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A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 9766 of July 3, 2018

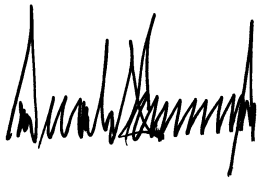
Honoring the Victims of the Tragedy in Annapolis, Maryland

By the President of the United States of America

A Proclamation

Our Nation shares the sorrow of those affected by the shooting at the Capital Gazette newspaper in Annapolis, Maryland. Americans across the country are united in calling upon God to be with the victims and to bring aid and comfort to their families and friends. As a mark of solemn respect for the victims of the terrible act of violence perpetrated on June 28, 2018, by the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, I hereby order that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, July 3, 2018. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of July, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–14744
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Billing code 3295–F8–P

Rules and Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0275; Product Identifier 2018–NM–011–AD; Amendment 39–19323; AD 2018–14–03]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. This AD was prompted by reports indicating that corrosion was found on the main landing gear (MLG) retraction actuator brackets and their associated pins. This AD requires an inspection of the retraction actuator brackets, their associated pins and hardware, and the mating lugs on the MLG outer cylinder for any corrosion, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 13, 2018.

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

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0275.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0275; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The NPRM published in the **Federal Register** on April 13, 2018 (83 FR 16015). The NPRM was prompted by reports indicating that corrosion was found on the MLG retraction actuator brackets and their associated pins. The NPRM proposed to require inspection of the retraction actuator brackets, their associated pins and hardware, and the mating lugs on the MLG outer cylinder for any corrosion, and replacement if necessary.

We are issuing this AD to address undetected corrosion on the MLG retraction actuator brackets and their associated pins, which could lead to a MLG collapse.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–34, dated October 19, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes; Model CL–600–2D15 (Regional Jet Series 705) airplanes; Model CL–600–2D24 (Regional Jet Series 900) airplanes; and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> There have been in-service reports of corrosion on the main landing gear (MLG) retraction actuator bracket and its associated pins. Bombardier's investigation determined that the corrosion is the consequence of inadequate corrosion protection being applied during production. Undetected corrosion on the MLG retraction actuator bracket and its associated pins could result in a MLG collapse.
>
> This [Canadian] AD mandates the inspection of the MLG retraction actuator bracket, its associated pins and hardware, and the mating lugs on the MLG outer cylinder for corrosion. This [Canadian] AD also mandates the replacement of corroded MLG parts and the application of corrosion protection in order to mitigate the risk of MLG collapse.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0275.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR part 51

Bombardier has issued Service Bulletin 670BA–32–060, Revision B, dated November 10, 2017. The service information describes a detailed visual inspection of the retraction actuator brackets, their associated pins and hardware, and the mating lugs on the MLG outer cylinder for any corrosion, and replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 541 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	16 work-hours × $85 per hour = $1,360	$0	$1,360	$735,760

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	1 work-hour × $85 per hour = $85	Up to $75,790	Up to $75,875

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–14–03 Bombardier, Inc.: Amendment 39–19323; Docket No. FAA–2018–0275; Product Identifier 2018–NM–011–AD.

(a) Effective Date

This AD is effective August 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model airplanes, certificated in any category, identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD.

(1) Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 and subsequent.

(2) Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 and subsequent.

(3) Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 and subsequent.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Reason

This AD was prompted by reports indicating that corrosion was found on the main landing gear (MLG) retraction actuator brackets and their associated pins. We are issuing this AD to address undetected corrosion on the MLG retraction actuator brackets and their associated pins, which could lead to a MLG collapse.

(f) Compliance

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

(g) Inspection and Replacement

For any MLG dressed shock strut assembly with part numbers and serial numbers specified in paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 670BA–32–060, Revision B, dated November 10, 2017, at the applicable compliance times specified in paragraphs (g)(1), (g)(2), or (g)(3) of this AD, do a detailed visual inspection of the retraction actuator brackets, their associated pins and hardware, and the mating lugs on the MLG outer cylinder for any corrosion, and do all applicable replacements, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 670BA–32–060, Revision B, dated November 10, 2017. Do all applicable replacements before further flight.

(1) For any MLG dressed shock strut assembly that has accumulated less than 10,000 total flight hours on the MLG dressed shock strut assembly and has been in service for less than 60 months since its first installation on an airplane: Within 6,600 flight hours or 39 months, whichever occurs first, after the effective date of this AD.

(2) For any MLG dressed shock strut assembly that has accumulated less than or equal to 14,000 total flight hours on the MLG dressed shock strut assembly, and has been in service for less than 84 months since its first installation on an airplane, and does not meet the criteria in paragraph (g)(1) of this AD: Within 4,400 flight hours or 26 months, whichever occurs first, after the effective date of this AD, but not to exceed 16,600 total flight hours on the MLG dressed shock strut assembly or 99 months since its first installation on an airplane, whichever occurs first.

