater than or equal to 0.10% of the TCV [7] and (ii) has a Step-Up ADAV [8] of greater or equal to 0.05% of the TCV from September 2017 baseline. The Exchange no longer wishes to maintain this tier level. As such, the Exchange proposes to eliminate Add Volume Tier 6 from the Fees Schedule and renumber the subsequent Volume Tiers accordingly.

The Exchange next proposes to modify the criteria for Add Volume Tiers 2 and 3. Pursuant to Add Volume Tier 2, a Member will be assessed a reduced fee of $0.0013 per share where a Member adds an ADAV greater than or equal to 0.40% of the TCV. The Exchange proposes to increase the ADAV requirement to greater than or equal to 0.45% of the TCV. Pursuant to Add Volume Tier 3, a Member will be assessed a reduced fee of $0.0012 per share where a Member adds an ADAV greater than or equal to 0.80% of the TCV. The Exchange proposes to increase the ADAV requirement to greater than or equal to 1.00% of the TCV.

The Exchange next proposes to modify the criteria for Remove Volume Tiers 8 and 9. Currently, for orders that yield fee codes N, W, and BB, the Exchange provides a rebate of $0.0005 per share for orders that remove liquidity for securities at or above $1.00. The Exchange currently offers four tiers under footnote 1 that offer enhanced rebates for orders that remove liquidity yielding fee codes BB, N, and W. Pursuant to Remove Volume Tier 8 (proposed to be renumbered to Remove Volume Tier 7), a Member will receive an enhanced rebate of $0.0016 per share where a Member (i) has a Step-Up Remove [9] TCV from July 2017 greater than or equal to 0.05% and (ii) has a remove ADV [10] greater than or equal to 0.20% of TCV. The Exchange proposes to modify the second prong to increase the ADV requirement to greater than or equal to 0.25% of the TCV.

Pursuant to Remove Volume Tier 9 (proposed to be renumbered Remove Volume Tier 8), a Member will receive an enhanced rebate of $0.0017 per share where a Member (i) has a Step-Up Remove TCV from December 2017 greater than or equal to 0.075% and (ii) has an ADV greater than or equal to 0.10% of TCV. The Exchange proposes to modify the first prong to increase the Step-Up Remove TCV from 0.075% to 0.10% of TCV. The Exchange notes that the modification to the first prong renders the second prong unnecessary, as the second prong criteria will always be met if the proposed first prong criteria is met. The Exchange therefore proposes to eliminate the second prong of Remove Volume Tier 9.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[11] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[13] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes that the proposal to eliminate Add Volume Tier 6 is reasonable, fair, and equitable because the current tier is not providing the desired result of incentivizing

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] ''ADAV'' means average daily volume calculated as the number of shares added per day. ADAV is calculated on a monthly basis. *See* BYX Equities Exchange Fee Schedule.

[7] ''TCV'' means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *See* BYX Equities Exchange Fee Schedule.

[8] ''Step-Up ADAV'' means ADAV in the relevant baseline month subtracted from current ADAV. *See* BYX Equities Exchange Fee Schedule.

[9] ''Step-Up Remove TCV'' means remove ADV as a percentage of TCV in the relevant baseline month subtracted from current remove ADV as a percentage of TCV. *See* BYX Equities Exchange Fee Schedule.

[10] ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. ADV is calculated on a monthly basis. *See* BYX Equities Exchange Fee Schedule.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b)(4).

Members to increase their participation in BYX Equities. Therefore, eliminating the tier will have a negligible effect on order flow and market behavior. The Exchange believes the proposed change is not unfairly discriminatory because it will apply equally to all Members.

The Exchange next notes that volume-based discounts such as those currently maintained on the Exchange have been widely adopted by exchanges and are equitable and non-discriminatory because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to the value of an exchange's market quality associated with higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns, and introduction of higher volumes of orders into the price and volume discovery processes. While the proposed modification to Add/Remove Volume Tiers 2, 3, 8 and 9 makes such tiers slightly more difficult to attain, it is intended to incentivize Members to send additional volume to the Exchange in an effort to qualify or continue to qualify for the reduced fees and enhanced rebates, as applicable, made available by the tiers. As such, the Exchange also believes that the proposed changes are reasonable. The Exchange notes that increased volume on the Exchange provides greater trading opportunities for all market participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that any of the proposed change to the Exchange's tiered pricing structure burden competition, but instead, that they enhance competition as they are intended to increase the competitiveness of BYX by modifying pricing incentives in order to attract order flow and incentivize participants to increase their participation on the Exchange. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee structures to be unreasonable or excessive. The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all Members uniformly.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and paragraph (f) of Rule 19b–4 thereunder.[15] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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–CboeBYX–2018–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CboeBYX–2018–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeBYX–2018–007 and should be submitted on or before July 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13085 Filed 6–18–18; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83421; File No. SR–NASDAQ–2018–044]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend The Nasdaq Options Market LLC (''NOM'') Rules at Supplementary Material to Chapter III, Section 7, Entitled ''Position Limits,'' and Section 9, Entitled ''Exercise Limits''

June 13, 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 June 11, 2018, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') Rules at Supplementary Material to Chapter III, Section 7, entitled ''Position Limits,'' and Section 9, entitled ''Exercise Limits,'' to amend position limits for options on the SPDR® S&P 500® exchange-traded fund (''SPY ETF'' or ''SPY''), which list and trade under the symbol ''SPY.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NOM Rules at Supplementary Material to Chapter III, Section 7, entitled ''Position Limits'' and Section 9, entitled ''Exercise Limits'' indicate the manner in which positions for aggregate positions in option contracts are treated on the Exchange. SPY is among the certain select underlying securities listed in each such Rule. Indicates [sic] the manner in which positions for aggregate positions in option contracts are treated on the Exchange.[3] SPY is among the certain select underlying securities listed in each such Rule. Currently, these Rules provide that there are no position limits and there are no exercise limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend Chapter III, Section 7 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program for another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position and exercise limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[5] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position and exercise limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2013 in order to eliminate position and exercise limits for physically-settled SPY options.[6] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[7] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[8] Then, in 2013, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[9]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Chapter III, Section 7 [sic] to set forth that the position and exercise limits for options on SPY would be 1,800,000 contracts on the same side of the market. These position and exercise limits equal the current position and exercise limits for options on QQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[10] The Exchange also notes that SPY is more iquid [sic] than QQQ.[11] The Exchange believes that establishing position and exercise limits for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the

[3] *See* Chapter III, Section 9 for applicable exercise limits.

[4] *See* Securities Exchange Act Release No. 69180 (March 19, 2013), 78 FR 17962 (March 25, 2013) (SR–NASDAQ–2013–046); 72142 (May 9, 2014), 79 FR 27961 (May 15, 2014) (SR–NASDAQ–2014–052); 75413 (July 9, 2015), 80 FR 41519 (July 15, 2015) (SR–NASDAQ–2015–072); 78123 (June 22, 2016), 81 FR 42030 (June 28, 2016) (SR–NASDAQ–2016–084); and 81090 (July 7, 2017), 82 FR 32394 (July 13, 2017) (SR–NASDAQ–2017–063).

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 69180 (March 19, 2013), 78 FR 17962 (March 25, 2013) (SR–NASDAQ–2013–046).

[7] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06). NOM's position limit in SPY in 2005 was based on The Chicago Board Options Exchange, Inc.'s current rule.

[8] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065). NOM's position limit in SPY in 2005 was based on The Chicago Board Options Exchange, Inc.'s current rule.

[9] *See* note 5 above.

[10] *See* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057). NOM's current rule is based on Cboe Exchange, Inc.'s rule.

[11] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[12] 15 U.S.C. 78f(b).

objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes that establishing permanent position and exercise limits for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[14] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, and EWJ.[15] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[16] The Exchange also notes that SPY is more liquid than QQQ.[17]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[18] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position and exercise limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[19]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[20] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes. Furthermore, the Exchange believes that the other options exchanges will file similar proposals with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2018–044 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ –2018–044. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

[13] 15 U.S.C. 78f(b)(5).

[14] *See* note 9.

[15] *See* note 11 above.

[16] *Id.*

[17] *See* note 12 above.

[18] *See* note 11 above.

[19] *See* note 9 above.

[20] 15 U.S.C. 78(f)(b)(8).

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2018–044 and should be submitted on or before July 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13080 Filed 6–18–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83425; File No. SR–CHX–2018–001]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt the Route QCT Cross Routing Option

June 13, 2018.

I. Introduction

On March 6, 2018, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt the Route QCT Cross routing option. The proposed rule change was published for comment in the **Federal Register** on March 20, 2018.[3] On May 1, 2018, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] The Commission received no comment letters on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act[6] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

Currently, under the Exchange's rules, Routable Orders[7] submitted to the CHX matching system (''Matching System'')[8] for execution are routed away from the Matching System automatically if a Routing Event[9] is triggered. The Exchange's current rules provide that all Routable Orders[10] are limit orders. Market[11] and cross orders[12] are never routable. The Exchange does not currently permit orders to be directly routed to an away Trading Center[13] without first being submitted to the Matching System.

Because Qualifed Contingent Trade (''QCT'') Crosses[14] are exempt from the trade-through prohibition of Rule 611 of Regulation NMS,[15] the Matching System permits QCT Crosses to trade-through protected quotes of away markets. Under the Exchange's current rules, QCT Crosses are handled IOC[16] and can never rest on the CHX book. Moreover, a QCT Cross submitted to the Matching System will be cancelled back to the order sender as ''blocked'' if a precedent limit order priced at or better than the QCT Cross is resting on the CHX book,[17] except that a QCT Cross priced at the top of the CHX book (*i.e.,* the best-ranked order on the CHX book pursuant to Article 20, Rule 8(b)) that qualifies for Cross With Size[18] handling will be permitted to execute.

The Exchange has proposed to adopt the Route QCT Cross routing option, which will permit only Institutional Brokers (''IBs'')[19] to directly route a QCT Cross to a non-affiliated third-party broker-dealer designated by the IB (''designated executing broker'') for execution. Route QCT Cross orders will be handled like current Routable Orders,[20] except that the Route QCT Cross order will never be submitted to the Matching System for execution. Specifically, upon receipt of a Route QCT Cross order, the Exchange will cause the order to be routed IOC[21] from the Exchange, through CHXBD, LLC (''CHXBD''), the Exchange's affiliated routing broker, to the designated executing broker identified by the IB.[22] The Exchange states that the relationship between a designated executing broker and CHXBD will be governed by applicable CHX Rules[23] and customary interbroker agreements, such as fully-disclosed clearing and customer agreements. The Exchange represents that at all times, the use of Route QCT Cross will be optional.[24] The Exchange also states that Route QCT Cross is similar to the routing options available on the Nasdaq Stock Market[25] and Cboe BYX and Cboe BZX exchanges.[26]

Specifically, the Exchange has proposed to adopt proposed Article 19, Rule 4 (Routing Options) to provide that routing options may be combined with all available order types, modifiers and related terms, except for order types, modifiers, and related terms that are inconsistent with the terms of a routing option, and that the Exchange may activate or deactivate any routing option at its discretion and, if practicable, after notice to Participants.[27] Article 19, Rule 4(a)(1) provides that Route QCT Cross is

[23] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82870 (March 14, 2018), 83 FR 12214 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 83143, 83 FR 20123 (May 7, 2018). The Commission designated June 18, 2018, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* CHX Article 1, Rule 1(oo).

[8] The Matching System is part of the Exchange's ''Trading Facilities,'' as defined under CHX Article 1, Rule 1(z).

[9] *See* CHX Article 19, Rule 3(a)(1)–(5).

[10] *See* CHX Article 1, Rule 1(oo) defining ''Routable Order.''

[11] *See* CHX Article 1, Rule 2(a)(3) defining ''market order.''

[12] *See* CHX Article 1, Rule 2(a)(2) defining ''cross order.''

[13] *See* CHX Article 1, Rule 1(nn) defining ''Trading Center.''

[14] QCT Crosses are cross orders that are component orders to Qualified Contingent Trades that are submitted by an Institutional Broker. *See* CHX Article 1, Rule 2(b)(2)(E) defining ''Qualified Contingent Trade.'' *See also* CHX Article 1, Rule 2(a)(2) defining ''cross order.''

[15] *See* Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 4, 2008).

[16] *See* CHX Article 1, Rule 2(a)(2)

[17] *See* CHX Article 1, Rule 2(a)(2). *See also* CHX Article 20, Rule 8(e)(1).

[18] *See* CHX Article 1, Rule 2(g)(1).

[19] The Exchange states that it has proposed to limit use of Route QCT Cross to IBs to be consistent with the fact that only IBs are currently permitted to submit QCT Crosses to the Matching System. *See* CHX Article 1, Rule 2(b)(2)(E).

[20] *See* CHX Article 1, Rule 1(oo).

[21] *See* CHX Article 1, Rule 2(a)(2).

[22] The Exchange states that IBs will be permitted to identify only one designated executing broker to which all Route QCT Cross orders submitted by the IB will be routed, subject to additional requirements, as described below.

[23] *See e.g.,* CHX Article 19, Rule 2(a).

[24] *See* Notice, *supra* note 3 at 12215.

[25] *See id.* The Exchange states that like Route QCT Cross, the ''Directed Order'' routing option offered by the Nasdaq Stock Market (''Nasdaq'') permits an order sender to route an order to another market center while bypassing the Nasdaq's order book, which may result in the routed order executing at a price through Nasdaq's top of book. *See id.*

[26] The Exchange states that like Route QCT Cross, the ''DRT'' routing option offered by the Cboe BYX and Cboe BZX exchanges permits an order to be routed to one or more away alternative trading systems. *See id.*

[27] *See* CHX Article 1, Rule 1(s).

a routing option,[28] which may only be utilized by IBs, that instructs the Exchange to route a cross order marked QCT directly to a non-affiliated third-party broker-dealer designated by the IB without submitting the order into the Matching System for execution. In addition, each IB is permitted to identify only one designated executing broker to which all Route QCT Cross orders submitted by the IB would be routed. Furthermore, the Exchange represents that prior to the Exchange accepting any Route QCT Cross orders directed to a specific designated executing broker, the Exchange would confirm that the designated executing broker has established connectivity to the Exchange's routing systems.[29] In addition, the IB would be responsible for all away execution fees resulting from the execution of Route QCT Cross orders, including any guaranteed payments to its designated executing broker.[30] Moreover, Route QCT Cross orders would be routed IOC and a Route QCT Cross order that could not be executed by a designated executing broker, for any reason, would be cancelled back to the original order sender.[31]

As Route QCT Cross orders would be routed away from the Exchange without being submitted to the Matching System for execution, the Exchange proposes to amend Article 19, Rules 1(a) and (c), and Rule 2(a) to replace the term ''Matching System'' with ''Exchange.'' Moreover, since Route QCT Cross orders are a subset of cross orders that will not be handled IOC upon receipt by the Exchange, and all cross orders currently received by the Exchange are deemed to have been received IOC, the Exchange proposes to amend the definition of ''cross orders'' under Article 1, Rule 2(a)(2) to provide that all cross orders *submitted to the Matching System for execution* shall be deemed to have been received IOC.

The Exchange has also proposed to amend Article 19, Rule 3(a) to provide that a Routable Order that is submitted to the Matching System would be routed away from the Matching System pursuant to the CHX Routing Services if a Routing Event is triggered.[32]

In addition, the Exchange proposes non-substantive amendments to Article 19, Rules 3(a)(1)–(5) to clarify the current operation of the Routing Events.[33]

II. Proceedings To Determine Whether To Approve or Disapprove SR–CHX–2018–001 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act [34] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[35] the Commission is providing notice of the grounds for disapproval under consideration. As discussed above, the Exchange has proposed to offer a new Route QCT Cross routing option, which would be available only to IBs. Route QCT Crosses would not check the CHX order book. In addition, Route QCT Crosses would only route to a single designated broker, as designated by each IB, for execution.

The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Sections 6(b)(5) [36] and 6(b)(8) [37] of the Exchange Act. Section 6(b)(5) of the Exchange Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Exchange Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

III. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposal is consistent with Sections 6(b)(5) and 6(b)(8), or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[38]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by July 10, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by July 24, 2018.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CHX–2018–001 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 Numbers SR–CHX–2018–001. 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

[28] In addition, since the cross orders are not currently Routable Orders, the Exchange has proposed to amend Article 1, Rule 1(oo) by adopting paragraph (oo)(2), which would expand the definition of Routable Orders to include any order marked by a routing option listed under proposed Article 19, Rule 4 (*i.e.,* Route QCT Cross).

[29] *See* Notice, *supra* note 3 at 12215.

[30] *See id.*

[31] *See id.* at 12215–16.

[32] To clarify this distinction, the Exchange has proposed to amend the title to Article 19, Rule 3 from ''Routing Events'' to ''Mandatory Routing Events.'' Also, the Exchange has proposed to eliminate the word ''incoming'' from proposed Rule 1(oo)(1), which it states is redundant in light of the proposed clarifying amendments to Article 19, Rule 3.

[33] *See* Notice, *supra* note 3.

[34] 15 U.S.C. 78s(b)(2)(B).

[35] *Id.*

[36] 15 U.S.C. 78f(b)(5).

[37] 15 U.S.C. 78f(b)(8).

[38] Section 19(b)(2) of the Exchange Act, as amended by the Securities Act Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

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 these filings also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–2018–001 and should be submitted on or before July 10, 2018. Rebuttal comments should be submitted by July 24, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13084 Filed 6–18–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83424; File No. SR–NYSE–2018–27]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

June 13, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on June 1, 2018, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) add a new incentive for member organizations and Supplemental Liquidity Providers (''SLP'') in Tape A securities when adding liquidity in securities traded pursuant to Unlisted Trading Privileges (''UTP'') (Tapes B and C) on the Pillar Trading Platform; (2) add a new Tier 4 for SLPs; and (3) make non-substantive changes to eliminate obsolete footnotes. The Exchange proposes to implement these changes to its Price List effective June 1, 2018. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) add a new incentive for member organizations and SLPs on Tape A when adding liquidity in UTP Securities (Tapes B and C) on the Pillar Trading Platform; (2) add a new Tier 4 for SLPs; and (3) make non-substantive changes to eliminate obsolete footnotes.

The Exchange proposes to implement these changes to its Price List effective June 1, 2018.

New Cross Tape Incentive

The Exchange proposes an additional incentive to member organizations and SLPs in Tape A securities that add liquidity to the Exchange in UTP Securities, as follows.

As proposed, member organizations that meet the current requirements for the Non-Tier Adding Credit, Tier 3 Adding Credit, and Tier 4 Adding Credit on Tape A would be eligible to receive an additional $0.0001 per share if the member organization adds liquidity, excluding liquidity added as an SLP, in UTP Securities of at least 0.20% of Tape B and Tape C consolidated average daily volume (''CADV'') combined.

Similarly, SLPs that (1) meet the current requirements for SLP Tier 3, SLP Tier 2 and SLP Tier 1A credits, and (2) add liquidity in UTP Securities of at least 0.30% of Tape B and Tape C CADV combined, would be eligible for an additional $0.0001 per share in securities with a per share price of $1.00 or more that meet the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B (quotes of an SLP-Prop and an SLMM of the same member organization would not be aggregated).

New SLP Tier 4

The Exchange proposes a new, fifth SLP Tier designated ''4'' that would provide that an SLP that either (1) is in the first two calendar months as an SLP, or (2) adds liquidity for all assigned SLP securities in the aggregate (including shares of both an SLP-Prop and an SLMM[4] of the same or an affiliated member organization) of an ADV of more than 0.03% of NYSE CADV after averaging less an adding ADV[5] of than 0.01% in each of the prior 3 months, after a discount of the percentage for the prior quarter of NYSE CADV in DMM assigned securities as of the last business day of the prior month, would receive a credit of $0.0029, or $0.00105 if a Non-Displayed Reserve Order, if the SLP meets the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B when adding liquidity to the NYSE with orders, other than Mid-Point Liquidity (''MPL'') orders, in securities with a per share price of $1.00 or more. For

[39] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] Under Rule 107B, an SLP can be either a proprietary trading unit of a member organization (''SLP-Prop'') or a registered market maker at the Exchange (''SLMM''). For purposes of the 10% average or more quoting requirement in assigned securities pursuant to Rule 107B, quotes of an SLP-Prop and an SLMM of the same member organization are not aggregated. However, for purposes of adding liquidity for assigned SLP securities in the aggregate, shares of both an SLP-Prop and an SLMM of the same member organization are included.

[5] The phrase ''Adding ADV'' in the proposed tier would have a citation to footnote 4 in the current Price List, which provides ''For purposes of transaction fees and Supplemental Liquidity Provider liquidity credits, ADV calculations exclude early closing days.'' The text of current footnote 4 would remain unchanged.

purposes of qualifying for the proposed Tier, quotes of an SLP-Prop and an SLMM of the same member organization would not be aggregated. The Exchange believes that the new tier will provide greater incentives for newer and less active SLPs to add liquidity to the Exchange.

Non-Substantive Changes

Currently, as reflected in footnote * to the section of the Price List setting forth adding tiers for trading UTP Securities,[6] the Exchange waives the Tier 1 adding tier requirement and the remove tier requirements for securities priced at or above $1.00 until June 1, 2018. Similarly, as reflected in footnote ** of the section of the Price List setting forth the SLP Provide Tiers for trading in UTP Securities, the Exchange also currently waives the provide volume component of the SLP Tier requirements for securities priced at or above $1.00 until June 1, 2018. Because the waivers set forth in footnotes * and ** expire on June 1, 2018, and the Exchange does not propose to extend the waivers, the Exchange accordingly proposes to delete footnotes * and ** as obsolete.

* * * * *

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any problems that member organizations would have in complying with the proposed change.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[7] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[8] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

New Cross Tape Incentive

The Exchange believes that providing an additional incentive in Tape A securities for member organizations that add liquidity in UTP Securities is reasonable because it would further contribute to incenting member organizations to provide additional liquidity to a public exchange in UTP Securities, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. The Exchange believes that that the proposal is reasonable and not unfairly discriminatory because it would apply to all member organizations eligible for the relevant Tape A tier credits equally. The Exchange further believes that limiting the additional credit to Non-Tier, Adding Tier 3 and Adding Tier 4 is reasonable because members qualifying for Adding Tier 1 and Adding Tier 2 would already receive a higher credit for such executions. Similarly, the Exchange believes that limiting the additional credit to SLP Tier 3, SLP Tier 2 and SLP Tier 1A is reasonable because SLPs qualifying for SLP Tier 1 would already receive a higher credit for such executions.

New SLP Tier 4

The Exchange believes that the proposal to introduce a new SLP Tier 4 is reasonable because it provides SLPs as well as SLPs that are also DMMs with an additional way to qualify for a rebate, thereby providing SLPs with greater flexibility and creating an added incentive for SLPs to bring additional order flow to a public market. In particular, as noted above, the Exchange believes that the new tier will provide greater incentives for newer and less active SLPs to add liquidity to the Exchange, to the benefit of the investing public and all market participants. Moreover, offering a higher credit for the first two months would provide an incentive for new and less active SLPs to add liquidity and meet the SLP quoting requirements, thereby contributing to additional levels of liquidity at the Exchange, which benefits all market participants. The Exchange also believes that the two-month period for new SLPs and inactive SLPs to qualify for the new tier is reasonable because it will allow newer and less active SLPs more time to meet the SLP volume requirements while building up the SLPs' liquidity providing activities during the first two months. Finally, the Exchange believes that the proposed tier is equitable and not unfairly discriminatory because it would apply equally to all SLPs and because there are two ways to qualify for the proposed tier.

Non-Substantive Changes

The Exchange believes that the proposed deletion of footnotes * and ** removes impediments to and perfects the mechanism of a free and open market by adding clarity as to whether waivers are operative and when, thereby reducing potential confusion, and making the Exchange's rules easier to navigate. The Exchange also believes that eliminating obsolete material from its rulebook also removes impediments to and perfects the mechanism of a free and open market by removing confusion that may result from having obsolete material in the Exchange's rulebook. The Exchange believes that eliminating such obsolete material would not be inconsistent with the public interest and the protection of investors because investors will not be harmed and in fact would benefit from increased transparency, thereby reducing potential confusion.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[9] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, the Exchange believes that the proposed change would foster liquidity provision and stability in the marketplace, thereby promoting price discovery and transparency and enhancing order execution opportunities for member organizations. In this regard, the Exchange believes that the transparency and competitiveness of attracting additional executions on an exchange market would encourage competition. The Exchange also believes that the proposed rule change is designed to provide the public and investors with a Price List that is clear and consistent, thereby reducing burdens on the marketplace and facilitating investor protection.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees and credits in

[6] The term ''UTP Security'' means a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges. *See* Rule 1.1(ii).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4) & (5).

[9] 15 U.S.C. 78f(b)(8).

response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed changes will impair the ability of member organizations or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [10] of the Act and subparagraph (f)(2) of Rule 19b–4 [11] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [12] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSE–2018–27 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2018–27. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2018–27 and should be submitted on or before July 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13083 Filed 6–18–18; 8:45 am]

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[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(2).

[12] 15 U.S.C. 78s(b)(2)(B).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83423; File No. SR–BX–2018–022]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Position Limits and Exercise Limits for Options on the SPDR Exchange-Traded Fund

June 13, 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 June 12, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend BX Rules at Supplementary Material to Chapter III, Section 7, entitled ''Position Limits,'' and Section 9, entitled ''Exercise Limits,'' to amend position limits and exercise limits for options on the SPDR® S&P 500® exchange-traded fund (''SPY ETF'' or ''SPY''),[3] which list and trade under the symbol ''SPY.''

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''SPDR®,'' ''Standard & Poor's®,'' ''S&P®,'' ''S&P 500®,'' and ''Standard & Poor's 500'' are registered trademarks of Standard & Poor's Financial Services LLC. The SPY ETF represents ownership in the SPDR S&P 500 Trust, a unit investment trust that generally corresponds to the price and yield performance of the SPDR S&P 500 Index.

Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

BX Rules at Supplementary Material to Chapter III, Section 7, entitled ''Position Limits'' and Section 9, entitled ''Exercise Limits'' indicate the manner in which positions for aggregate positions in option contracts are treated on the Exchange. SPY is among the certain select underlying securities listed in each such Rule. Currently, these Rules provide that there are no position limits and there are no exercise limits on options overlying SPY pursuant to a pilot program, which is scheduled to expire on July 12, 2018 (''SPY Pilot Program'').[4]

The Exchange proposes to amend Chapter III, Sections 7 and 9 to allow the SPY Pilot Program to terminate on July 12, 2018, the current expiration date of the SPY Pilot Program. In lieu of extending the SPY Pilot Program for another year, the Exchange proposes to allow the SPY Pilot Program to terminate and to establish position and exercise limits of 1,800,000 contracts, for options on SPY, with such change becoming operative on July 12, 2018, so that there is no lapse in time between termination of the SPY Pilot Program and the establishment of the new limits. Furthermore, as a result of the termination of the SPY Pilot Program, the Exchange does not believe it is necessary to submit a SPY Pilot Program Report at the end of the SPY Pilot Program. Based on the prior SPY Pilot Program Reports provided to the Commission,[5] the Exchange believes it is appropriate to terminate the SPY Pilot Program and that permanent position and exercise limits should be established for SPY.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

The SPY Pilot Program was established in 2013 in order to eliminate position and exercise limits for physically-settled SPY options.[6] In 2005, the position limits for SPY options were increased from 75,000 contracts to 300,000 contracts on the same side of the market.[7] In July 2011, the position limit for these options was again increased from 300,000 contracts to 900,000 contracts on the same side of the market.[8] Then, in 2012, the position limits for SPY options were eliminated as part of the SPY Pilot Program.[9]

The underlying SPY tracks the performance of the S&P 500 Index and the Exchange notes that the SPY and SPY options have deep, liquid markets that reduce concerns regarding manipulation and disruption in the underlying markets. In support of this proposed rule change, the Exchange has collected the following trading statistics for SPY and SPY Options: (1) The average daily volume (''ADV'') to date (as of May 15, 2018) for SPY is 108.32 million shares; (2) the ADV to date in 2018 for SPY options is 3.9 million contracts per day; (3) the total shares outstanding for SPY are 965.43 million; and (4) the fund market cap for SPY is 261.65 billion. The Exchange represents further that there is tremendous liquidity in the securities that make up the S&P 500 Index.

Accordingly, the Exchange proposes to amend Chapter III, Sections 7 and 9 to set forth that the position and exercise limits for options on SPY would be 1,800,000 contracts on the same side of the market. These position and exercise limits equal the current position and exercise limits for options on QQQ, which the Commission previously approved to be increased from 900,000 contracts on the same side of the market, to 1,800,000 contracts on the same side of the market.[10] The Exchange also notes that SPY is more liquid than QQQ.[11] The Exchange believes that establishing position and exercise limits for the SPY options in the amount of 1,800,000 contracts on the same side of the market subject to this proposal would allow for the maintenance of the liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the options would be unchanged.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Section 6(b)(5) of the Act,[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The Exchange believes that establishing permanent position and exercise limits for SPY options subject to this proposal will encourage Market Makers to continue to provide sufficient liquidity in SPY options on the Exchange, which will enhance the process of price discovery conducted on the Exchange. The proposal will also benefit institutional investors as well as retail traders, and public customers, by continuing to provide them with an effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the SPY options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program),[14] is not novel and has been previously approved by the Commission. For example, the Commission has previously approved a rule change permitting the Exchange to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT,

[4] *See* Securities Exchange Act Release No. 69179 (March 19, 2013), 78 FR 17952 (March 25, 2013) (SR–BX–2013–024); 72143 (May 9, 2014), 79 FR 27963 (May 15, 2014) (SR–BX–2014–025); 75412 (July 9, 2015), 80 FR 41517 (July 15, 2015) (SR–BX–2015–039); 78125 (June 22, 2016), 81 FR 42009 (June 28, 2016) (SR–BX–2016–030); and 81093 (July 7, 2017), 82 FR 32415 (July 13, 2017) (SR–BX–2017–030).

[5] *Id.*

[6] *See* Securities Exchange Act Release No. 69179 (March 19, 2013), 78 FR 17952 (March 25, 2013) (SR–BX–2013–024).

[7] *See* Securities Exchange Act Release No. 51041 (January 14, 2005), 70 FR 3408 (January 24, 2005) (SR–CBOE–2005–06). At this time BX was not in existence.

[8] *See* Securities Exchange Act Release No. 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065). At this time BX was not in existence.

[9] *See* note 4 above.

[10] *See* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018) (SR–CBOE–2017–057). BX's current rule is based on Cboe Exchange, Inc.'s rule.

[11] From the beginning of the year, through May 15, 2018, the ADV for SPY was 108.32 million shares while the ADV for QQQ was 46.64 million shares (calculated using data from Yahoo Finance as of May 15, 2018).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* note 8.

QQQ, and EWJ.[15] Furthermore, as previously mentioned, the Commission specifically approved a proposal by the Exchange to increase the position and exercise limits for options on QQQ from 900,000 contracts on the same side of the market to 1,800,000 contracts on the same side of the market; similar to the current proposal for options on SPY.[16] The Exchange also notes that SPY is more liquid than QQQ.[17]

Lastly, the Commission expressed the belief that implementing higher position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[18] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from increasing position and exercise limits (increased as compared to the 900,000 limit in place prior to the SPY Pilot Program).[19]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[20] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders. The Exchange believes that the proposed rule change will result in continued opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes. Furthermore, the Exchange believes that the other options exchanges will file similar proposals with the Commission.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[21] and subparagraph (f)(6) of Rule 19b–4 thereunder.[22]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2018–022 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2018–022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BX–2018–022 and should be submitted on or before July 10, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13082 Filed 6–18–18; 8:45 am]

BILLING CODE 8011–01–P

[15] *See* note 10 above.

[16] *Id.*

[17] *See* note 11 above.

[18] *See* note 10 above.

[19] *See* note 8 above.

[20] 15 U.S.C. 78(f)(b)(8).

[21] 15 U.S.C. 78s(b)(3)(A)(iii).

[22] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[23] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83422; File No. SR–FINRA–2018–015]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend FINRA Rule 6433 To Adopt the OTC Quotation Tier Size Pilot as Permanent

June 13, 2018.

On April 20, 2018, Financial Industry Regulatory Authority, Inc. (''FINRA'')

filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend FINRA Rule 6433 to adopt the OTC quotation tier size pilot as permanent. The proposed rule change was published for comment in the **Federal Register** on May 7, 2018.[3] The Commission has received one comment letter on the proposed rule change.[4]

Section 19(b)(2) of the Act[5] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is June 21, 2018. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates August 5, 2018, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–FINRA–2018–015).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–13081 Filed 6–18–18; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C.78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 83129 (April 30, 2018), 83 FR 20131.

[4] *See* Letter from Eugene P. Torpey, Chief Compliance Officer, Vandham Securities Corp. (May 10, 2018). All comments on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-finra-2018-015/finra2018015.htm.*

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15555 and #15556; ALASKA Disaster Number AK–00038]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Alaska

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Alaska (FEMA–4369–DR), dated 06/08/2018.

Incident: Severe Storm.

Incident Period: 12/04/2017.

DATES: Issued on 06/08/2018.

Physical Loan Application Deadline Date: 08/07/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 03/08/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/08/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Areas: Kenai Peninsula Borough

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15555B and for economic injury is 155560.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2018–13108 Filed 6–18–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Surrender of License of Small Business Investment Company

Pursuant to the authority granted to the United States Small Business Administration under the Small Business Investment Act of 1958, as amended, under Section 309 of the Act and Section 107.1900 of the Small Business Administration Rules and Regulations (13 CFR 107.1900) to function as a small business investment company under the Small Business Investment Company License No. 05/75–0267 issued to Alpha Capital III SBIC, L.P., said license is hereby declared null and void.

United States Small Business Administration.

Dated: April 27, 2018.

A. Joseph Shepard,

Associate Administrator for Investment and Innovation.

[FR Doc. 2018–13101 Filed 6–18–18; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15553 and #15554; New Jersey Disaster Number NJ–00048]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New Jersey

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Jersey (FEMA–4368–DR), dated 06/08/2018.

Incident: Severe Winter Storm and Snowstorm.

Incident Period: 03/06/2018 through 03/07/2018.

DATES: Issued on 06/08/2018.