(3) For any MLG dressed shock strut assembly that has accumulated more than 14,000 total flight hours on the MLG dressed shock strut assembly or 84 months or more since its first installation on an airplane: Within 2,600 flight hours or 15 months, whichever occurs first, after the effective date of this AD.

(h) Parts Exempted From This AD

For any MLG dressed shock strut assembly with part numbers and serial numbers specified in paragraph 1.A., ''Effectivity,'' of Bombardier Service Bulletin 670BA–32–060, Revision B, dated November 10, 2017: The actions specified in paragraph (g) of this AD are not required provided that the actions in paragraphs (h)(1), (h)(2), or (h)(3) of this AD have been done.

(1) The actions in paragraphs (h)(1)(i), (h)(1)(ii), (h)(1)(iii), and (h)(1)(iv) of this AD, as applicable, have been done on the MLG dressed shock strut assembly since its entry-into-service date.

(i) Airplane Maintenance Manual (AMM) Task 32–32–05–400–803, Installation of the Outboard MLG Retraction Actuator Bracket Pin, or equivalent task in Component Maintenance Manual (CMM) 32–11–05 (for Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes), or CMM 32–11–06 (for Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes), or CMM 32–11–34 (for Model CL–600–2E25 (Regional Jet Series 1000) airplanes); and

(ii) AMM Task 32–32–05–400–804, Installation of the Inboard MLG Retraction-Actuator Bracket Pin, or equivalent task in CMM 32–11–05 (for Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes), or CMM 32–11–06 (for Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes), or CMM 32–11–34 (for Model CL–600–2E25 (Regional Jet Series 1000) airplanes); and

(iii) AMM Task 32–32–05–400–805, Installation of the Inboard-MLG Retraction-Actuator Pin, or AMM Task 32–32–05–400–801, Installation of the MLG Retraction-Actuator, or AMM Task 32–11–05–400–801, Installation of the MLG Shock-Strut Assembly; and

(iv) For Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, and Model CL–600–2D24 (Regional Jet Series 900) airplanes equipped with MLG auxiliary actuators: AMM Task 32–32–03–400–801, Installation of the MLG Auxiliary Actuator, or AMM Task 32–11–05–400–801, Installation of the MLG Shock-Strut Assembly.

(2) AMM Task 32–32–05–400–806, Installation of the MLG Retraction-Actuator Bracket has been accomplished on the MLG dressed shock strut assembly since its entry-into-service date.

(3) AMM Task 32–11–00–610–801, Restoration (Overhaul) of the MLG Assembly has been accomplished on the MLG dressed shock strut assembly since its entry-into-service date.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Bombardier Service Bulletin 670BA–32–060, dated May 2, 2017, or Bombardier Service Bulletin 670BA–32–060, Revision A, dated June 22, 2017.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2017–34, dated October 19, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0275.

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

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 670BA–32–060, Revision B, dated November 10, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.*

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

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

Issued in Des Moines, Washington, on June 26, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–14501 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0270; Product Identifier 2017–NM–133–AD; Amendment 39–19324; AD 2018–14–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. This AD was prompted by a determination that a functional test to ensure that there is no blockage of vent pipes was not done on the trim tank of certain airplanes during production. This AD requires doing a trim tank functional test, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 13, 2018.

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

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0270.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0270; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. The NPRM published in the **Federal Register** on April 16, 2018 (83 FR 16245). The NPRM was prompted by a determination that a functional test to ensure that there is no blockage of vent pipes was not done on the trim tank of certain airplanes during production. The NPRM proposed to require doing a trim tank functional test, and corrective actions if necessary.

We are issuing this AD to address blocked vent pipes, which, in combination with a high level sensor failure, could lead to over-pressurization of the trim tank during refueling or aft fuel transfer. This condition could lead to trim tank rupture and consequent reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0152, dated August 17, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200 Freighter, A330–200, A330–300, A340–200, A340–300, A340–500, and A340–600 series airplanes. The MCAI states:

> It was discovered that the production functional test to verify the ''Tank Pressures during Refuel Overflow'' was not performed on the Trim Tank (TT) of A330 and A340 aeroplanes up to MSN [manufacturer serial number] 1711. This test ensures that there is no blockage of the vent pipes.
>
> This condition, if not corrected, could lead, in combination with a high level sensor failure, to an over-pressurisation of the TT during refueling or during aft fuel transfer, possibly resulting in a TT rupture and consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, Airbus published Service Bulletin (SB) A330–28–3130, SB A340–28–4140 and SB A340–28–5061, to provide functional test instructions.
>
> For the reasons described above, this [EASA] AD requires a one-time functional test of the TT overflow and, depending on findings, accomplishment of applicable corrective action(s).

Corrective actions include a general visual inspection of the aperture leading to the flame arrestors (NACA duct), a detailed inspection of the flame arrestor, and blockage removal or repair of any discrepant NACA duct.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0270.