Physical Loan Application Deadline Date: 08/07/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 03/08/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/08/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bergen, Essex, Morris, Passaic, Somerset.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 15553B and for economic injury is 155540.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2018–13109 Filed 6–18–18; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15557 and #15558; New Hampshire Disaster Number NH–00042]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of New Hampshire

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Hampshire (FEMA–4370–DR), dated 06/08/2018.

Incident: Severe Storm and Flooding.

Incident Period: 03/02/2018 through 03/08/2018.

DATES: Issued on 06/08/2018.

Physical Loan Application Deadline Date: 08/07/2018.

Economic Injury (EIDL) Loan Application Deadline Date: 03/08/2019.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 06/08/2018, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Rockingham

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 155576 and for economic injury is 155580.

(Catalog of Federal Domestic Assistance Number 59008)

Rafaela Monchek,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2018–13106 Filed 6–18–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10442]

Notice of Issuance of a Presidential Permit to Borrego Crossing Pipeline, LLC

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: The Secretary of State issued a Presidential permit to Borrego Crossing Pipeline, LLC (''Borrego'') on May 25, 2018, authorizing Borrego to construct, connect, operate, and maintain pipeline facilities (''Borrego Pipeline facilities'') at the U.S.-Mexico border near Laredo, Texas, for the export of refined petroleum products, including gasoline, premium gasoline, ultra-low-sulfur diesel (''ULSD''), and jet fuels.

FOR FURTHER INFORMATION CONTACT: Richard W. Westerdale II, Bureau of Energy Resources, U.S. Department of State, 2201 C St. NW, Suite 4422, Washington, DC 20520, (202) 647–7947.

SUPPLEMENTARY INFORMATION: Additional information concerning the Borrego Pipeline facilities and documents related to the Department of State's review of the application for a Presidential permit can be found at *https://www.state.gov/e/enr/applicant/applicants/borregopipeline/index.htm.* Following is the text of the permit, as issued:

PRESIDENTIAL PERMIT AUTHORIZING BORREGO CROSSING PIPELINE, LLC TO CONSTRUCT, CONNECT, OPERATE, AND MAINTAIN PIPELINE FACILITIES AT THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES AND MEXICO

By virtue of the authority vested in me as Secretary of State, including those authorities under Executive Order 13337, 69 FR 25299 (2004); having considered the environmental effects of the proposed action consistent with the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1536), and other statutes relating to environmental concerns; having considered the proposed action consistent with the National Historic Preservation Act of 1966 (80 Stat. 917, 16 U.S.C. 470f *et seq.*); and having requested and received the views of members of the public, various federal and state agencies, and various Indian tribes; I hereby grant permission, subject to the conditions herein set forth, to Borrego Crossing Pipeline, LLC (hereinafter referred to as the ''permittee''), a limited liability company organized under the laws of the state of Delaware and a wholly owned subsidiary of Howard Midstream Energy Partners, LLC, with its principal place of business in San Antonio, Texas, to construct, connect, operate, and maintain pipeline facilities at the border of the United States and Mexico near Laredo, Texas, for the export of refined petroleum products, including gasoline, premium gasoline, ultra-low-sulfur diesel (''ULSD''), and jet fuels from the United States into Mexico.

The term ''facilities'' as used in this permit means the relevant portion of the pipeline and any land, structures, installations, or equipment appurtenant thereto.

The term ''United States facilities'' as used in this permit means those parts of the facilities located in the United States. The United States facilities consist of a 20-inch diameter pipeline for the transport of up to 150,000 barrels per day of refined petroleum products, including gasoline, premium

gasoline, ULSD, and jet fuels, extending from the border between the United States and Mexico underneath the Rio Grande at a point approximately 9.2 miles northwest of Laredo, Texas, to the first mainline shutoff valve in the United States located approximately 0.25 miles from the international border.

The United States facilities also include certain appurtenant facilities, including such metering facilities as are required by the Commissioner of U.S. Customs and Border Protection.

This permit is subject to the following conditions:

Article 1. (1) The United States facilities herein described, and all aspects of their operation, shall be subject to all the conditions, provisions, and requirements of this permit and any amendment thereof. This permit may be terminated or amended at any time at the discretion of the Secretary of State or the Secretary's delegate or upon proper application therefor. The permittee shall make no substantial change in the United States facilities, the location of the United States facilities, or in the operation authorized by this permit until such changes have been approved by the Secretary of State or the Secretary's delegate.

(2) The construction, operation, and maintenance of the United States facilities shall be in all material respects as described in the permittee's application for a Presidential permit under Executive Order 13337, filed on August 12, 2016, and consistent with the resource protection measures identified in the Final Environmental Assessment (EA), dated January 2018.

Article 2. The standards for, and the manner of, the construction, connection, operation, and maintenance of the United States facilities shall be subject to inspection and approval by the representatives of appropriate federal, state and local agencies. The permittee shall allow duly authorized officers and employees of such agencies free and unrestricted access to said facilities in the performance of their official duties.

Article 3. The permittee shall comply with all applicable federal, state, local, and tribal laws and regulations regarding the construction, connection, operation, and maintenance of the United States facilities and with all applicable industrial codes. The permittee shall obtain requisite permits from relevant state and local governmental entities, and relevant federal agencies.

Article 4. All construction, connection, operation, and maintenance of the United States facilities under this permit shall be subject to the limitations, terms, and conditions issued by any competent agency of the U.S. government. The permittee shall continue the operations hereby authorized and conduct maintenance in accordance with such limitations, terms, and conditions. Such limitations, terms, and conditions could address, for example, environmental protection and mitigation measures, safety requirements, export or import and customs regulations, measurement capabilities and procedures, requirements pertaining to the pipeline's capacity, and other pipeline regulations. This permit shall continue in force and effect only so long as the permittee shall continue the operations hereby authorized in accordance with such limitations, terms, and conditions.

Article 5. Upon the termination, revocation, or surrender of this permit, and unless otherwise agreed by the Secretary of State or the Secretary's delegate, the United States facilities in the immediate vicinity of the international boundary shall be removed by and at the expense of the permittee within such time as the Secretary of State or the Secretary's delegate may specify, and upon failure of the permittee to remove, or to take such other appropriate action with respect to, this portion of the United States facilities as ordered, the Secretary of State or the Secretary's delegate may direct that possession of such facilities be taken and that they be removed or other appropriate action taken, at the expense of the permittee; and the permittee shall have no claim for damages by reason of such possession, removal, or other action.

Article 6. When, in the opinion of the President of the United States, the national security of the United States demands it, due notice being given by the Secretary of State or the Secretary's delegate, the United States shall have the right to enter upon and take possession of any of the United States facilities or parts thereof; to retain possession, management, or control thereof for such length of time as may appear to the President to be necessary; and thereafter to restore possession and control to the permittee. In the event that the United States shall exercise such right, it shall pay to the permittee just and fair compensation for the use of such United States facilities upon the basis of a reasonable profit in normal conditions, and the cost of restoring said facilities to as good condition as existed at the time of entering and taking over the same, less the reasonable value of any improvements that may have been made by the United States.

Article 7. Any transfer of ownership or control of the United States facilities or any part thereof shall be immediately notified in writing to the Department of State, including the submission of information identifying the transferee. This permit shall remain in force subject to all the conditions, permissions and requirements of this permit and any amendments thereto unless subsequently terminated or amended by the Secretary of State or the Secretary's delegate.

Article 8. (1) The permittee is responsible for acquiring any right-of-way grants or easements, permits, and other authorizations as may become necessary and appropriate.

(2) The permittee shall hold harmless and indemnify the United States from any claimed or adjudged liability arising out of construction, connection, operation, or maintenance of the facilities, including but not limited to environmental contamination from the release or threatened release or discharge of hazardous substances and hazardous waste.

(3) The permittee shall maintain the United States facilities and every part thereof in a condition of good repair for their safe operation, and in compliance with prevailing environmental standards and regulations.

Article 9. The permittee shall take all necessary measures to prevent or mitigate adverse impacts on or disruption of the human environment in connection with the construction, connection, operation, and maintenance of the United States facilities. Such measures will include the resource protection measures found in the EA and any that are approved in the future by the Department of State or other relevant federal or state agencies, as well as any other measures deemed prudent by the permittee.

Article 10. The permittee shall file with the appropriate agencies of the U.S. government such statements or reports under oath with respect to the United States facilities, and/or permittee's activities and operations in connection therewith, as are now, or may hereafter, be required under any laws or regulations of the U.S. government or its agencies. The permittee shall file electronic Export Information where required.

Article 11. The permittee shall provide information upon request to the Department of State with regard to the United States facilities. Such requests could include, for example, information concerning current conditions or anticipated changes in ownership or control, construction, connection, operation, or maintenance of the United States facilities.

Article 12. The permittee shall provide written notice to the Department of State at such time as the construction authorized by this permit is begun, at such time as construction is completed, interrupted, or discontinued, and at other times as may be designated by the Department of State.

Article 13. This permit shall expire five years from the date of issuance in the event that the permittee has not commenced construction of the United States facilities by that deadline.

In witness whereof, I, Secretary of State, have hereunto set my hand this 25th day of May 2018 in the City of Washington, District of Columbia.

Michael R. Pompeo,
Secretary of State

End of permit text.

Richard W. Westerdale II,

Senior Advisor, Energy Resources Bureau, U.S. Department of State.

[FR Doc. 2018–12918 Filed 6–18–18; 8:45 am]

BILLING CODE 4710–AE–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR–2018–0010; Dispute Number WT/DS539]

WTO Dispute Settlement Proceeding Regarding Korea—Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is

providing notice that the Republic of Korea (Korea) has requested the establishment of a dispute settlement panel under the *Marrakesh Agreement Establishing the World Trade Organization* (WTO Agreement). That request may be found at *www.wto.org* in a document designated as WT/DS539/6. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, you should submit your comment on or before July 16, 2018, to be assured of timely consideration by USTR.

ADDRESSES: USTR strongly prefers electronic submissions made the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments in Section III below. The docket number USTR–2018–0010. For alternatives to on-line submissions, please contact Sandy McKinzy at (202) 395–9483.

FOR FURTHER INFORMATION CONTACT: Associate General Counsel Brian Janovitz at (202) 395–7139 or Assistant General Counsel Philip Butler at (202) 395–5804.

SUPPLEMENTARY INFORMATION:

I. Background

Section 127(b)(1) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires notice and opportunity for comment after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Pursuant to this provision, USTR is providing notice that the United States has received a request for a dispute settlement panel pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes.* The WTO has established a dispute settlement panel, and the panel will hold its meetings in Geneva, Switzerland.

II. Major Issues Raised by the Republic of Korea

On April 16, 2018, Korea requested the establishment of a WTO dispute settlement panel regarding the use by the U.S. Department of Commerce (DOC) of facts available in various segments of the following investigations:

- *Anti-Dumping Duties on Certain Corrosion-Resistant Steel Products from the Republic of Korea* (DOC investigation number A–580–878).
- *Anti-Dumping Duties on Certain Cold-Rolled Steel Flat Products from the Republic of Korea* (USDOC investigation number A–580–881).
- *Countervailing Duties on Certain Cold-Rolled Steel Flat Products from the Republic of Korea* (DOC investigation number C–580–882).
- *Anti-Dumping Duties on Certain Hot-Rolled Steel Flat Products from the Republic of Korea* (DOC investigation number A–580–883).
- *Countervailing Duties on Certain Hot-Rolled Steel Flat Products from the Republic of Korea* (DOC investigation number C–580–884).
- *Anti-Dumping Duties on Large Power Transformers from the Republic of Korea* (DOC investigation number A–580–867).

Korea alleges that the challenged measures are inconsistent with U.S. WTO obligations under Article 6.8 and Annex II of the Anti-Dumping Agreement and Article 12.7 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement). Korea further alleges that the United States failed to comply with a number of supposedly related procedural and substantive obligations under the Anti-Dumping Agreement and the SCM Agreement.

In addition, Korea alleges that section 776 of the Tariff Act of 1930, codified at 19 U.S.C. 1677e, as amended by section 502 of the Trade Preferences Extension Act of 2015, and the certain related legal provisions governing the use of facts available, are ''as such'' inconsistent with the Anti-Dumping Agreement and the SCM Agreement. Korea also challenges DOC's ''use of adverse facts available'' as a purported ''ongoing conduct, or rule or nom'' when DOC allegedly ''selects facts from the record that are adverse to the interests of the foreign producers or exporters without (i) establishing that the adverse inferences can reasonably be drawn in light of the degree of cooperation received, and (ii) ensuring that such facts are the 'best information available' in the particular circumstances.''

III. Public Comments: Requirements for Submissions

USTR invites written comments concerning the issues raised in this dispute. All submissions must be in English and sent electronically via *www.regulations.gov.* To submit comments via *www.regulations.gov,* enter docket number USTR–2018–0010 on the home page and click ''search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ''notice'' under ''document type'' on the left side of the search-results page, and click on the link entitled ''comment now!'' For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on ''How to Use *Regulations.gov*'' on the bottom of the home page.

The *www.regulations.gov* website allows users to provide comments by filling in a ''type comment'' field, or by attaching a document using an ''Upload file'' field. USTR prefers that comments be provided in an attached document. If a document is attached, it is sufficient to type ''see attached'' in the ''type comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the ''type comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC.'' Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top and bottom of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing business confidential information also must submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments or rebuttal comments. If these products are not sufficient to protect business confidential information or otherwise protect business interests, please contact Sandy McKinzy at (202) 395–9483 to discuss whether alternative arrangements are possible.

USTR may determine that information or advice contained in a comment, other than business confidential information, is confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If a submitter believes that information or advice is confidential, s/he must clearly designate the information or advice as confidential and mark it as ''SUBMITTED IN CONFIDENCE'' at the top and bottom of the cover page and each succeeding page, and provide a

non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a docket on this dispute settlement proceeding, docket number USTR–2018–0010, accessible to the public at *www.regulations.gov*. The public file will include non-confidential public comments USTR receives regarding the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, USTR will make the following documents publicly available at *www.ustr.gov*: The U.S. submissions and any non-confidential summaries of submissions received from other participants in the dispute. If a dispute settlement panel is convened, or in the event of an appeal from a panel, the report of the panel, and, if applicable, the report of the Appellate Body, will also be available on the website of the World Trade Organization, at *www.wto.org.*

Juan Millan,

Assistant United States Trade Representative for Monitoring and Enforcement, Office of the U.S. Trade Representative.

[FR Doc. 2018–13066 Filed 6–18–18; 8:45 am]

BILLING CODE 3290–F8–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation Advisory Board—Notice of Public Meetings

AGENCY: Saint Lawrence Seaway Development Corporation (SLSDC); DOT.

ACTION: Notice of Public Meeting.

SUMMARY: This notice announces the public meeting via conference call of the Saint Lawrence Seaway Development Corporation Advisory Board.

DATES: The public meeting will be held on (all times Eastern):

- Monday, July 23, 2018 from 2:00 p.m.–4:00 p.m. EST

ADDRESSES: The meeting will be held via conference call at the SLSDC's Headquarters, 55 M Street SE, Suite 930, Washington, DC 20003.

FOR FURTHER INFORMATION CONTACT: Wayne Williams, Chief of Staff, Saint Lawrence Seaway Development Corporation, 1200 New Jersey Avenue SE, Washington, DC 20590; 202–366–0091

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation (SLSDC). The agenda for this meeting will be as follows:

July 23, 2018 From 2:00 p.m.–4:00 p.m. EST

1. Opening Remarks
2. Consideration of Minutes of Past Meeting
3. Quarterly Report
4. Old and New Business
5. Closing Discussion
6. Adjournment.

Public Participation

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact the person listed under the heading, **FOR FURTHER INFORMATION CONTACT**, not later than Friday, July 13, 2018. Any member of the public may present a written statement to the Advisory Board at any time.

Issued on June 14, 2018.

Carrie Lavigne,

Chief Counsel, Saint Lawrence Seaway Development Corporation.

[FR Doc. 2018–13131 Filed 6–18–18; 8:45 am]

BILLING CODE 4910–61–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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 proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). The IRS is soliciting comments concerning third-party disclosure requirements in IRS regulations.

DATES: Written comments should be received on or before August 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Sandra Lowery at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sandra.J.Lowery@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Third-Party Disclosure Requirements in the IRS Regulations.

OMB Number: 1545–1466.

Abstract: These existing regulations contain third-party disclosure requirements that are subject to the Paperwork Reduction Act of 1995.

Current Actions: There are no changes being made to these regulations at this time however IRS is reducing burden associated with duplicative regulations accounted for in other OMB control number collections.

Type of Review: Revision of currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 130,720,403.

Estimated Time per Respondent: Varies. Average response time 15 minutes.

Estimated Total Annual Burden Hours: 33,934,347.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of

information on respondents, including through the use of automated collection techniques or other forms of information technology, and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 7, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–13075 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Joint Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Joint Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held July 10, 2018, and July 11, 2018.

FOR FURTHER INFORMATION CONTACT: Lisa Billups at 1–888–912–1227 or (214) 413–6523.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Joint Committee will be held Tuesday, July 10, 2018 and Wednesday, July 11, 2018, from 8:30 a.m. to 5:00 p.m. Eastern Standard Time. The public is invited to make oral comments or submit written statements for consideration. Notification of intent to participate must be made with Lisa Billups. For more information please contact Lisa Billups at 1–888–912–1227 or (214) 413–6523, or write TAP Office, 1114 Commerce Street, Dallas, TX 75242–1021, or post comments to the website: *http://www.improveirs.org.*

The agenda will include various committee issues for submission to the IRS and other TAP related topics. Public input is welcomed.

Dated: June 13, 2018.

Antoinette Ross,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–13078 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Qualified Transportation Fringe Benefits

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning qualified transportation fringe benefits.

DATES: Written comments should be received on or before August 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Qualified transportation fringe benefits.

OMB Number: 1545–1676.

Regulation Project Number: TD 8933.

Abstract: These regulations provide guidance to employers that provide qualified transportation fringe benefits under section 132(f), including guidance to employers that provide cash reimbursement for qualified transportation fringes and employers that offer qualified transportation fringes in lieu of compensation. Employers that provide cash reimbursement are required to keep records of documentation received from employees who receive reimbursement. Employers that offer qualified transportation fringes in lieu of compensation are required to keep records of employee compensation reduction elections.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individual or households, and not-for-profit institutions.

Estimated Number of Respondents: 48,589,824.

Estimated Time per Respondent: 16 min.

Estimated Total Annual Burden Hours: 12,968,728.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: June 13, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–13074 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Form 712, Life Insurance Statement

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 712, Life Insurance Statement.

DATES: Written comments should be received on or before August 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Life Insurance Statement.

OMB Number: 1545–0022.

Regulation Project Number: Form 712.

Abstract: Form 712 provides taxpayers and the IRS with information to determine if insurance on the decedent's life is includible in the gross estate and to determine the value of the policy for estate and gift tax purposes. The tax is based on the value of the life insurance policy.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 60,000.

Estimated Time per Respondent: 18 hrs., 40 min.

Estimated Total Annual Burden Hours: 1,120,200.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: June 13, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–13079 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Extension of Information Collection Request Submitted for Public Comment; Hedging Transactions

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the guidance for taxpayers regarding when gain or loss from common business hedging transactions is considered for tax purposes.

DATES: Written comments should be received on or before August 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Roberto Mora-Figueroa, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to R. Joseph Durbala, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *RJoseph.Durbala@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Clear Reflection of Income in the Case of Hedging Transactions.

OMB Number: 1545–1412.

Regulation Project Number: TD 8554.

Abstract: These final regulations provide guidance to taxpayers regarding when gain or loss from common business hedging transactions is recognized for tax purposes. Paragraph (d) of § 1.446–4 requires that the books and records maintained by a taxpayer disclose the method or methods used to account for different types of hedging transactions. The purpose of this rule is to ensure that the taxpayer has such records as are necessary to allow a Service examiner to determine whether the method of accounting used by the taxpayer for a transaction clearly reflects income.

Current Actions: There is no change to the burden previously approved.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time per Respondent: 12 min.

Estimated Total Annual Burden Hours: 20,000.

The following paragraph applies to all the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained if their contents may become material in the administration of any

internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Desired Focus of Comments: The Internal Revenue Service (IRS) is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* by permitting electronic submissions of responses.

Comments submitted in response to this notice will be summarized and/or included in the ICR for OMB approval of the extension of the information collection; they will also become a matter of public record.

Approved: June 13, 2018.

R. Joseph Durbala,

IRS Tax Analyst.

[FR Doc. 2018–13076 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8881

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 8881, Credit for Small Employer Pension Plan Startup Costs.

DATES: Written comments should be received on or before August 20, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sara Covington, at (202) 317–6038, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at *Sara.L.Covington@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Credit for Small Employer Pension Plan Startup Costs.

OMB Number: 1545–1810.

Form Number: 8881.

Abstract: Qualified small employers use Form 8881 to claim a credit for start up costs related to eligible retirement plans. Form 8881 implements section 45E, which provides a credit based on costs incurred by an employer in establishing or administering an eligible employer plan or for the retirement-related education of employees with respect to the plan. The credit is 50% of the qualified costs for the tax year, up to a maximum credit of $500 for the first tax year and each of the two subsequent tax years.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 66,667.

Estimated Time per Respondent: 3 hours, 32 minutes.

Estimated Total Annual Burden Hours: 235,335.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 12, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–13073 Filed 6–18–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Matching Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of a new matching program.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a computer matching program with the Internal Revenue Service (IRS). Data from the proposed match will be used to verify the unearned income of nonservice-connected veterans, and those veterans who are zero percent service-connected (noncompensable), whose eligibility for VA medical care is based on their inability to defray the cost of medical care. These veterans supply household income information that includes their spouses and dependents at the time of application for VA health care benefits.

DATES: Comments on this matching program must be received no later than July 19, 2018. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by VA, the new agreement will become effective July 1, 2018, provided it is a minimum of 30 days after date of publication in the **Federal Register**. If VA receives public comments, VA shall review the comments to determine whether any

changes to the notice are necessary. This matching program will be valid for 18 months from the effective date of this notice.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov* by mail or hand-delivery to the Director, Regulations Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1068, Washington, DC 20420; or by fax to (202) 273–9026 (not a toll-free number). Comments should indicate that they are submitted in response to Matching Program IRS/VA. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: LeRoy F. Garcia, Acting Director, Health Eligibility Center, (404) 848–5300 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has statutory authorization under 38 U.S.C. 5317, 38 U.S.C. 5106, 26 U.S.C. 6103(l)(7)(D)(viii) and 5 U.S.C. 552a to establish matching agreements and request and use income information from other agencies for purposes of verification of income for determining eligibility for benefits. 38 U.S.C. 1710(a)(2)(G), 1710(a)(3), and 1710(b) identify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status. Eligibility for nonservice-connected and zero percent noncompensable service-connected veterans is determined based on the veteran's inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722. This determination can affect their responsibility to participate in the cost of their care through copayments and their assignment to an enrollment priority group. The goal of this match is to obtain IRS unearned income information data needed for the income verification process. The VA records involved in the match are ''Income Verification Records—VA'' (89VA10NB). The IRS records are from the Information Return Master File (IRMF) Process File, Treas/IRS 22.061, through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program. A copy of this notice has been sent to both Houses of Congress and OMB.

Participating Agencies: Department of Veterans Affairs/Veteran HealthAdministration and Internal Revenue Service.

Authority for Conducting the Matching Program: This agreement is executed under the Privacy Act of 1974, 5 United States Code (U.S.C.) § 552a, as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder. Legal authority for the disclosures under this agreement is 38 U.S.C. 5106 and 5317, and 26 U.S.C. 6103(l)(7)(D)(viii). Under 38 U.S.C. 1710, VA/VHA has a statutory obligation to collect income information from certain applicants for medical care and to use that income data to determine the appropriate eligibility category for the applicant's medical care. 26 U.S.C. 6103(l)(7) authorizes the disclosure of tax return information with respect to net earnings from self-employment and wages, as defined by relevant sections of the Internal Revenue Code (IRC), to Federal, state, and local agencies administering certain benefit programs under Title 38 of the U.S.C.

Purpose(s): To identify and verify those veterans whose basic eligibility for medical care benefits is dependent upon their financial status and ensure they are in the correct Priority Group and copayment status.

Categories of Individuals: Nonservice-connected and zero percent noncompensable service-connected veterans who are in Priority Group 5 based on their inability to defray the expenses for necessary care as defined in 38 U.S.C. 1722.

Categories of Records: The VA records involved in the match are ''Income Verification Records—VA'' (89VA10NB). The IRS will provide return information with respect to unearned income from the Information Return Master File (IRMF) Process File, Treas/IRS 22.061.

System(s) of Records: VHA's System of Records entitled ''Income Verification Records—VA'' (89VA10NB) (Routine use nineteen (19)), as published at 73 FR 26192 (May 8, 2008), and updated at 78 FR 76897 (December 19, 2013). IRS will extract return information with respect to unearned income from the Information Return Master File (IRMF) Processing File, Treas/IRS 22.061, as published at 80 FR 54081 (September 8, 2015), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

Signing Authority

The Senior Agency Official for Privacy, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. John Buck, Director for the Office of Privacy, Information and Identity Protection, Department of Veterans Affairs approved this document on June 13, 2018 for publication.

Dated: June 14, 2018.

Kathleen M. Manwell,

Program Analyst, VA Privacy Service, Office of Privacy, Information and Identity Protection, Quality, Privacy and Risk, Office of Information and Technology, Department of Veterans Affairs.

[FR Doc. 2018–13135 Filed 6–18–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0132]

Agency Information Collection Activity: Application in Acquiring Specially Adapted Housing or Special Adaptation Grant

AGENCY: Loan Guaranty Service, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Loan Guaranty Service, 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 July 19, 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 *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0132'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk (OQPR), 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. 2900–0132'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 2108.

Title: Application in Acquiring Specially Adapted Housing or Special Adaptation Grant.

OMB Control Number: 2900–0132.

Type of Review: Extension of a currently approved collection.

Abstract: Title 38, U.S.C., chapter 21, authorizes a VA program of grants for specially adapted housing for disabled veterans or servicemembers. Section 2101(a) of this chapter specifically outlines those determinations that must be made by VA before such grant is approved for a particular veteran or servicemember. VA Form 26–4555 is used to gather the necessary information to determine Veteran eligibility for the SAH or SHA grant.

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 12654 on March 22, 2018, pages 12654–12655.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,166 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 7,000 per year.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–13100 Filed 6–18–18; 8:45 am]

BILLING CODE 8320–01–P

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DEPARTMENT OF TRANSPORTATION

49 CFR Part 11

Federal Policy for the Protection of Human Subjects: Six Month Delay of the General Compliance Date of Revisions While Allowing the Use of Three Burden-Reducing Provisions During the Delay Period

AGENCY: Department of Homeland Security; Department of Agriculture; Department of Energy; National Aeronautics and Space Administration; Department of Commerce; Consumer Product Safety Commission; Social Security Administration; Agency for International Development; Department of Housing and Urban Development; Department of Labor; Department of Defense; Department of Education; Department of Veterans Affairs; Environmental Protection Agency; Department of Health and Human Services; National Science Foundation; and Department of Transportation.

ACTION: Final rule.

SUMMARY: In a final rule published on January 19, 2017, a number of federal departments and agencies revised to the Federal Policy for the Protection of Human Subjects (often referred to as the ''Common Rule''), which each department and agency adopted into regulations in its part of the Code of Federal Regulations (CFR). The Consumer Product Safety Commission (CPSC) adopted the same changes in a final rule published on September 18, 2017. The revised Common Rule was scheduled to become effective on January 19, 2018, with a general compliance date of the same date. By an interim final rule issued on January 17, 2018 and published in the **Federal Register** on January 22, 2018, federal departments and agencies delayed the effective date and the general compliance date for the revised Common Rule for a 6-month period, until July 19, 2018. The Department of Housing and Urban Development (HUD) published an interim final rule adopting the same regulatory changes on January 26, 2018. The revised Common Rule, including technical amendments made by the January 22, 2018 interim final rule, is referred to here as the ''2018 Requirements.''

On April 20, 2018, the federal departments and agencies listed here published a notice of proposed rulemaking (NPRM) proposing and seeking comments as to whether the general compliance date for the 2018 Requirements should be delayed for an additional 6-month period. The NPRM also proposed and sought comments on whether to allow regulated entities to implement certain burden-reducing provisions of the 2018 Requirements in specified circumstances during such continued delay period.

Through this final rule, we are adopting the proposals described in the April 20, 2018 NPRM. This rule delays the general compliance date for the 2018 Requirements for an additional 6-month period, until January 21, 2019. As a result of this delay, regulated entities will be required, with an exception, to continue to comply with the requirements of the pre-2018 version of the Federal Policy for the Protection of Human Subjects (the ''pre-2018 Requirements'') until January 21, 2019. The one exception to this general rule is that institutions will be permitted (but not required) to implement, for certain research, three burden-reducing provisions of the 2018 Requirements during the delay period (July 19, 2018, through January 20, 2019). Those three provisions are: The revised definition of ''research,'' which deems certain activities not to be research covered by the Common Rule; the elimination of the requirement for annual continuing review with respect to certain categories of research; and the elimination of the requirement that institutional review boards (IRBs) review grant applications or other funding proposals related to the research. Institutions taking advantage of the three-burden reducing provisions must comply with all other pre-2018 Requirements during the delay period. The three burden-reducing provisions of the 2018 Requirements can only be implemented during the delay period with respect to studies initiated prior to January 21, 2019 that will transition to compliance with the revised Common Rule. Any study that implements these three burden-reducing provisions during the delay period must, beginning on January 21, 2019, comply with all of the 2018 Requirements for the balance of the study's duration.

DATES: *Effective date:* This rule is effective on July 19, 2018. *Compliance dates:* The general compliance date for the 2018 Requirements in the final rule published in the **Federal Register** (82 FR 7149, Jan. 19, 2017) and of the final rule published by the Consumer Product Safety Commission in the **Federal Register** (82 FR 43459, Sept. 18, 2017), which were delayed in the interim final rule published in the **Federal Register** (83 FR 2885, Jan. 22, 2018), and adopted by HUD through an interim final rule published in the **Federal Register** (83 FR 3589, Jan. 26, 2018), with the exception of § _____.114(b), is further delayed until January 21, 2019. The

compliance date for § _____.114(b) (cooperative research) remains January 20, 2020.

ADDRESSES: Jerry Menikoff, M.D., J.D., Office for Human Research Protections, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852.

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SUPPLEMENTARY INFORMATION:

I. Background

On January 19, 2017, the Department of Health and Human Services (HHS) and other federal departments and agencies published a final rule revising the Federal Policy for the Protection of Human Subjects (generally referred to as ''the Common Rule''). 82 FR 7149. The CPSC adopted the same regulatory changes in a separate final rule published on September 18, 2017. 82 FR 43459. The revised Common Rule was originally scheduled to become effective on January 19, 2018, with a general compliance date of January 19, 2018 (with the exception of the revisions to the cooperative research provision at § _____.114(b), which has a compliance date of January 20, 2020).

Some representatives of the regulated community expressed concern regarding their ability to implement all of the 2018 Requirements by the scheduled general compliance date.[1]

On January 17, 2018, HHS and other federal departments and agencies placed on display at the Office of the **Federal Register** an interim final rule delaying the effective date and general compliance date of the 2018 Requirements to July 19, 2018. 83 FR 2885 (published January 22, 2018). This rule did not impact the compliance date for the cooperative research provision at § _____.114(b), which remained January 20, 2020. On January 26, 2018, HUD published an interim final rule adopting the interagency interim final rule. 83 FR 3589.

On April 20, 2018, federal departments and agencies published a notice of proposed rulemaking (NPRM) soliciting comments on two proposals. 83 FR 17595. The first proposed an additional 6-month delay for the general compliance date for the 2018 Requirements (from July 19, 2018 to January 21, 2019). The second proposed a flexibility that would allow regulated entities to take advantage of three burden-reducing provisions of the 2018 Requirements during the delay period. Both proposals are described more fully below, together with a discussion of the public comments submitted, and our response to public comments. For the reasons provided below, this final rule adopts the proposals set forth in the NPRM.

II. Public Comments and Response to Comments

A. 2018 Interim Final Rule and 2018 NPRM Public Comment Summary

Public comment was solicited on the interim final rule between January 22, 2018 and March 19, 2018. Public comment was solicited on the NPRM to delay the implementation of the 2018 Requirements while permitting the use of three burden-reducing provisions of the 2018 Requirements between April 20, 2018 and May 21, 2018.

We received 62 public comments on the interim final rule. Of these, 36 comments were related to the Common Rule. The remaining 26 comments were not related to the Common Rule in any way. We received 73 comments on the NPRM. Five of these comments were not related to the Common Rule.

Several common themes emerged from the public comments on the interim final rule and the NPRM. These included:

—The need for the regulated community to have as much advance notice as possible about any delay in implementing the 2018 Requirements.

—The need for guidance to be issued promptly.

—General support for a delay of the general compliance date, with more limited support for a delay beyond January, 2019. This support, however, was generally tied to concern with whether Common Rule departments and agencies will be able to issue guidance in a timely fashion prior to the new general compliance date of January 21, 2019.

Both sets of comments tended to endorse some type of delay beyond July 19, 2018 in the general compliance date for the 2018 Requirements. Comments on the interim final rule tended to suggest that institutions be permitted to voluntarily implement the 2018 Requirements in their entirety at any time after July 19, 2018, while comments on the NPRM indicated broad support for the narrower approach of permitting the voluntary use of three burden-reducing provisions during the delay period.

B. Public Comments on the January 22, 2018 Interim Final Rule and Response to Comments

As well as soliciting comments on the delay of the implementation of the 2018 Requirements, the interim final rule solicited comments on the following:

—Whether or not the interim final rule should be considered regulatory or de-regulatory.

—Whether or not our assumption that 50 percent of regulated entities would have gone forward using the new or expanded exemption categories, had the implementation date of the 2018 Requirements remained January 19, 2018, was correct.

We received no comments on our assumption that 50 percent of regulated entities would have gone forward using the new or expanded exemption categories had the implementation date of the 2018 Requirements remained January 19, 2018. We received one comment addressing whether or not the interim final rule should be considered regulatory or de-regulatory. This comment indicated that the 2018 Requirements should be considered de-regulatory, without commenting on the regulatory or de-regulatory status of the interim final rule.