Comments

We gave the public the opportunity to participate in developing this final rule. We have considered the comment received. The Air Line Pilots Association, International (ALPA), indicated its support for the NPRM.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Service Bulletin A330–28–3130, Revision 00, dated May 18, 2017.
- Service Bulletin A340–28–4140, Revision 00, dated May 18, 2017.
- Service Bulletin A340–28–5061, Revision 00, dated May 18, 2017.

This service information describes procedures for doing a trim tank overflow functional test, a general visual inspection of the aperture leading to the flame arrestors (NACA duct), a detailed inspection of the flame arrestor, and blockage removal or repair of discrepant NACA ducts. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 97 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Functional test	16 work-hours × $85 per hour = $1,360	$0	$1,360	$131,920

We estimate the following costs to do any necessary inspections that would be required based on the results of the functional test. We have no way of determining the number of aircraft that might need these inspections:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Inspections	2 work-hours × $85 per hour = $170	$0	$170

We have received no definitive data that would allow us to provide cost estimates for the blockage removal or repair of a discrepant NACA duct specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–14–04 Airbus: Amendment 39–19324; Docket No. FAA–2018–0270; Product Identifier 2017–NM–133–AD.

(a) Effective Date

This AD is effective August 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) through (c)(7) of this AD, certificated in any category, manufacturer serial numbers 1 through 1711 inclusive.

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

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

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

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

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

(6) Airbus Model A340–541 airplanes.

(7) Airbus Model A340–642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 28, Fuel.

(e) Reason

This AD was prompted by a determination that a functional test to ensure that there is no blockage of vent pipes was not done on the trim tank of certain airplanes during production. We are issuing this AD to address blocked vent pipes, which, in combination with a high level sensor failure, could lead to over-pressurization of the trim tank during refueling or aft fuel transfer. This condition could lead to trim tank rupture and consequent reduced control of the airplane.

(f) Compliance

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

(g) Functional Test

Within 42 months after the effective date of this AD, do a trim tank overflow functional test in accordance with the Accomplishment Instructions of the service information specified in paragraphs (g)(1) through (g)(3), as applicable.

(1) Airbus Service Bulletin A330–28–3130, Revision 00, dated May 18, 2017.

(2) Airbus Service Bulletin A340–28–4140, Revision 00, dated May 18, 2017.

(3) Airbus Service Bulletin A340–28–5061, Revision 00, dated May 18, 2017.

(h) Corrective Actions

(1) If, during the functional test required by paragraph (g) of this AD, the trim tank maximum allowable pressure is exceeded: Before further flight, contact the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA) to obtain instructions for corrective actions, and within the compliance time indicated in those instructions accomplish the corrective actions accordingly.

(2) If, during the functional test required by paragraph (g) of this AD, the trim surge tank maximum allowable pressure is exceeded: Before further flight, do a general visual inspection of the aperture leading to the flame arrestors (NACA duct) and do a detailed inspection of the flame arrestor in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–28–3130, Revision 00, dated May 18, 2017; Airbus Service Bulletin A340–28–4140, Revision 00, dated May 18, 2017; or Airbus Service Bulletin A340–28–5061, Revision 00, dated May 18, 2017; as applicable.

(3) If, during any inspection required by paragraph (h)(2) of this AD, any discrepancy (blockage or damage of the NACA duct) is found: Before further flight, accomplish the applicable corrective actions in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–28–3130, Revision 00, dated May 18, 2017; Airbus Service Bulletin A340–28–4140, Revision 00, dated May 18, 2017; or Airbus Service Bulletin A340–28–5061, Revision 00, dated May 18, 2017; as applicable.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0152, dated August 17, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0270.

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

(k) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–28–3130, Revision 00, dated May 18, 2017.

(ii) Airbus Service Bulletin A340–28–4140, Revision 00, dated May 18, 2017.

(iii) Airbus Service Bulletin A340–28–5061, Revision 00, dated May 18, 2017.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, Rond-Point Emile Dewoitine No: 2, 31700 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330-A340@airbus.com;* internet *http://www.airbus.com.*

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

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

Issued in Des Moines, Washington, on June 26, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–14504 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0274; Product Identifier 2017–NM–128–AD; Amendment 39–19325; AD 2018–14–05]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by reports of fire incidents of the auxiliary power unit (APU) inlet, which caused tail cone damage after an initial failed APU start followed by two or more in-flight APU start attempts. This AD requires modification of the APU electronic control unit (ECU) wiring harness. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 13, 2018.

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

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0274.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0274; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on April 13, 2018 (83 FR 16013). The NPRM was prompted by reports of fire incidents of the APU inlet, which caused tail cone damage after an initial failed APU start followed by two or more in-flight APU start attempts. The NPRM proposed to require modification of the APU ECU wiring harness.

We are issuing this AD to address failure of the APU inlet, which could result in a fire during flight.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2017–26, dated July 31, 2017, (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model BD–100–1A10 airplanes. The MCAI states:

> APU inlet fire incidents causing tail cone damage have been reported after an initial failed APU start followed by two or more in-flight APU start attempts. Bombardier, Inc. (BA) has determined that the in-flight negative pressure differential at the APU inlet allows flash fires of residual fuel in the APU combustor to exit through the APU inlet.
>
> As an interim mitigating action, BA has revised the affected aeroplane Aircraft Flight Manual (AFM) procedure for in-flight APU start to limit the number of APU start attempts.
>
> To further address the safety concerns associated with in-flight APU inlet fire, BA is introducing a modification to the APU Electronic Control Unit (ECU) wiring harness that will prevent a second attempt to start the APU following a failed start in flight. This [Canadian] AD is issued to mandate compliance with BA Service Bulletin (SB) 100–49–04 or SB 350–49–001, as applicable, on affected aeroplanes.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0274.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

Bombardier has issued Service Bulletin 100–49–04, dated March 29, 2017; and Service Bulletin 350–49–001, dated March 29, 2017. This service information describes a modification of the APU ECU harness. These documents are distinct since they apply to different airplane models in different configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 198 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	3 work-hours × $85 per hour = $255	$120	$375	$74,250

Authority for This Rulemaking

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

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and

responsibilities among the various levels of government.

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–14–05 Bombardier, Inc.: Amendment 39–19325; Docket No. FAA–2018–0274; Product Identifier 2017–NM–128–AD.

(a) Effective Date

This AD is effective August 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers (S/Ns) 20003 through 20500 inclusive and 20501 through 20696 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 49, Airborne auxiliary power.

(e) Reason

This AD was prompted by reports of fire incidents of the auxiliary power unit (APU) inlet, which caused tail cone damage after an initial failed APU start followed by two or more in-flight APU start attempts. We are issuing this AD to prevent failure of the APU inlet, which could result in a fire during flight.

(f) Compliance

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

(g) Modification

Within 30 months after the effective date of this AD: Modify the APU electronic control unit (ECU) wiring harness, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 100–49–04, dated March 29, 2017 (for S/N 20003 through 20500 inclusive); or Bombardier Service Bulletin 350–49–001, dated March 29, 2017 (for S/N 20501 through 20696 inclusive).

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2017–26, dated July 31, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0274.

(2) For more information about this AD, contact Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, New York ACO Branch, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7301; fax 516–794–5531; email *9-avs-nyaco-cos@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Bombardier Service Bulletin 100–49–04, dated March 29, 2017.

(ii) Bombardier Service Bulletin 350–49–001, dated March 29, 2017.

(3) For Bombardier, Inc. service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; email *thd.crj@aero.bombardier.com;* internet *http://www.bombardier.com.*

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

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

Issued in Des Moines, Washington, on June 26, 2018.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–14500 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0115; Product Identifier 2017–NM–110–AD; Amendment 39–19322; AD 2018–14–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. This AD was prompted by reports that additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found during a routine inspection. This AD requires an inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. For certain airplanes, this AD also requires replacement of foam insulation on the overhead panel support structure. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 13, 2018.

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

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0115.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0115; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations (phone: 800–647–5527) is Docket Operations, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. The NPRM published in the **Federal Register** on February 26, 2018 (83 FR 8199). The NPRM was prompted by reports that additional areas of BMS 8–39 flexible urethane foam were found during a routine inspection. The NPRM proposed to require an inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. For certain airplanes, the NPRM also proposed to require replacement of foam insulation on the overhead panel support structure.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment. Boeing and United Airlines stated that they supported the NPRM.

Request To Correct a Typo in the Service Information

Delta Airlines (DAL) requested that we correct a typo in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017. DAL stated that during its review of Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, it found a typo in the instructions in step 4 of figures 1 and 3 in the ''More Data'' column. DAL stated that the instructions refer to Aircraft Maintenance Manual (AMM) chapter ''777 AMM 23–92–02,'' but the correct chapter should be ''777 AMM 23–93–02.''

We agree with the commenter that there is a typo in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017. The correct reference should be ''777 AMM 23–93–02.'' However, the typo is not in an ''RC'' (required for compliance) step in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, and the AMM is provided only as a reference in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017. Therefore, we have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. We have determined that these minor changes:

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017. This service information describes procedures for a general visual inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. This service information also describes procedures for replacement of foam insulation on the overhead panel support structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 132 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and replacement of foam insulation.	Up to 32 work-hours × $85 per hour = $2,720.	$5,611	Up to $8,331	Up to $1,099,692

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority

because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–14–02 The Boeing Company: Amendment 39–19322; Docket No. FAA–2018–0115; Product Identifier 2017–NM–110–AD.