Of the 36 comments received on the interim final rule related to the Common Rule (and more specifically on delaying the effective and general compliance dates of the 2018 Requirements to July 19, 2018), several themes were present. Many of these comments discussed issues with the timing and issuance of the interim final rule, claiming that the fact that it was put on public display in the **Federal Register** 48 hours before the original implementation date caused chaos and confusion in the regulated community. Several commenters described what they categorized as chaos that ensued when the interim final rule was put on public display 48 hours before the original effective date and general compliance date for the 2018 Requirements. This rollout created administrative burdens for institutions,

[1] See, *e.g.,* the June 21, 2017 letter to Jerry Menikoff from the Association of American Medical Colleges, Association of American Universities, Association of Public & Land-grant Universities, and Council on Governmental Relations, available at *https://www.aamc.org/download/480840/data/aamcissuesjointletteroncommonrule.pdf.*

See the June 9, 2017 letter to Secretary Thomas Price from the American Medical Informatics Association at *https://www.amia.org/sites/default/files/AMIA%20Letter%20Regarding%20the%20Common%20Rule.pdf.*

See also August 2, 2017 SACHRP Letter to HHS Secretary, Attachment A- Recommendations on Compliance Dates and Transition Provisions, *https://www.hhs.gov/ohrp/sachrp-committee/recommendations/attachment/a/august/2/2017/index.html.*

as many had changed IT systems, training programs, and other operational tasks and then had to hastily undo these changes. Another commenter described the issuance of the interim final rule and the relative silence from Common Rule departments and agencies in the period since publication of the 2018 Requirements (in the January 19, 2017 final rule) as a betrayal of IRBs.

Additionally, commenters expressed concern that given the short timeline between the closing of the comment period and the new general implementation date of July 19, 2018, any further delay of the 2018 Requirements would similarly create chaos and confusion in the regulated community. Commenters also generally expressed that the 6-month delay granted by the interim final rule created a situation in which regulated entities that were ready to implement the 2018 Requirements in January 2018 had to spend the personnel hours to ''undo'' these changes, which seemed contradictory to the overall goal of the revisions to the Common Rule of reducing administrative burden. A few commenters focused entirely on how the relative silence by Common Rule departments and agencies since publication of the 2018 Requirements has created a confusing environment for this regulated community and requested more transparency from the regulating departments and agencies in the future.

[*Response:* We acknowledge that the timing of the interim final rule was not ideal and led to frustration within the regulated community. We believe that the 2018 NPRM and this final rule to delay the general compliance date for the 2018 Requirements while permitting the use of three burden-reducing provisions of the 2018 Requirements provides the regulated community with sufficient notice about when the 2018 Requirements will go into effect, and when regulated entities will be required to comply with the 2018 Requirements.]

Almost half of the comments related to the Common Rule advocated for the Common Rule departments and agencies to retain the July 19, 2018 effective date for the 2018 Requirements, and to delay the general compliance date. These commenters argued that during the period between the effective date and delayed general compliance date, institutions should be permitted to voluntarily comply (on a study-by-study basis) with the 2018 Requirements. A couple of these comments advocated for institutions to be able to implement select 2018 Requirements during this voluntary compliance period, as opposed to choosing to comply with the entirety of the 2018 Requirements, in order to provide institutions with the most flexibility. A majority of the comments described in this paragraph advocated for delaying the general compliance date to January 21, 2019, as these commenters did not believe that full compliance with the 2018 Requirements would be possible by July 19, 2018. A few commenters advocated delaying the general compliance date beyond January 21, 2019 to permit institutions as much time as possible to comply with the 2018 Requirements

One commenter suggested that both the effective and general compliance dates be delayed by 6 months to one year after Common Rule departments and agencies issue critical guidance documents. Other commenters suggested that Common Rule departments and agencies should be given a date by which they must publish key guidance documents. Several comments included a description of guidance documents that they would like for Common Rule departments and agencies to focus on initially. Suggestions included: OHRP's decision charts, key information in informed consent, broad consent, and continuing review (§ _____.109(f)).

Some of the comments relevant to the Common Rule advocated for no additional delay in the implementation of the 2018 Requirements beyond July 19, 2018. These comments argued that institutions and Common Rule departments and agencies have had sufficient time to prepare for the implementation of the Rule. One comment suggested that while guidance would certainly be helpful, it is possible to implement the Rule without such guidance, as evidenced by the fact that many institutions were ready to implement the 2018 Requirements before the publication of the interim final rule.

Several commenters also addressed whether certain aspects of the 2018 Requirements would be difficult to implement in the absence of agency guidance. These commenters acknowledged the importance of guidance to implement many areas of the 2018 Requirements but noted that the confusion and chaos created by late-breaking announcements of delays in the implementation of the 2018 Requirements ultimately caused more administrative burden within institutions. One large public university system in the United States indicated that if guidance is issued after institutions have revised their policies, procedures, and IT systems, it likely will create a burdensome situation where policies, procedures, and IT systems will need to be revised again to comport with department and agency guidance.

[*Response:* We agree with interim final rule comments suggesting that we keep the effective date of the 2018 Requirements as July 19, 2018, while delaying the general compliance date. While we considered the alternative of amending the transition provision to permit institutions to voluntarily comply with the revised rule beginning on July 19, 2018, and not requiring compliance with the new rule until January 21, 2019 or later, we believe this approach could result in confusion regarding implementation of the revised Common Rule that could be minimized with the issuance of guidance from the Common Rule departments and agencies. By adopting the changes proposed in the NPRM, we believe the Common Rule departments and agencies will be able to issue relevant guidance documents that will better enable the regulated community to comply with the 2018 Requirements. As described in the NPRM, we also considered a delay to the effective and general compliance dates without proposing this additional option in the interim period. Such an approach would be simple to implement. We decided against finalizing this alternative to be responsive to public comments received and in an effort to minimize burdens with respect to new provisions that will not be difficult to implement prior to the general compliance date of the 2018 Requirements.

We recognize the difficulty in implementing the 2018 Requirements in the absence of guidance and will strive to issue guidance on key aspects of the 2018 Requirements as quickly as possible, while also engaging stakeholders.]

A small subset of comments suggested additional revisions to the Common Rule. For example, one commenter discussed the inclusion of a provision that would permit parents to decline certain procedures on behalf of their children.

[*Response:* This comment listed several clinical procedures done in the routine course of medical care. Such activities are outside of the scope of the Common Rule, and thus are outside of the scope of this rulemaking.]

Others discussed concerns with the waiver provision at § _____.101(i) and suggested that this provision be strengthened such that departments and agencies are only permitted to waive the Common Rule with regard to certain research activities when such a waiver

is consistent with the Belmont Report.[2] One commenter also suggested that the Clinton Memorandum[3] concerning requirements pertaining to classified research be fully implemented. These comments also referenced concerns with the carve-out form the definition of research pertaining to authorized operational activities in support of national security missions.

[*Response:* The January 19, 2017 final rule preamble stated ''[t]hese authorized operational activities, as determined by each agency, do not include research activities as defined by the Common Rule, nor have they ever in the past been considered regulated by the Common Rule. This category of activity is removed from the definition of research to make explicit that the requirements of the final rule do not apply to authorized operational activities in support of national security missions. This clarification is not intended to narrow the scope of the Common Rule. We do not believe that this category contradicts President Clinton's Memorandum of 1997 regarding classified research, because this category is merely clarifying what activities are not considered to meet the definition of research. The Clinton Memorandum calls for a number of requirements to be added to protections for classified research activities, but it does not address activities that are not considered research.'']

Some commenters expressed concerns with how the transition provision essentially creates a dual regulatory system for human subjects protections. One commenter explicitly advocated for the Common Rule to require all research subject to the Common Rule to comply with the 2018 Requirements by a certain date given the additional protections to subjects that the revised Common Rule affords research participants.

[*Response:* We agree that the transition provision at § _____.101(l) creates a system in which many institutions will need to be familiar with both versions of the Common Rule (if they elect to keep at least some previously initiated studies subject to the pre-2018 Requirements while their newly initiated studies are subject to the 2018 Requirements). However, we believe that the flexibility afforded by the transition provision is important for institutions to manage their operations while implementing the 2018 Requirements. We do not believe that this compromises the protection of human subjects.]

A few comments suggested that the general compliance date of the 2018 Requirements should coincide with FDA's revision of its human subjects protection regulations in order for there not to be a time period where FDA regulations are not harmonized with the other Common Rule departments and agencies.

[*Response:* With respect to the comments suggesting that the general compliance date of the 2018 Requirements should be tied to the FDA harmonization efforts with the Common Rule, we do not believe that this is necessary. FDA is currently working to harmonize its human subjects regulations with the 2018 Requirements, to the extent permitted by FDA's statutory authority and mandate. We do not believe it is necessary to further delay the 2018 Requirements' general compliance date as a result of a separate rulemaking effort.]

One commenter argued that the 2018 Requirements should not be implemented at all, as in their view, the pre-2018 Requirements adequately protect human subjects.

[*Response:* We disagree. We believe that the 2018 Requirements will provide a meaningful improvement in human subjects protection, while reducing administrative burden on institutions.]

A couple of commenters argued that the general compliance date for the cooperative research provision (§ _____.114) should be delayed to 2022.

[*Response:* We disagree with the comments suggesting that the compliance date for the cooperative research provision (§ _____.114(b)) needs to be delayed beyond January 2020. Public comments requesting this change have not provided specific evidence for why such a delay is necessary, nor for the assertion that implementing the single IRB of record in cooperative research requirement will not result in a reduction in burden.]

C. Public Comments on the April 20, 2018 NPRM and Response to Comments

The April 20, 2018 NPRM sought comment on two primary proposals: (1) The proposal to delay the general compliance date for the 2018 Requirements to January 21, 2019; and (2) whether institutions should be allowed to implement three burden-reducing provisions in the 2018 Requirements during the delay period from July 19, 2018 to January 21, 2019. The NPRM also solicited comment on the advisability of two alternative approaches to delaying the 2018 Requirements: (1) The alternative of delaying the effective date and general compliance date until January 21, 2019, but without the option to implement certain 2018 Requirements during that delay period; and (2) the alternative of delaying the effective date and general compliance date beyond January 21, 2019. The NPRM also solicited comment on whether the general compliance date for the 2018 Requirements should remain July 19, 2018.

The NPRM proposed to modify the transition provision at § _____.101(l) to permit an institution or IRB (and not just an IRB) to document the institution's decision to transition a study to comply with the 2018 Requirements. (We received no public comments on this proposal.)

A majority of comments that discussed the NPRM proposals supported some kind of delay to the implementation of the 2018 Requirements. A majority supported the NPRM proposals as drafted but indicated that their support was contingent upon the Common Rule departments and agencies issuing the relevant guidance prior to July 19, 2018 for the three burden-reducing provisions, and all other key guidance documents before the January 2019 general compliance date. In particular, commenters noted that critical guidance documents would need to be available to the regulated community at least four months prior to the proposed general compliance date of January 21, 2019. These commenters specifically stated that if critical guidance documents were not available by September 19, 2019, they would support an additional delay of the general compliance date.

Comments in response to the NPRM generally supported the position that many institutions need additional time to prepare to implement the 2018 Requirements, and that the Common Rule departments and agencies need more time to develop and issue guidance. Several commenters specifically noted that the Department of Veterans Affairs is not yet ready to implement the 2018 Requirements and needs more time.

Commenters suggested guidance documents that should be provided as quickly as possible to the regulated community. These suggestions included revising existing guidance, or issuing new guidance, as follows:

—Revised OHRP decision charts

[2] National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. Ethical Principles and Guidelines for the Protection of Human Subjects of Research. April 18, 1979. *https://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/.*

[3] Clinton, WJ. Strengthened Protections for Human Subjects of Classified Research. 62 FR 26367–26372. May 13, 1997. *https://www.gpo.gov/fdsys/pkg/FR-1997-05-13/pdf/97-12699.pdf.*

—Information on the § _____.116 clinical trial consent form posting location
—Limited IRB review
—Broad consent
—The new requirement that the informed consent give the prospective subject the information that a reasonable person would want to know in order to make an informed decision about research participation
—The new requirement that the informed consent begin with a concise and focused presentation of the key information that is most likely to assist a prospective subject or legally authorized representative in understanding the reasons why one might or might not want to participate in the research.
—Identifiability
—Privacy and confidentiality
—Benign behavioral interventions
—Continuing review

[*Response:* This final rule adopts the April 20, 2018 NPRM proposals, with minor changes made to the regulatory text for clarification and accuracy. As stated above, we agree with the comments that the issuance of guidance will be useful for institutions to be able to implement the 2018 Requirements, and are working to issue such guidance promptly. We appreciate the commenter input on topics for guidance to be issued by the departments and agencies.]

One commenter noted that if Common Rule departments and agencies envisioned a specific way that institutions or IRBs should document the use of the three burden-reducing provisions in the 2018 Requirements or document the fact that an ongoing study has transitioned to comply with the 2018 Requirements, that information must be communicated to the regulated community as soon as possible.

[*Response:* We do not believe that there is a need to prescribe how institutions document the decision to use the three burden-reducing provisions of the 2018 Requirements or the decision to transition a study to comply with the 2018 Requirements (on or after January 21, 2019), beyond the requirement that the institution or an IRB must document and date such determination. For example, this institutional determination could be documented in IRB meeting minutes, or in an IRB reviewer checklist (if an institution uses a checklist system). This institutional determination could also be documented in an institution's existing electronic system, if one exists, or in a spreadsheet created and maintained by the institution to keep track of which studies have been transitioned to the 2018 Requirements.]

Several alternatives were suggested for how a delay might be structured. These included:

—Permitting voluntary compliance with the entirety of the 2018 Requirements between July 19, 2018 and January 21, 2019
—Keeping the NPRM proposals related to decoupling the effective and general compliance dates and the early implementation of the three burden-reducing provisions of the 2018 Requirements, but delaying the effective date of the 2018 Requirements until at least one year after Common Rule departments and agencies have issued key guidance documents
—Delaying both the effective and general compliance dates until January 21, 2019
—Delaying both the effective and general compliance dates beyond January 21, 2019
—Permitting the use of the three burden-reducing provisions of the 2018 Requirements, but not requiring that studies taking advantage of this flexibility comply with the entirety of the 2018 Requirements on and after January 21, 2019.

A minority of comments indicated concern that the NPRM proposals would be confusing for the regulated community to implement accurately. However, several of these comments indicated that if the Common Rule departments and agencies determined that moving forward with a delay was still appropriate, the structure proposed in the NPRM would be acceptable.

Regardless of the delay structure endorsed, commenters noted that no matter the delay option chosen by Common Rule departments and agencies, guidance needed to be issued in order for the regulated community to make use of the delay period and prepare their institutions.

[*Response:* We acknowledge that there were multiple ways that an implementation delay of the 2018 Requirements could be structured. We believe that the approach proposed in the NPRM and adopted in this final rule is the best balance of permitting institutions to implement several of the more straightforward provisions of the 2018 Requirements before the general compliance date, while granting Common Rule departments and agencies additional time to develop and issue key guidance documents, and granting institutions additional time to ensure that their operations are ready to implement the 2018 Requirements.

We do not believe a delay of the general compliance date beyond January 21, 2019 is necessary. As discussed in the NPRM, we continue to believe that the regulated community will not need additional time beyond January 2019 to comply with the 2018 Requirements. Most NPRM comments supported the idea that January 2019 would be sufficient to allow for implementation of the 2018 Requirements, provided that the Common Rule departments and agencies issued key guidance.

We recognize that the implementation structure in this final rule might be confusing to some in the regulated community. We intend to engage in educational outreach to help the regulated community better understand what is permitted and what is not under the revised transition provision at § ____ .101(l).]

Several commenters indicated that understanding OHRP's plan for modifying the Federalwide Assurance (''FWA'') process to comport with the 2018 Requirements would also be helpful. Specific concerns were raised about the deletion of the option to ''check the box'' on the FWA and how the removal of this option will, in certain states with separate human subjects requirements, present administrative challenges for institutions. Another commenter expressed concern about whether, after January 21, 2019, FWAs would still be valid given that they would include statements and elections no longer required under the 2018 Requirements.

[*Response:* We intend to provide the regulated community with information about how the FWA process will change well in advance of any modifications that are implemented. The 2018 Requirements at § _____.103(b) state that the ''[assurance] shall be filed in such form and manner as the department or agency head prescribes.'' To that end, Common Rule departments and agencies have significant flexibility in what information is requested in the assurance process. Questions about non-OHRP assurances will be addressed by the relevant Common Rule departments and agencies. With respect to OHRP issued FWAs, OHRP wishes to make clear that assurances on file with the office will still be valid on and after January 21, 2019 for their effective period. Additionally, any changes made to the assurance process will take account of the fact that some institutions might oversee protocols that comply with the pre-2018 and 2018 Requirements.]

One commenter expressed concern with how auditors would handle IRBs reviewing protocols governed by both

the pre-2018 Requirements and the 2018 Requirements, given that the 2018 Requirements do not require that every nondiscriminatory effort will be made to ensure that no IRB consists entirely of men or entirely of women (pre-2018 Requirements at § _____.107(b)).