(a) Effective Date

This AD is effective August 13, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports that additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found during a routine inspection pursuant to a previously issued AD. The degradation of the foam over time increases the potential for an uncontrolled fire below the passenger compartment floor and other locations outside the areas covered by smoke detection and fire protection systems. We are issuing this AD to address BMS 8–39 flexible urethane foam found in certain areas of an airplane, which, if exposed to an ignition source, could cause loss of control of the airplane during a fire.

(f) Compliance

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

(g) Inspection and Replacement of Foam Installation

Except as required by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017.

(h) Exception to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, uses the phrase ''the original issue date of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(i) Credit for Previous Actions

This paragraph provides credit for the corresponding actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–25–0621, dated December 10, 2014.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) For service information that contains steps that are labeled as RC, the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

(1) For more information about this AD, contact Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, Seattle ACO Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial

Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.*

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

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–14499 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0087; Airspace Docket No. 18–AGL–3]

RIN 2120–AA66

Amendment of Class E Airspace; Mineral Point, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace designated as a surface area at Iowa County Airport, Mineral Point, WI, by making the airspace full-time and removing the part-time status and language from the airspace legal description. The Chicago Air Route Traffic Control Center (ARTCC) requested this action. This action also makes an editorial change to the airspace description by removing the city from the airport name.

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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 E airspace designated as a surface area at Iowa County Airport, Mineral Point, WI, to support instrument flight rules (IFR) operations.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (83 FR 9451; March 6, 2018) for Docket No. FAA–2018–0087 to amend Class E airspace designated as a surface area at Iowa County Airport, Mineral Point, WI, by changing the airspace to full-time and removing the part-time status and language from the airspace description. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received supporting the proposal with the understanding that the change would assist aircraft in the terminal environment with obstacle avoidance, separation services, and noise abatement. The FAA appreciates the support for this proposal and provides the following for clarification:

The development of the Class E airspace designated as a surface area at Iowa County airport takes into consideration and provides for terrain clearance within the airspace and provides for the protection of instrument procedures, taking other obstacles, such as wind turbines, into consideration; however, obstacle avoidance is ultimately the responsibility of the pilot in command.

The air traffic services currently provided by Chicago ARTCC will be the same as previously provided; however, those services will now be provided on a full-time basis.

Airspace is not designed nor meant to support noise abatement policies. Airspace is designed to support air traffic services, provide protection for and improve the safety of IFR operations. Therefore, noise abatement policies were not taken into consideration in this airspace amendment.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace designated as a surface area at Iowa County Airport, Mineral Point, WI, by making the airspace full-time and removing the part-time status language from the airspace legal description. This amendment is made at the request of Chicago ARTCC.

This action also makes an editorial change by removing the name of the city associated with the airport in the airspace legal description to comply with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that 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 5–6.5.a. 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 FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

AGL WI E2 Mineral Point, WI [Amended]

Iowa County Airport, WI

(Lat. 42°53′13″ N, long. 90°14′12″ W)

Within a 4.1-mile radius of Iowa County Airport.

Issued in Fort Worth, Texas, on June 28, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–14529 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Part 12

[CBP Dec. 18–07]

RIN 1515–AE38

Import Restrictions Imposed on Archaeological and Ethnological Material From Libya

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security; Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the U.S. Customs and Border Protection (CBP) regulations to continue the import restrictions on archaeological and ethnological material from Libya previously imposed on an emergency basis in a final rule published on December 5, 2017. These restrictions are being imposed pursuant to an agreement between the United States and Libya that has been entered into under the authority of the Convention on Cultural Property Implementation Act. The document also contains the Designated List of Archaeological and Ethnological Material of Libya that describes the articles to which the restrictions apply. Accordingly, this document amends the CBP regulations by removing Libya from the listing of countries for which emergency actions imposed the import restrictions, and adding Libya to the list of countries for which an agreement has been entered into for imposing import restrictions.

DATES: *Effective Date:* July 9, 2018.

FOR FURTHER INFORMATION CONTACT: For regulatory aspects, Lisa L. Burley, Chief, Cargo Security, Carriers and Restricted Merchandise Branch, Regulations and Rulings, Office of Trade, (202) 325–0030, *ot-otrrculturalproperty@cbp.dhs.gov.* For operational aspects, William R. Scopa, Branch Chief, Partner Government Agency Branch, Trade Policy and Programs, Office of Trade, (202) 863–6554, *William.R.Scopa@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the Convention on Cultural Property Implementation Act, Pub. L. 97–446, 19 U.S.C. 2601 *et seq.* (hereinafter, ''the Cultural Property Implementation Act'' or ''the Act''), which implements the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter, ''1970 UNESCO Convention'' or ''the Convention'' (823 U.N.T.S. 231 (1972))), the United States may enter into international agreements with another State Party to the 1970 UNESCO Convention to impose import restrictions on eligible archaeological and ethnological material under procedures and requirements prescribed by the Act. In certain limited circumstances, the Cultural Property Implementation Act authorizes the imposition of restrictions on an emergency basis (19 U.S.C. 2603). The emergency restrictions are effective for no more than five years from the date of the State Party's request and may be extended for three years where it is determined that the emergency condition continues to apply with respect to the covered material (19 U.S.C. 2603(c)(3)). These restrictions may also be continued pursuant to an agreement concluded within the meaning of the Act (19 U.S.C. 2603(c)(4)).

Libya has been one of the countries whose archaeological and ethnological material has been afforded emergency protection. On December 5, 2017, U.S. Customs and Border Protection (CBP) published a final rule, CBP Dec. 17–19, in the **Federal Register** (82 FR 57346) which amended CBP regulations in 19 CFR 12.104g(b) to reflect that archaeological material and ethnological material from Libya received import protection under the emergency protection provisions of the Act.

Import restrictions are now being imposed on the same categories of archaeological and ethnological material from Libya as a result of a bilateral agreement entered into between the United States and Libya. This agreement was entered into on February 23, 2018, pursuant to the provisions of 19 U.S.C. 2602. Protection of the archaeological and ethnological material from Libya

previously reflected in § 12.104g(b) will be continued through the bilateral agreement without interruption. Accordingly, § 12.104g(a) of the CBP regulations is being amended to indicate that restrictions have been imposed pursuant to the agreement between the United States and Libya, and the emergency import restrictions on certain categories of archaeological and ethnological material from Libya are being removed from § 12.104g(b) as those restrictions are now encompassed in § 12.104g(a).

In reaching the decision to recommend that negotiations for an agreement with Libya should be undertaken to continue the imposition of import restrictions on certain archaeological and ethnological material of Libya, the Acting Under Secretary for Public Diplomacy and Public Affairs, State Department, after consultation with and recommendations by the Cultural Property Advisory Committee, determined that the cultural heritage of Libya is in jeopardy from pillage of certain categories of archaeological and ethnological material, and that import restrictions should be imposed for a five-year period until February 23, 2023. Importation of such material continues to be restricted through that date unless the conditions set forth in 19 U.S.C. 2606 and 19 CFR 12.104c are met.

Designated List

The bilateral agreement between Libya and the United States covers the material set forth below in a Designated List of Archaeological and Ethnological Material of Libya. Importation of material on this list is restricted unless the material is accompanied by documentation certifying that the material left Libya legally and not in violation of the export laws of Libya.

The Designated List covers archaeological material of Libya and Ottoman ethnological material of Libya (as defined in section 302 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601)), including, but not limited to, the following types of material. The archaeological material represents the following periods and cultures: Paleolithic, Neolithic, Punic, Greek, Roman, Byzantine, Islamic and Ottoman dating approximately 12,000 B.C. to 1750 A.D. The ethnological material represents categories of Ottoman objects derived from sites of Islamic cultural importance, made by a nonindustrial society (Ottoman Libya), and important to the knowledge of the history of Islamic Ottoman society in Libya from 1551 A.D. through 1911 A.D.

The Designated List set forth below is representative only. Any dimensions are approximate.

I. Archaeological Material

A. Stone

1. *Sculpture*

a. *Architectural Elements*—In marble, limestone, sandstone, and gypsum, in addition to porphyry and granite. From temples, forts, palaces, mosques, synagogues, churches, shrines, tombs, monuments, public buildings, and domestic dwellings, including doors, door frames, window fittings, columns, capitals, bases, lintels, jambs, friezes, pilasters, engaged columns, altars, mihrabs (prayer niches), screens, fountains, mosaics, inlays, and blocks from walls, floors, and ceilings. May be plain, molded, or carved. Often decorated with motifs and inscriptions. Approximate date: 1st millennium B.C. to 1750 A.D.

b. *Architectural and Non-architectural Relief Sculpture*—In marble, limestone, sandstone, and other stone. Types include carved slabs with figural, vegetative, floral, geometric, or other decorative motifs, carved relief vases, stelae, and plaques, sometimes inscribed in Greek, Punic, Latin, or Arabic. Used for architectural decoration, funerary, votive, or commemorative monuments. Approximate date: 1st millennium B.C. to 1750 A.D.

c. *Monuments*—In marble, limestone, and other kinds of stone. Types include votive statues, funerary and votive stelae, and bases and base revetments. These may be painted, carved with relief sculpture, decorated with moldings, and/or carry dedicatory or funerary inscriptions in Greek, Punic, Latin, or Arabic. Approximate date: 1st millennium B.C. to 1750 A.D.

d. *Statuary*—Primarily in marble, but also in limestone and sandstone. Large- and small-scale, including deities, human, animal, and hybrid figures, as well as groups of figures in the round. Common types are large-scale and free-standing statuary from approximately 3 to 8 ft. in height, life-sized portrait or funerary busts (head and shoulders of an individual), waist-length female busts that are either faceless (aniconic) and/or veiled (head or face), and statuettes typically 1 to 3 ft. in height. Includes fragments of statues. Approximate date: 1st millennium B.C. to 1750 A.D.

e. *Sepulchers*—In marble, limestone, and other kinds of stone. Types of burial containers include sarcophagi, caskets, and chest urns. May be plain or have figural, geometric, or floral motifs painted on them, be carved in relief, and/or have decorative moldings. Approximate date: 1st millennium B.C. to 1750 A.D.