[*Response:* We believe that the § ____.107(a) requirements for diversity on IRBs serves the same purpose, and thus do not see a conflict between the diversity requirements for IRBs under the pre-2018 Requirements and the 2018 Requirements.]

While the NPRM did not solicit comments on the requirement for cooperative research to be reviewed by a single IRB (see § _____.114), we received several comments discussing this provision. Several asked for an additional 2-year delay before the changes at § _____.114(b) become effective. Others said that this provision should be amended such that use of a single IRB is voluntary in cooperative research. These comments argued that the 2018 Requirements' preamble (published in the January 19, 2017 final rule) underestimated the costs of the single IRB mandate and the confusion that implementing this policy would create for investigators. Several of these comments acknowledged that over time, as institutions become accustomed to developing reliance agreements and managing the single IRB process, the costs currently being experienced would decrease.

[*Response:* We appreciate the comments received on the single IRB of record requirement in cooperative research (§ _____.114(b)). We continue to believe that a compliance date of January 20, 2020 for this provision gives institutions sufficient time to prepare and implement this requirement. While these commenters anecdotally indicated that implementing this requirement has been more costly to institutions than the January 19, 2017 final rule preamble estimated, no comment provided data about the actual costs to implement this provision. In the absence of specific data, we retain our cost and benefit assumptions related to this provision.]

One comment suggested adding the exemption category for secondary use where consent is not required (§ _____.104(d)(4)) to the burden-reducing provisions. This commenter noted that because the inability to implement the revised exemptions during the delay period (*i.e.,* July 19, 2018 through January 20, 2018) accounted for the majority of the costs estimated in the NPRM for this delay, it would be preferable for the final rule to permit the early implementation of this exemption category.

[*Response:* As explained in the April 20, 2018 NPRM, we did not propose adding the revised exemption categories to § _____.101(l)(4)(i)(A) because implementation of these categories would involve significantly greater complications. For example, we noted in the NPRM that these categories use terms that are newly defined, or for which revised definitions have been included in the 2018 Requirements, and permitting compliance with these categories without also selectively adopting revised definitions could be problematic. Specifically in regard to § _____.104(d)(4), this exemption involves several regulations and statutes outside of the scope of the Common Rule. As a result, it is a much more complicated provision to implement, and thus was not included as one of the burden-reducing provisions of the 2018 Requirements that institutions could voluntarily implement during the delay period. After consideration of the public comments received, we continue to believe that the approach proposed in the NPRM makes the most sense.]

One commenter argued that the 2018 Requirements should be withdrawn, and that Common Rule departments and agencies should issue several smaller NPRMs to revise specific aspects of the Common Rule.

[*Response:* We disagree with this comment. We believe that the 2018 Requirements will provide a meaningful improvement in human subjects protection, while reducing administrative burden on institutions.]

One commenter proposed that institutions or other Common Rule departments and agencies be required to file interim reports with HHS about their status with regard to full implementation and compliance with the 2018 Requirements. This commenter suggested that HHS could issue waivers for full implementation of the rule based on these interim reports. Additionally, such a reporting requirement would give HHS and other Common Rule departments and agencies the data necessary to determine if another adjustment to the 2018 Requirements might be needed.

[*Response:* We believe that this approach is impractical and unnecessary. We believe that this final rule will give institutions sufficient time to implement the 2018 Requirements, which also precludes the need for such a phased approach.]

One commenter indicated a desire to see a final rule containing the flexibility included in the original publication of the 2018 Requirements, on January 19, 2017, that institutions be permitted to implement provisions of the 2018 Requirements at any time before the effective date.

[*Response:* This commenter misunderstood the transition provision as written in the first publication of the 2018 Requirements; the transition provision published in the January 19, 2017 final rule revising the Common Rule did not include the ability for institutions to implement all provisions of the 2018 Requirements before the effective date and general compliance date.]

As with the comments on the interim final rule, a few comments expressed concern with the waiver provision at § _____.101(i) allowing federal departments and agencies to waive some or all provisions of the Common Rule (which could allow research to be conducted on people without their informed consent). These comments additionally expressed concern with institutions being permitted to implement the exclusion of certain operational activities conducted by intelligence agencies during the delay period and suggested that this carve-out from the definition of research be removed from the 2018 Requirements.

[*Response:* We are not contemplating modifying the carve-outs from the definition of research. Regarding the carve-out from the definition of research pertaining to authorized operational activities in support of national security missions, the January 19, 2017 final rule preamble noted that ''[t]hese authorized operational activities, as determined by each agency, do not include research activities as defined by the Common Rule, nor have they ever in the past been considered regulated by the Common Rule. This category of activity is removed from the definition of research to make explicit that the requirements of the final rule do not apply to authorized operational activities in support of national security missions. This clarification is not intended to narrow the scope of the Common Rule.'']

III. Delay of the General Compliance Date Until January 21, 2019

Through this final rule, the general compliance date for the 2018 Requirements is delayed for a 6-month period until January 21, 2019. Section ____.101(l)(2) is revised to make this delay explicit. The dates included in the transition provision, set forth at § _____.101(l)(3), (4), and (5), are also modified to reflect this revised general compliance date.

As a result of this rule, regulated entities will be required to comply with the pre-2018 Requirements prior to January 21, 2019 (putting aside the

burden-reducing provisions discussed in section III below). Regulated entities may not, prior to January 21, 2019, comply with all provisions of the 2018 Requirements, with the exception of the three burden-reducing provisions, in lieu of all provisions of the pre-2018 Requirements. Of course, regulated entities are permitted to adopt provisions that do not conflict with the pre-2018 Requirements, prior to January 21, 2019. For example, institutions may choose to incorporate additional elements of informed consent that happen to be found in the 2018 Requirements, or elsewhere, so long as such implementation does not conflict with the pre-2018 Requirements. In other words, institutions have the same flexibility they have always had (*i.e.,* to exceed the minimum requirements set by the regulations).

The compliance date for the cooperative research provision of the 2018 Requirements (§ _____.114(b)) remains January 20, 2020.

IV. Optional Flexibility: Implementation of Certain Burden-Reducing Provisions During the Delay Period

As detailed in revised § _____ .101(l)(4) and as set forth below in more detail, during the additional 6-month period that the general compliance date for the 2018 Requirements is delayed (July 19, 2018 through January 20, 2019), institutions may transition a research study to the 2018 Requirements in order to take advantage of three burden-reducing provisions of the 2018 Requirements. This final rule also restructures § _____.101(l)(3) and (4) (now numbered (5)) to aid readability. A new section (now § _____.101(1)(4)) describes how the requirements apply to research transitioning to take advantage of the burden-reducing provisions during different time periods. Below, we provide an overview of the revised transition provision to clarify its application to different types of studies, including studies taking early advantage of the three burden-reducing provisions of the 2018 Requirements.

A. Research Subject to the pre-2018 Requirements (§ _____.101(l)(3))

As a default, studies initiated (*i.e.,* initially approved by an IRB, or for which IRB review was waived by the government pursuant to § _____.101(i) or determined to be exempt) before January 21, 2019 (the new general compliance date for the 2018 Requirements) will continue to be subject to the pre-2018 Requirements. This approach will maintain the ability of institutions to hold such studies to the same set of standards throughout their duration and will avoid a circumstance in which such research is subject to two sets of rules. However, as described below, institutions may elect to transition such studies to comply with the 2018 Requirements.

B. Research Subject to the 2018 Requirements (§ _____.101(l)(5))

Research initiated (*i.e.,* initially approved by an IRB, or for which IRB review was waived by the government pursuant to § _____.101(i), or determined to be exempt) on or after January 21, 2019 (the new general compliance date for the 2018 Requirements) must be conducted in compliance with the 2018 Requirements.

C. Research That Transitions To Comply With the 2018 Requirements on or After January 21, 2019 (§ _____.101(l)(4)(ii))

Section ____.101(l)(4)(ii) applies to studies following the pre-2018 Requirements that transition to comply with the 2018 Requirements on or after January 21, 2019. In such circumstances, the study must be conducted in compliance with the 2018 Requirements beginning on the transition date (*i.e.,* the date the transition determination is documented, on or after January 21, 2019) for its duration.

D. Research That Transitions To Comply With the 2018 Requirements During the 6-Month Delay Period (§ ____ .101(l)(4)(i))

As described in § _____ .101(l)(4)(i)(A), the option of applying the three burden-reducing provisions of the 2018 Requirements during the 6-month delay period is only available with respect to studies that transition to comply with the 2018 Requirements between July 19, 2018 through January 20, 2019.

Beginning on the date that the transition determination is documented, through January 20, 2019, such studies must comply with the pre-2018 Requirements, except that the studies will comply with the three burden-reducing provisions instead of or in addition to the comparable pre-2018 Requirements (specified in § _____ .101(l)(4)(i)(A)(*1*)–(*3*)).

- Pursuant to § _____ .101(l)(4)(i)(A)(*1*), § _____.102(l) of the 2018 Requirements (definition of research) will apply instead of § _____ .102(d) of the pre-2018 Requirements).
- Pursuant to § _____ .101(l)(4)(i)(A)(*2*), § _____.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) will apply instead of § _____.103(f) of the pre-2018 Requirements.
- Pursuant to § ____.101(l)(4)(i)(A)(*3*), § _____.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) will apply instead of § _____.103(b) of the pre-2018 Requirements (as related to the requirement for continuing review) and in addition to § _____.109 of the pre-2018 Requirements.

This approach is designed to afford institutions additional time before they are required to comply with all provisions of the 2018 Requirements, while enabling them to take advantage of the three burden-reducing provisions during the delay period.

In addition, beginning on January 21, 2019, such studies must, for the balance of their duration, comply with the 2018 Requirements in their entirety.

We believe this rule strikes an appropriate balance of permitting voluntary early adoption of provisions that reduce burdens without creating significant complexities. An institution's decision about whether to transition a study to the 2018 Requirements to take advantage of the three burden-reducing provisions might vary depending on the nature and progress of the study, including any elements of the study to be conducted on or after January 21, 2019. For example, studies planning to recruit some subjects on or after January 21, 2019 would have to meet the new requirements for obtaining the informed consent of those subjects. In contrast, for studies in which the remaining activities consist only of completing data analyses, the new requirements for informed consent generally would not be applicable.

While the three burden-reducing provisions are a regulatory package, an institution that takes advantage of this flexibility may, as a matter of institutional policy, adopt a more stringent standard (such as that of the pre-2018 Requirements) for any or all of the circumstances addressed by these three provisions. For example, if an institution chooses to adopt a policy that studies that qualify for expedited review under a certain category should continue to be subject to annual continuing review, this rule does not prevent the institution from adopting and implementing that policy.

Given that studies taking advantage of this flexibility will be complying with provisions from both the pre-2018 Requirements and the 2018 Requirements during the delay period, we explain how some provisions interact and clarify our intended

interpretations of particular regulatory provisions that will apply during the 6-month delay period. For studies electing to transition to comply with the 2018 Requirements during the 6-month delay period (July 19, 2018 through January 20, 2019), once the decision to transition the study is documented:

1. In applying the definition of research under the 2018 Requirements (§ _____.102(l)(3)), the reference to a ''public health authority'' will be given the meaning provided in the definition of ''public health authority'' in the 2018 Requirements (§ _____.102(k)). This interpretation arises because ''public health authority'' is defined in the 2018 Requirements, but not in the pre-2018 Requirements.

2. In applying § _____.103(d) of the 2018 Requirements, the reference to research ''exempted under § ____.104'' will be interpreted to refer to research exempted under § _____.101(b) of the pre-2018 Requirements. This interpretation arises given that only the exemptions set forth in the pre-2018 Requirements will be in effect during the 6-month delay period.

3. The reference to ''[r]esearch eligible for expedited review in accordance with § _____.110'' in § _____.109(f)(1)(i) of the 2018 Requirements will be interpreted to refer to § _____.110 of the pre-2018 Requirements.

4. The documentation requirements described in § _____.115(a)(3) of the 2018 Requirements (documenting an IRB's rationale for conducting continuing review not otherwise required) are not applicable during this period.

5. Section____.103(d) of the 2018 Requirements will be substituted for § _____.103(f) of the pre-2018 Requirements. Both sections address the requirement for certification of research supported by a federal department or agency. In addition to removing the requirement that IRBs review grant applications or proposals, § _____ .103(d) of the 2018 Requirements reflects other minor wording changes necessary to accommodate the removal of the grant application or proposal review requirement or to provide additional clarifications.

E. General Transition Issues

The regulatory provisions are not prescriptive regarding how an institution chooses to make its transition decisions. An institution may elect to transition research protocols to the 2018 Requirements on a protocol-by-protocol basis, or for a class of protocols (*e.g.,* all minimal risk research), or for the institution's entire research portfolio.

Section ____.101(l)(4)(ii) applies to studies following the pre-2018 Requirements that, at some point on or after January 21, 2019, transition to comply with the 2018 Requirements. If the determination to transition a study to the 2018 Requirements is documented on or after January 21, 2019, as of the date of documentation the study must be conducted in compliance with the 2018 Requirements for its duration.

We clarify that the transition provision at § _____.101(l)(4) of the 2018 Requirements extends to research newly initiated during the delay period. Research newly initiated between July 19, 2018 and January 20, 2019 may be either conducted under the pre-2018 Requirements, in accordance with § ____ .101(l)(3); or, an institution may transition research newly initiated during the delay period to the 2018 Requirements, in accordance with § ____ .101(l)(4), in which event the research would be conducted under the pre-2018 Requirements, with substitution of the three burden-reducing provisions of the 2018 Requirements for the comparable provisions of the pre-2018 Requirements. In addition, on or after January 21, 2019, an institution may choose to transition research initiated during the delay period that was initially conducted under the pre-2018 Requirements, to compliance with the 2018 Requirements. In the NPRM, proposed § _____.101(l)(4) referenced application by an institution ''engaged in research'' to ''ongoing'' research. In order to clarify the Common Rule departments' and agencies' intention that research newly initiated during the delay period may transition to the 2018 Requirements, this final rule no longer includes the qualifier of ''ongoing'' to describe research that transitions to the 2018 Requirements in accordance with § _____.101(l)(4). The final rule at § _____.101(l)(4) also includes the additional wording ''planning or'' before ''engaged in research'' to clarify that institutions are allowed to take advantage of the 2018 Requirements' carve-outs from the definition of research for studies newly initiated during the delay period (which would allow a study that qualifies for one of the carve-outs to be conducted without prior IRB review and approval or application of the other regulatory requirements).

This final rule revises the requirement, now set forth at § _____ .101(l)(4), regarding which entity may document an institution's decision to transition research. This change will offer institutions greater flexibility regarding who documents the transition determination. Under the January 19, 2017 final rule, an institutional determination that research would transition to comply with the 2018 Requirements had to be documented by an IRB. Under this rule, such a determination may be documented either by an IRB or an institution (through officials who have the authority to make such determinations on behalf of the institution). Such documentation must include the date of the transition determination, and records documenting the transition decision must be retained in accordance with § _____.115(b).

As a general matter, once an institution decides to transition a study to the 2018 Requirements and that determination is documented, the date of documentation will serve as the de facto compliance date for either the three-burden reducing provisions for transition determinations documented between July 19, 2018 and January 20, 2019, or the 2018 Requirements as applied to the study for transition determinations documented on or after January 21, 2019.

This final rule has an effective date of July 19, 2018, to enable regulated entities to take advantage of the three burden-reducing provisions during the delay period. However, as explained in this rule, the requirements a study must comply with beginning on July 19, 2018 are detailed in the transition provision codified at § _____.101(l)(1)–(5). Finally, for consistency, headings were added to § _____.101(l)(1) and (2).

V. Legal Authorities

The legal authorities for the departments and agencies that are signatories to this action are as follows:

Department of Homeland Security, 5 U.S.C. 301; Public Law 107–296, sec. 102, 306(c); Public Law 108–458, sec. 8306. Department of Agriculture, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Energy, 5 U.S.C. 301; 42 U.S.C. 7254; 42 U.S.C. 300v–1(b). National Aeronautics and Space Administration, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Commerce, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Consumer Product Safety Commission, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Social Security Administration, 5 U.S.C. 301; 42 U.S.C. 289(a). Agency for International Development, 5 U.S.C. 301; 42 U.S.C. 300v–1(b), unless otherwise noted. Department of Housing and Urban Development, 5 U.S.C. 301; 42 U.S.C. 300v–1(b); 3535(d). Department of Labor, 5 U.S.C. 301; 29 U.S.C. 551. Department of Defense, 5 U.S.C. 301. Department of Education, 5 U.S.C. 301; 20 U.S.C. 1221e–3, 3474.

Department of Veterans Affairs, 5 U.S.C. 301; 38 U.S.C. 501, 7331, 7334; 42 U.S.C. 300v–1(b). Environmental Protection Agency, 5 U.S.C. 301; 7 U.S.C. 136a(a) and 136w(a)(1); 21 U.S.C. 346a(e)(1)(C); sec. 201, Public Law 109–54, 119 Stat. 531; and 42 U.S.C. 300v–1(b). Department of Health and Human Services, 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b). National Science Foundation, 5 U.S.C. 301; 42 U.S.C. 300v–1(b). Department of Transportation, 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

VI. Regulatory Impact Analyses

We have examined the effects of this final rule under Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017), the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Regulatory Flexibility Act (Pub. L. 96–354, September 19, 1980), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132 on Federalism (August 4, 1999).

A. Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). Executive Order 13563 is supplemental to and reaffirms the principles, structures, and definitions governing regulatory review as established in Executive Order 12866, emphasizing the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. In accordance with the provisions of Executive Order 12866, this rule was submitted to the Office of Management and Budget (OMB) for review and has been determined to be a ''significant'' regulatory action. This regulation has been designated as ''regulatory'' under Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs, issued on January 30, 2017). We estimate that this rule generates $2.02 million in annualized costs at a 7% discount rate, discounted relative to year 2016, over a perpetual time horizon. Details on the estimated costs of this final rule can be found in the economic analysis below.

1. Need for This Final Rule and Summary

On January 19, 2017, HHS and 15 other federal departments and agencies published the 2018 Requirements designed to more thoroughly address the broader types of research conducted or otherwise supported by all of the Common Rule departments and agencies. In addition, the CPSC adopted the same regulatory changes on September 18, 2017. This rule was amended in a final rule published in the **Federal Register** on January 22, 2018 and adopted by HUD through a final rule published on January 26, 2018.

This final rule allows regulated entities to continue to comply with the pre-2018 requirements until January 21, 2019. As discussed above, this final rule also permits institutions, during the period between July 19, 2018 and January 21, 2019, to take advantage of three provisions in the 2018 Requirements intended to minimize burdens on regulated entities. Those three burden-reducing 2018 Requirements are (1) the 2018 Requirements' definition of ''research,'' which deems certain activities not to be research, (2) the elimination of the requirement for annual continuing review of certain categories of research, and (3) the elimination of the requirement that IRBs review grant applications or proposals related to the research. As described in section III above, this flexibility is permitted for studies for which an institution makes a choice to have those studies be subject to the 2018 Requirements.

2. Public Comments on the April 20, 2018 NPRM RIA and Response to Comments

The April 20, 2018 NPRM RIA solicited comment on the following assumptions:

—That in almost all categories described in the RIA for the 2018 Requirements, the foregone benefits (costs) of delaying the 2018 Requirements by six months are what would have been the benefits of implementing the 2018 Requirements during the period of July 2018 through January of 2019. Similarly, the assumption that, in almost all categories described in the RIA for the 2018 Requirements, the benefits (cost-savings) associated with delaying the 2018 Requirements by six months are what would have been the costs of implementing the 2018 Requirements during the period of July 2018 through January of 2019.

—That some entities will experience cost savings as a result of this rule, and some entities would experience costs as a result of this rule.

—That 50 percent of regulated entities will take advantage of the option to implement three burden-reducing provisions of the 2018 Requirements early. Additionally, the NPRM sought comment that would provide insight into entities' views regarding the interconnectedness of the 2018 Requirements' provisions and thus allow for refinement of the 50 percent estimate.

—That this rulemaking will not have a significant economic impact on a substantial number of small entities.

We received several comments on the costs and benefits associated with the April 20, 2018 NPRM to delay the 2018 Requirements. None of these comments provided specific feedback on the cost and benefit assumptions included in the NPRM.

These comments indicated that the timing and implementation of the interim final rule created additional administrative burden on institutions that were prepared to implement the 2018 Requirements on January 19, 2018.

As discussed above, one comment noted that if we permitted the exemption at § _____.104(d)(4) for secondary research where consent is not required to be implemented prior to the general compliance date, this delay would essentially be cost neutral. While we appreciate that there might be economic benefits to permitting the early implementation of one or more of the new or revised exemption categories, we did not include the exemptions as one of the provisions of the 2018 Requirements institutions can utilize during the delay period finalized in this rule because of the added complexity of implementing the exemptions in the absence of guidance.

Finally, we received several comments indicating that the January 19, 2017 final rule preamble underestimated the costs of implementing the cooperative research provision at § _____.114. These comments argued that, at best, this provision would represent a shifting of administrative costs and burdens, but would not represent an overall cost savings. We continue to believe that the original compliance date of this provision in January 2020 gives institutions sufficient time to prepare and implement this requirement. While these commenters anecdotally indicated that implementing this requirement has been more costly to institutions than the January 19, 2017 final rule preamble estimated, no commenter provided data about the actual costs to implement this provision. In the absence of specific

data, we continue with our cost and benefit assumptions related to this provision.

3. Analysis of Benefits (Cost-Savings) and Costs (Foregone Benefits) [4]

The RIA for the 2018 Requirements described the benefits and costs of 16 broad categories of changes finalized. The RIA for this final rule uses the information and calculations described in the preamble to the 2018 Requirements as a base for estimating benefits and costs of delaying the general implementation of the 2018 Requirements by six months. The time period for the analysis in this RIA is the 6-month period from July 2018 to January 2019.

Table 1 summarizes the quantified benefits and costs of delaying the general implementation of 2018 Requirements. Over the period of July 2018 to January 2019, annualized benefits of $6.4 million are estimated using a 3 percent discount rate; annualized benefits of $5.9 million are estimated using a 7 percent discount rate. Annualized costs of $37.2 million are estimated using a 3 percent discount rate; annualized costs of $34.4 million are estimated using a 7 percent discount rate. Note that all values are represented in millions of 2016 dollars, and 2016 is used as the frame of reference for discounting.

TABLE 1—ALL BENEFITS AND COSTS OF DELAYING THE GENERAL COMPLIANCE DATE FOR THE 2018 REQUIREMENTS BY 6 MONTHS

[From July 19, 2018 to January 21, 2019]

	Annualized value by discount rate (millions of 2016 dollars)	
	3 Percent	7 Percent
Benefits (Cost-Savings):		
Quantified Benefits	6.4	5.9
Costs (Foregone Benefits):		
Quantified Costs	37.4	34.7

The estimated benefits and costs of delaying the general implementation date of the 2018 Requirements by 6 months are shown in Table 2 below. Note that the categorization shown below includes the same 16 categories used in the RIA of the 2018 Requirements.

TABLE 2—ACCOUNTING TABLE OF QUANTIFIED BENEFITS (COST-SAVINGS) AND COSTS (FOREGONE BENEFITS) OF DELAYING COMPLIANCE WITH THE 2018 REQUIREMENTS BY 6 MONTHS [5]

2018 Requirement RIA Category	Annualized value over 1 year by discount rate (millions of 2016 dollars)			
	Benefits (cost-savings)		Costs (foregone benefits)	
	3%	7%	3%	7%
Regulated Community Learning New Requirements and Developing Training Materials; OHRP Developing Training and Guidance Materials, and Implementing the 2018 Requirements	.....	.....	.....	.....
Extending Oversight to IRBs Unaffiliated with an Institution Holding an FWA (impact to IRBs not operated by an FWA-holding institution)	4.47	4.14	.....	.....
Excluding Activities from the Requirements of the Common Rule Because They Are Not Research	.....	.....	0.95	0.88
Clarifying and Harmonizing Regulatory Requirements and Agency Guidance	.....	.....	.....	.....
Modifying the Assurance Requirements	.....	.....	0.31	0.29
Requirement for Written Procedures and Agreements for Reliance on IRBs Not Operated by the Engaged Institution (impact to FWA-holding institutions)	.....	.....	.....	.....
Eliminating the Requirement that the Grant Application or Proposal Undergo IRB Review and Approval	.....	.....	8.5	7.9
Expansion of Research Activities Exempt from Full IRB Review	0.01	0.01	20.8	19.3
Elimination of Continuing Review of Research Under Specific Conditions	1.04	0.96	4.10	3.80
Amending the Expedited Review Procedures	.....	.....	2.66	2.47
Cooperative Research (single IRB mandate in multi-institutional research) [6]	.....	.....	.....	.....
Changes in the Basic Elements of Consent, Including Documentation	.....	.....	.....	.....
Obtaining Consent to Secondary Use of Identifiable Biospecimens and Identifiable Private Information	.....	.....	.....	.....
Elimination of Pre-2018 Rule Requirement to Waive Consent in Certain Subject Recruitment Activities	.....	.....	0.07	0.06
Requirement for Posting of Consent Forms for Clinical Trials Conducted or supported by Common Rule Departments or Agencies	0.85	0.79	.....	.....
Alteration in Waiver for Documentation of Informed Consent in Certain Circumstances	.....	.....	.....	.....

[4] Note, that the terms ''benefits'' and ''cost-savings'' are used interchangeably in this RIA. Similarly, the terms ''costs'' and ''foregone benefits'' are also used interchangeably.

TABLE 2—ACCOUNTING TABLE OF QUANTIFIED BENEFITS (COST-SAVINGS) AND COSTS (FOREGONE BENEFITS) OF DELAYING COMPLIANCE WITH THE 2018 REQUIREMENTS BY 6 MONTHS [5]—Continued

2018 Requirement RIA Category	Annualized value over 1 year by discount rate (millions of 2016 dollars)			
	Benefits (cost-savings)		Costs (foregone benefits)	
	3%	7%	3%	7%
Cost Savings, as indicated by public comments (unable to attribute to particular provisions)	Unquantified			

We assume that in almost all categories described in the RIA for the 2018 Requirements the foregone benefits (costs) of delaying the 2018 Requirements by 6 months are what would have been the benefits of implementing the 2018 Requirements during the period of July 2018 through January 2019. Similarly, we assume that, in almost all categories described in the RIA for the 2018 Requirements, the benefits (cost-savings) associated with delaying the 2018 Requirements by 6 months are what would have been the costs of implementing the 2018 Requirements during the period of July 2018 through January 2019. We assume this because regulated entities likely would not have difficulty implementing these provisions in the absence of guidance from Common Rule departments or agencies, and thus could have been implemented as assumed in the economic analysis contained in the RIA for the 2018 Requirements.[5] [6]

Categories with different assumptions are described below.

a. Regulated Community Learning New Requirements and Developing Training Materials; OHRP Developing Training and Guidance Materials, and Implementing the 2018 Requirements

We assume that even with the proposed 6-month delay, regulated entities and OHRP will still assume costs related to learning the new requirements and developing training materials. Thus, there are no effects estimated here.

We expect that some entities would experience cost savings as a result of this final rule, and some entities will experience costs as a result of this rule, but we lack data to quantify these effects.

b. Early Implementation of the Three Burden-Reducing Provisions of the 2018 Requirements (Explicit Carve-Outs of Activities From the Definition of Research [§ _____.102(l)]; Eliminating the Requirement That the Grant Application or Other Funding Proposal Undergo IRB Review and Approval [Pre-2018 Rule at § _____.103(f)]; Elimination of Continuing Review of Research Under Specific Conditions [§§ _____.109(f) and _____.115(a)(3)]

We assume that 50 percent of regulated entities will take advantage of the option included in this final rule to implement three burden-reducing provisions of the 2018 Requirements prior to the general compliance date. We assume this because an institution's decision about whether to transition a study to the 2018 Requirements to take advantage of the three burden-reducing provisions might vary depending on the nature and progress of the study, including any elements of the study to be conducted on or after January 21, 2019. For example, studies planning to recruit some subjects on or after January 21, 2019 would have to meet the new requirements for obtaining the informed consent of those subjects. In contrast, for studies whose remaining activities consist only of completing data analyses, the new requirements for informed consent would generally not be applicable. Therefore, we assume that there are situations in which an institution would want to take advantage of the three burden-reducing provisions, and situations in which an institution would not want to take advantage of this flexibility. We note that we intend to publish guidance on the carve-outs from the definition of research prior to July 19, 2018, which may also impact an institution's decision to elect to implement the three burden-reducing provisions or not.

Thus, these entities will still obtain the benefits and costs described in the RIA for the 2018 Requirements, implying no effects of this rule for 50 percent of regulated entities. For the regulated entities that do not take advantage of these flexibilities, we assume that the foregone benefits (costs) of delaying implementation of these provisions are what would have been the benefits of implementing these provisions in January 2018. Similarly, we assume that the benefits (cost-savings) associated with delaying the implementation of these provisions are what would have been the costs of implementing these provisions in July 2018. We assume that these regulated entities account for 50 percent of the costs and benefits that would have been experienced in 2018 absent this delay.

We also assume that institutional or IRB staff at the IRB Administrative staff level [7] will spend 5 minutes per protocol documenting the voluntary election to use the three burden-reducing 2018 provisions during the time period of July 19, 2018 to January 21, 2019.

Some members of the regulated community have indicated that even though the 2018 Requirements yield cost savings, these institutions are still hesitant to transition ongoing research to the 2018 Requirements, largely because of the burden of making studies already in compliance with the pre-2018 requirements comply with the 2018 requirements. Also, some institutions seem inclined to make all of the transitions at once. This interconnectedness is key to some of the assumptions noted elsewhere in this analysis. For example, if the three burden-reducing provisions are considered on their own, a reasonable assumption would be that 100 percent of affected entities would realize the associated cost savings as soon as possible. The use, instead, of a 50 percent estimate reflects entities' possible inclinations to make all transitions at once.

c. Expansion of Research Activities Exempt From Full IRB Review (§ _____.104(d))

The 2018 Requirements include five new exemption categories and modify

[5] Zeroes in Table 2 (represented by —) signify that the category has been unaffected by the 6-month delay of the 2018 Requirements. The category could be unaffected for one of two reasons: (1) No costs or benefits were associated with the category in the RIA for the 2018 Requirements; or (2) the costs and benefits of the provision during the 6-month delay are the same as those estimated in the RIA for the 2018 Requirements.

[6] Because compliance with this provision is not required until 2020, benefits and costs here are not included.

[7] See the RIA to the 2018 Requirements (82 FR 7149) for more information about the labor categories used in this analysis.

all but one exemption that exist in the pre-2018 Requirements. We have received feedback from SACHRP that guidance will be useful for regulated entities to implement many of the exemption categories.[8] Areas where significant guidance will be helpful include: Applying the categories of the new exemptions themselves, conducting limited IRB review (as required in four exemptions), developing and using broad consent (as required in two exemptions), utilizing the exemption for certain HIPAA covered activities, and understanding which federally supported or conducted nonresearch information collections qualify for exemption.

Because the guidance documents that would be helpful to assist regulated entities in implementing these provisions of the 2018 Requirements have not yet been issued, we assume that 50 percent of the regulated entities would not have taken advantage of the expansion in exemptions during this six month-delay. For these entities, we assume that there are no benefits and costs of the proposed delay, because they would not have changed their operations. We assume that 50 percent of the regulated entities would have gone forward with using the new or expanded exemption categories under the 2018 Requirements; for these entities, there are costs of delaying the implementation of this provision during the six-month delay proposed in this NPRM.

We do not have data to support our assumption of what percent of regulated entities would have gone forward with the implementation of these provisions in the absence of additional guidance, and what percent would not have gone forward.

4. Analysis of Final Rule Alternative

An alternative to the proposal finalized in this rule was to delay the effective date and general compliance date to January 21, 2019.

Table 3 summarizes the quantified benefits and costs of the alternative proposal of delaying the general implementation of 2018 Requirements without the option to implement certain provisions of the 2018 Requirements. Over the period of July 2018 to January 2019, annualized benefits of $7.4 million are estimated using a 3 percent discount rate; annualized benefits of $6.9 million are estimated using a 7 percent discount rate. Annualized costs of $50.8 million are estimated using a 3 percent discount rate; annualized costs of $47.0 million are estimated using a 7 percent discount rate. Note that all values are represented in millions of 2016 dollars, and 2016 is used as the frame of reference for discounting.

TABLE 3—ALL BENEFITS AND COSTS OF DELAYING COMPLIANCE WITH THE 2018 REQUIREMENTS UNDER THE ALTERNATIVE PROPOSAL

	Annualized value by discount rate (millions of 2016 dollars)	
	3 Percent	7 Percent
Benefits (Cost–Savings):		
Quantified Benefits:	7.4	6.9
Costs (Foregone Benefits):		
Quantified Costs	50.8	47.0

B. Paperwork Reduction Act (PRA)

This final rule contains collections of information that are subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), as amended (44 U.S.C. 3501–3520). A description of these provisions is given in this document with an estimate of the annual reporting and recordkeeping burden.

Title: Federal Policy for the Protection of Human Subjects.

Description: In this document is a discussion of the regulatory provisions we believe are subject to the PRA and the probable information collection burden associated with these provisions. In general, the following actions trigger the PRA: (i) Reporting; (ii) Recordkeeping.

Description of Respondents: The reporting and recordkeeping requirements in this document are imposed on institutions, institutional review boards, and investigators involved in human subjects research conducted or supported or otherwise subject to regulation by any federal department or agency that takes administrative action that makes the policy applicable to such research.

§ _____.101(l)(4) Compliance Date and Transition Provision (OMB Control No 0990–0260)

Section 101(l)(4)(i) permits studies to transition to the 2018 Requirements between July 19, 2018 and January 21, 2019 (which would be the new general compliance date for the 2018 Requirements). Between July 19, 2018 and January 21, 2019, institutions that elect to transition studies to the 2018 Requirements would, after the decision to transition has been documented, be able to take advantage of the three burden-reducing 2018 Requirements.