2. *Vessels and Containers*—In marble and other stone. Vessels may belong to conventional shapes such as bowls, cups, jars, jugs, lamps, and flasks, and also include smaller funerary urns. Funerary urns can be egg-shaped vases with button-topped covers and may have sculpted portraits, painted geometric motifs, inscriptions, scroll-like handles and/or be ribbed.

3. *Furniture*—In marble and other stone. Types include thrones, tables, and beds. May be funerary, but do not have to be. Approximate date: 1st millennium B.C. to 15th century A.D.

4. *Inscriptions*—Primarily in marble and limestone. Inscribed stone material date from the late 7th century B.C. to 5th century A.D. May include funerary stelae, votive plaques, tombstones, mosaic floors, and building plaques in Greek, Punic, Latin, or Arabic. Approximate date: 1st millennium B.C. to 1750 A.D.

5. *Tools and Weapons*—In flint, chert, obsidian, and other hard stones. Prehistoric and Protohistoric microliths (small stone tools). Chipped stone types include blades, borers, scrapers, sickles, cores, and arrow heads. Ground stone types include grinders (*e.g.,* mortars, pestles, millstones, whetstones), choppers, axes, hammers, and mace heads. Approximate date: 12,000 B.C. to 1,400 B.C.

6. *Jewelry, Seals, and Beads*—In marble, limestone, and various semi-precious stones, including rock crystal, amethyst, jasper, agate, steatite, and carnelian. Approximate date: 1st millennium B.C. to 12th century A.D.

B. Metal

1. *Sculpture*

a. *Statuary*—Primarily in bronze, iron, silver, or gold, including fragments of statues. Large- and small-scale, including deities, human, and animal figures, as well as groups of figures in the round. Common types are large-scale, free-standing statuary from approximately 3 to 8 ft. in height and life-size busts (head and shoulders of an individual) and statuettes typically 1 to 3 ft. in height. Approximate date: 1st millennium B.C. to 324 A.D.

b. *Reliefs*—Relief sculpture, including plaques, appliques, stelae, and masks. Often in bronze. May include Greek, Punic, Latin, and Arabic inscriptions. Approximate date: 1st millennium B.C. to 324 A.D.

c. *Inscribed or Decorated Sheet*—In bronze or lead. Engraved inscriptions, ''curse tablets,'' and thin metal sheets

with engraved or impressed designs often used as attachments to furniture. Approximate date: 1st millennium B.C. to 15th century A.D.

2. *Vessels and Containers*—In bronze, silver, and gold. These may belong to conventional shapes such as bowls, cups, jars, jugs, strainers, cauldrons, and oil lamps, or may occur in the shape of an animal or part of an animal. Also include scroll and manuscript containers for manuscripts. All can portray deities, humans or animals, as well as floral motifs in relief. Islamic Period objects may be inscribed in Arabic. Approximate date: 1st millennium B.C. to 15th century A.D.

3. *Jewelry and Other Items for Personal Adornment*—In iron, bronze, silver, and gold. Metal can be inlaid (with items such as red coral, colored stones, and glass). Types include necklaces, chokers, pectorals, rings, beads, pendants, belts, belt buckles, earrings, diadems, straight pins and fibulae, bracelets, anklets, girdles, belts, mirrors, wreaths and crowns, make-up accessories and tools, metal strigils (scrapers), crosses, and lamp-holders. Approximate date: 1st millennium B.C. to 15th century A.D.

4. *Seals*—In lead, tin, copper, bronze, silver, and gold. Types include rings, amulets, and seals with shank. Approximate date: 1st millennium B.C. to 15th century A.D.

5. *Tools*—In copper, bronze and iron. Types include hooks, weights, axes, scrapers, trowels, keys and the tools of crafts persons such as carpenters, masons and metal smiths. Approximate date: 1st millennium B.C. to 15th century A.D.

6. *Weapons and Armor*—Body armor, including helmets, cuirasses, shin guards, and shields, and horse armor often decorated with elaborate engraved, embossed, or perforated designs. Both launching weapons (spears and javelins) and weapons for hand to hand combat (swords, daggers, etc.). Approximate date: 8th century B.C. to 4th century A.D.