This option is described in a revision to § _____.101(l)(4)(i). As described, studies taking advantage of this option would be subject to the three burden-reducing 2018 Requirements instead of, or in addition to, the comparable provisions of the pre-2018 Requirements. As discussed above, the three burden-reducing 2018 Requirements are (1) the 2018 Requirements' definition of ''research'' at § _____.102(l) (instead of § _____ .102(d) of the pre-2018 Requirements), which deems certain activities not to be research, (2) the elimination of the requirement that an IRB review the grant application or proposal related to the research at § _____.103(d) of the 2018 Requirements (instead of § _____ .103(f) of the pre-2018 Requirements), and (3) the elimination of the requirement for annual continuing review of certain categories of research at § _____.109(f)(1)(i) and (iii) of the 2018 Requirements (instead of § _____ .103(b), as related to the requirement for continuing review, and in addition to § _____.109 of the pre-2018 Requirements).

[8] See for example, SACHRP Recommendations of August 2, 2017: *https://www.hhs.gov/ohrp/sachrp-committee/recommendations/sachrp-recommendations/index.html.*

We estimate that approximately 92,084 protocols would take advantage of the voluntary election described in § _____.101(l)(4)(i). We estimate that institutional staff would spend 5 minutes per protocol documenting that the study will be subject to the three burden-reducing provisions of the 2018 Requirements during the time period of July 19, 2018 through January 21, 2019. We estimate that this provision includes 7,674 burden hours.

C. Regulatory Flexibility Act (RFA)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement and Fairness Act of 1996, which amended the RFA, require agencies that issue a regulation to analyze options for regulatory relief for small businesses. If a rule has a significant economic impact on a substantial number of small entities, agencies must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration (SBA); (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000 (states and individuals are not included in the definition of ''small entity''). HHS considers a rule to have a significant economic impact on a substantial number of small entities if at least 5 percent of small entities experience an impact of more than 3 percent of revenue.

We have determined that this final rule will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This final rule would not impose a regulatory burden for regulated small entities because it would delay the general compliance date for the 2018 Requirements, allowing the status quo to be retained for the period of delay. Additionally, regulated small entities are permitted to comply voluntarily with those aspects of the 2018 Requirements that do not conflict with the pre-2018 Requirements, prior to January 21, 2019. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' In 2018, that threshold is approximately $150 million. We do not expect this rule to result in expenditures that will exceed this amount. This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on state and local governments or has federalism implications. We have determined that this rule would not contain policies that would have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. The changes in this rule represent the Federal Government regulating its own program. Accordingly, we conclude that the rule does not propose policies that have federalism implications as defined in Executive Order 13132 and, consequently, a federalism summary impact statement is not required.

For the reasons set forth in the preamble, the Federal Policy for the Protection of Human Subjects, as published in the **Federal Register** on January 19, 2017 (82 FR 7149) and as adopted in a final rule published by the CPSC on September 18, 2017 (82 FR 43459), and as amended in a final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885) and adopted by HUD through a final rule published on January 26, 2018 (83 FR 3589), is further amended as follows:

Text of the Amended Common Rule

PART ____—PROTECTION OF HUMAN SUBJECTS

1. Amend § _____.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ _____.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this [part/subpart]. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § _____.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § _____.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § .101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section _____.102(l) of the 2018 Requirements (definition of research) (instead of § _____.102(d) of the pre-2018 Requirements);

(*2*) Section _____.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § _____.103(f) of the pre-2018 Requirements); and

(*3*) Section _____.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § _____.103(b), as related to the requirement for continuing review, and

in addition to § _____.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

DEPARTMENT OF HOMELAND SECURITY

List of Subjects in 6 CFR Part 46

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Homeland Security further amends 6 CFR part 46 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 46—PROTECTION OF HUMAN SUBJECTS

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

Authority: 5 U.S.C. 301; Pub. L. 107–296, sec. 102, 306(c); Pub. L. 108–458, sec. 8306.

■ 2. Amend § 46.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 46.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 46.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 46.101(i) of the pre-2018 Requirements) before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 46.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 46.102(l) of the 2018 Requirements (definition of research) (instead of § 46.102(d) of the pre-2018 Requirements);

(*2*) Section 46.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 46.103(f) of the pre-2018 Requirements); and

(*3*) Section 46.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 46.103(b), as related to the requirement for continuing review, and in addition to § 46.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Claire M. Grady,

Deputy Secretary (Acting), Department of Homeland Security.

DEPARTMENT OF AGRICULTURE

List of Subjects in 7 CFR Part 1c

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Agriculture further amends 7 CFR part 1c as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 1c—PROTECTION OF HUMAN SUBJECTS

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

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1c.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 1c.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 1c.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 1c.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 1c.101(b)

of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 1c.102(l) of the 2018 Requirements (definition of research) (instead of § 1c.102(d) of the pre-2018 Requirements);

(*2*) Section 1c.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 1c.103(f) of the pre-2018 Requirements); and

(*3*) Section 1c.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 1c.103(b), as related to the requirement for continuing review, and in addition to § 1c.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Chavonda Jacobs-Young,

Acting Deputy Under Secretary for Research, Education, and Economics, USDA.

DEPARTMENT OF ENERGY

List of Subjects in 10 CFR Part 745

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Energy further amends 10 CFR part 745 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 745—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 745 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 7254; 42 U.S.C. 300v–1(b).

■ 2. Amend § 745.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 745.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 745.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 745.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 745.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 745.102(l) of the 2018 Requirements (definition of research) (instead of § 745.102(d) of the pre-2018 Requirements);

(*2*) Section 745.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 745.103(f) of the pre-2018 Requirements); and

(*3*) Section 745.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 745.103(b), as related to the requirement for continuing review, and in addition to § 745.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Dan Brouillette,

Deputy Secretary of Energy.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

List of Subjects in 14 CFR Part 1230

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, National Aeronautics and Space Administration further amends 14 CFR part 1230 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 1230—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 1230 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1230.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 1230.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 1230.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 1230.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 1230.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 1230.102(l) of the 2018 Requirements (definition of research) (instead of § 1230.102(d) of the pre-2018 Requirements);

(*2*) Section 1230.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 1230.103(f) of the pre-2018 Requirements); and

(*3*) Section 1230.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 1230.103(b), as related to the requirement for continuing review, and in addition to § 1230.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

James D. Polk,

Chief Health & Medical Officer, National Aeronautics and Space Administration.

DEPARTMENT OF COMMERCE

List of Subjects in 15 CFR Part 27

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Commerce further amends 15 CFR part 27 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 27—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 27 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 27.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 27.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 27.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 27.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 27.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 27.102(l) of the 2018 Requirements (definition of research) (instead of § 27.102(d) of the pre-2018 Requirements);

(*2*) Section 27.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 27.103(f) of the pre-2018 Requirements); and

(*3*) Section 27.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 27.103(b), as related to the requirement for continuing review, and in addition to § 27.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Wilbur L. Ross,

Secretary of Commerce.

CONSUMER PRODUCT SAFETY COMMISSION

List of Subjects in 16 CFR Part 1028

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Consumer Product Safety Commission further amends 16 CFR part 1028 as published in the **Federal Register** on January 19, 2017 (82 FR 7149) and as adopted in a final rule published by the CPSC on September 18, 2017 (82 FR 43459), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 1028—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 1028 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 1028.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 1028.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 1028.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 1028.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 1028.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 1028.102(l) of the 2018 Requirements (definition of research) (instead of § 1028.102(d) of the pre-2018 Requirements);

(*2*) Section 1028.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 1028.103(f) of the pre-2018 Requirements); and

(*3*) Section 1028.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 1028.103(b), as related to the requirement for continuing review, and in addition to § 1028.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

SOCIAL SECURITY ADMINISTRATION

List of Subjects in 20 CFR Part 431

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Social Security Administration further amends 20 CFR part 431 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 431—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 431 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a).

■ 2. Amend § 431.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 431.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 431.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 431.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 431.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018

Requirements, except that the research shall comply with the following:

(*1*) Section 431.102(l) of the 2018 Requirements (definition of research) (instead of § 431.102(d) of the pre-2018 Requirements);

(*2*) Section 431.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 431.103(f) of the pre-2018 Requirements); and

(*3*) Section 431.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 431.103(b), as related to the requirement for continuing review, and in addition to § 431.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Nancy Berryhill,

Acting Commissioner of Social Security.

AGENCY FOR INTERNATIONAL DEVELOPMENT

List of Subjects in 22 CFR Part 225

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Agency for International Development further amends 22 CFR part 225 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 225—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b), unless otherwise noted.

■ 2. Amend § 225.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 225.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 225.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 225.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 225.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 225.102(l) of the 2018 Requirements (definition of research) (instead of § 225.102(d) of the pre-2018 Requirements);

(*2*) Section 225.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 225.103(f) of the pre-2018 Requirements); and

(*3*) Section 225.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 225.103(b), as related to the requirement for continuing review, and in addition to § 225.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Irene Koek,

Senior Deputy Assistant Administrator for Global Health, U.S. Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

List of Subjects in 24 CFR Part 60

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Housing and Urban Development further amends 24 CFR part 60 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), and adopted by HUD through an interim final rule published on January 26, 2018 (83 FR 3589), as follows:

PART 60—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 60 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v-1(b) and 3535(d).

■ 2. Amend § 60.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 60.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 60.114(b)

(cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 60.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 60.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 60.102(l) of the 2018 Requirements (definition of research) (instead of § 60.102(d) of the pre-2018 Requirements);

(*2*) Section 60.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 60.103(f) of the pre-2018 Requirements); and

(*3*) Section 60.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 60.103(b), as related to the requirement for continuing review, and in addition to § 60.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Todd M. Richardson,

Acting General Deputy Assistant Secretary for Policy Development and Research, U.S. Department of Housing and Urban Development.

DEPARTMENT OF LABOR

List of Subjects in 29 CFR Part 21

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Labor further amends 29 CFR part 21 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 21—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 21 continues to read as follows:

Authority: 5 U.S.C. 301; 29 U.S.C. 551.

■ 2. Amend § 21.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 21.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 21.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 21.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 21.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 21.102(l) of the 2018 Requirements (definition of research) (instead of § 21.102(d) of the pre-2018 Requirements);

(*2*) Section 21.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 21.103(f) of the pre-2018 Requirements); and

(*3*) Section 21.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 21.103(b), as related to the requirement for continuing review, and in addition to § 21.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

R. Alexander Acosta,

Secretary of Labor.

DEPARTMENT OF DEFENSE

List of Subjects in 32 CFR Part 219

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Defense

further amends 32 CFR part 219 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 219—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 219 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 219.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 219.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 219.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 219.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 219.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 219.102(l) of the 2018 Requirements (definition of research) (instead of § 219.102(d) of the pre-2018 Requirements);

(*2*) Section 219.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 219.103(f) of the pre-2018 Requirements); and

(*3*) Section 219.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 219.103(b), as related to the requirement for continuing review, and in addition to § 219.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Mary J. Miller,

Principal Deputy, Assistant Secretary of Defense for Research and Engineering, U.S. Department of Defense.

DEPARTMENT OF EDUCATION

List of Subjects in 34 CFR Part 97

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Education further amends 34 CFR part 97 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 97—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 5 U.S.C. 301; 20 U.S.C. 1221e–3, 3474; 42 U.S.C. 300v–1(b).

■ 2. Amend § 97.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 97.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this subpart. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 97.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 97.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 97.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 97.102(l) of the 2018 Requirements (definition of research) (instead of § 97.102(d) of the pre-2018 Requirements);

(*2*) Section 97.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 97.103(f) of the pre-2018 Requirements); and

(*3*) Section 97.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 97.103(b), as related to the requirement for continuing review, and

in addition to § 97.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Betsy DeVos,

Secretary of Education.

DEPARTMENT OF VETERANS AFFAIRS

List of Subjects in 38 CFR Part 16

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Veterans Affairs further amends 38 CFR part 16 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 16—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301; 38 U.S.C. 501, 7331, 7334; 42 U.S.C. 300v–1(b).

■ 2. Amend § 16.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 16.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 16.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 16.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 16.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 16.102(l) of the 2018 Requirements (definition of research) (instead of § 16.102(d) of the pre-2018 Requirements);

(*2*) Section 16.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 16.103(f) of the pre-2018 Requirements); and

(*3*) Section 16.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 16.103(b), as related to the requirement for continuing review, and in addition to § 16.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Jacquelyn Hayes-Byrd,

Acting Chief of Staff, Department of Veterans Affairs.

ENVIRONMENTAL PROTECTION AGENCY

List of Subjects in 40 CFR Part 26

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Environmental Protection Agency further amends 40 CFR part 26 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 26—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 26 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 136a(a) and 136w(a)(1); 21 U.S.C. 346a(e)(1)(C); sec. 201, Pub. L. 109–54, 119 Stat. 531; and 42 U.S.C. 300v–1(b).

■ 2. Amend § 26.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 26.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this subpart. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 26.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 26.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 26.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 26.102(l) of the 2018 Requirements (definition of research) (instead of § 26.102(d) of the pre-2018 Requirements);

(*2*) Section 26.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 26.103(f) of the pre-2018 Requirements); and

(*3*) Section 26.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 26.103(b), as related to the requirement for continuing review, and in addition to § 26.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

E. Scott Pruitt,

Administrator, Environmental Protection Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

List of Subjects in 45 CFR Part 46

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Health and Human Services further amends 45 CFR part 46 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 46—PROTECTION OF HUMAN SUBJECTS

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

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b).

■ 2. Amend § 46.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 46.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this subpart. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 46.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 46.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 46.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 46.102(l) of the 2018 Requirements (definition of research) (instead of § 46.102(d) of the pre-2018 Requirements);

(*2*) Section 46.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 46.103(f) of the pre-2018 Requirements); and

(*3*) Section 46.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 46.103(b), as related to the requirement for continuing review, and in addition to § 46.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Alex M. Azar II,

Secretary, U.S. Department of Health and Human Services.

NATIONAL SCIENCE FOUNDATION

List of Subjects in 45 CFR Part 690

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, National Science Foundation further amends 45 CFR part 690 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 690—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 690 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 690.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 690.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 690.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 690.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 690.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 690.102(l) of the 2018 Requirements (definition of research) (instead of § 690.102(d) of the pre-2018 Requirements);

(*2*) Section 690.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 690.103(f) of the pre-2018 Requirements); and

(*3*) Section 690.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 690.103(b), as related to the requirement for continuing review, and in addition to § 690.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Lawrence Rudolph,

General Counsel, National Science Foundation.

DEPARTMENT OF TRANSPORTATION

List of Subjects in 49 CFR Part 11

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons stated in the preamble, Department of Transportation further amends 49 CFR part 11 as published in the **Federal Register** on January 19, 2017 (82 FR 7149), and as amended in an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), as follows:

PART 11—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 300v–1(b).

■ 2. Amend § 11.101 by adding a heading for paragraph (l)(1), revising paragraphs (l)(2), (3), and (4), and adding paragraph (l)(5) to read as follows:

§ 11.101 To what does this policy apply?

* * * * *

(l) * * *

(1) *Pre-2018 Requirements.* * * *

(2) *2018 Requirements.* For purposes of this section, the *2018 Requirements* means the Federal Policy for the Protection of Human Subjects requirements contained in this part. The general compliance date for the 2018 Requirements is January 21, 2019. The compliance date for § 11.114(b) (cooperative research) of the 2018 Requirements is January 20, 2020.

(3) *Research subject to pre-2018 requirements.* The pre-2018 Requirements shall apply to the following research, unless the research is transitioning to comply with the 2018 Requirements in accordance with paragraph (l)(4) of this section:

(i) Research initially approved by an IRB under the pre-2018 Requirements before January 21, 2019;

(ii) Research for which IRB review was waived pursuant to § 11.101(i) of the pre-2018 Requirements before January 21, 2019; and

(iii) Research for which a determination was made that the research was exempt under § 11.101(b) of the pre-2018 Requirements before January 21, 2019.

(4) *Transitioning research.* If, on or after July 19, 2018, an institution planning or engaged in research otherwise covered by paragraph (l)(3) of this section determines that such research instead will transition to comply with the 2018 Requirements, the institution or an IRB must document and date such determination.

(i) If the determination to transition is documented between July 19, 2018, and January 20, 2019, the research shall:

(A) Beginning on the date of such documentation through January 20, 2019, comply with the pre-2018 Requirements, except that the research shall comply with the following:

(*1*) Section 11.102(l) of the 2018 Requirements (definition of research) (instead of § 11.102(d) of the pre-2018 Requirements);

(*2*) Section 11.103(d) of the 2018 Requirements (revised certification requirement that eliminates IRB review of application or proposal) (instead of § 11.103(f) of the pre-2018 Requirements); and

(*3*) Section 11.109(f)(1)(i) and (iii) of the 2018 Requirements (exceptions to mandated continuing review) (instead of § 11.103(b), as related to the requirement for continuing review, and in addition to § 11.109, of the pre-2018 Requirements); and

(B) Beginning on January 21, 2019, comply with the 2018 Requirements.

(ii) If the determination to transition is documented on or after January 21, 2019, the research shall, beginning on the date of such documentation, comply with the 2018 Requirements.

(5) *Research subject to 2018 Requirements.* The 2018 Requirements shall apply to the following research:

(i) Research initially approved by an IRB on or after January 21, 2019;

(ii) Research for which IRB review is waived pursuant to paragraph (i) of this section on or after January 21, 2019; and

(iii) Research for which a determination is made that the research is exempt on or after January 21, 2019.

* * * * *

Elaine L. Chao,

Secretary of Transportation.

[FR Doc. 2018–13187 Filed 6–18–18; 8:45 am]

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