7. *Coins*

a. *General*—Examples of many of the coins found in ancient Libya may be found in: A. Burnett and others, *Roman Provincial Coinage,* multiple volumes (British Museum Press and the Bibliothèque Nationale de France, 1992–), R. S. Poole and others, *Catalogue of Greek Coins in the British Museum,* volumes 1–29 (British Museum Trustees 1873–1927) and H. Mattingly and others, *Coins of the Roman Empire in the British Museum,* volumes 1–6 (British Museum Trustees 1923–62). For Byzantine coins, *see* Grierson, Philip, *Byzantine Coins,* London, 1982. For publication of examples of coins circulating in archaeological sites, *see La moneta di Cirene e della Cirenaica nel Mediterraneo. Problemi e Prospettive,* Atti del V Congresso Internazionale di Numismatica e di Storia Monetaria, Padova, 17–19 marzo 2016, Padova 2016 (Numismatica Patavina, 13).

b. *Greek Bronze Coins*—Struck by city-states of the Pentapolis, Carthage and the Ptolemaic kingdom that operated in territory of the Cyrenaica in eastern Libya. Approximate date: 4th century B.C. to late 1st century B.C.

c. *Greek Silver and Gold Coins*—This category includes coins of the city-states of the Pentapolis in the Cyrenaica and the Ptolemaic Kingdom. Coins from the city-state of Cyrene often bear an image of the silphium plant. Such coins date from the late 6th century B.C. to late 1st century B.C.

d. *Roman Coins*—In silver and bronze, struck at Roman and Roman provincial mints including Apollonia, Barca, Balagrae, Berenice, Cyrene, Ptolemais, Leptis Magna, Oea, and Sabratha. Approximate date: late 3rd century B.C. to 1st century A.D.

e. *Byzantine Coins*—In bronze, silver, and gold by Byzantine emperors. Struck in Constantinople and other mints. From 4th century A.D. through 1396 A.D.

f. *Islamic Coins*—In bronze, silver, and gold. Dinars with Arabic inscriptions inside a circle or square, may be surrounded with symbols. Struck at mints in Libya (Barqa) and adjacent regions. From 642 A.D. to 15th century A.D.

g. *Ottoman*—Struck at mints in Istanbul and Libya's neighboring regions. Approximate date: 1551 A.D. through 1750 A.D.

C. Ceramic and Clay

1. *Sculpture*

a. *Architectural Elements*—Baked clay (terracotta) elements used to decorate buildings. Elements include acroteria, antefixes, painted and relief plaques, revetments. Approximate date: 1st millennium B.C. to 30 B.C.

b. *Architectural Decorations*—Including carved and molded brick, and tile wall ornaments and panels.

c. *Statuary*—Large- and small-scale. Subject matter is varied and includes deities, human and animal figures, human body parts, and groups of figures in the round. May be brightly colored. These range from approximately 4 to 40 in. in height. Approximate date: 1st millennium B.C. to 3rd century A.D.

d. *Terracotta Figurines*—Terracotta statues and statuettes, including deities, human, and animal figures, as well as groups of figures in the round. Late 7th century B.C. to 3rd century A.D.

2. *Vessels*

a. *Neolithic Pottery*—Handmade, often decorated with a lustrous burnish, decorated with applique´ and/or incision, sometimes with added paint. These come in a variety of shapes from simple bowls and vases to large storage jars. Approximate date: 10th millennium B.C. to 3rd millennium B.C.

b. *Greek Pottery*—Includes both local and imported fine and coarse wares and amphorae. Also imported Attic Black Figure, Red Figure and White Ground Pottery—these are made in a specific set of shapes (*e.g.,* amphorae, kraters, hydriae, oinochoi, kylikes) decorated with black painted figures on a clear clay ground (Black Figure), decorative elements in reserve with background fired black (Red Figure), and multi-colored figures painted on a white ground (White Ground). Corinthian Pottery—Imported painted pottery made in Corinth in a specific range of shapes for perfume and unguents and for drinking or pouring liquids. The very characteristic painted and incised designs depict human and animal figural scenes, rows of animals, and floral decoration. Approximate date: 8th century B.C. to 6th century B.C.

c. *Punic and Roman Pottery*—Includes fine and coarse wares, including terra sigillata and other red gloss wares, and cooking wares and mortaria, storage and shipping amphorae.

d. *Byzantine Pottery*—Includes undecorated plain wares, lamps, utilitarian, tableware, serving and storage jars, amphorae, special shapes such as pilgrim flasks. Can be matte painted or glazed, including incised ''sgraffitto'' and stamped with elaborate polychrome decorations using floral, geometric, human, and animal motifs. Approximate date: 324 A.D. to 15th century A.D.

e. *Islamic and Ottoman Pottery*—Includes plain or utilitarian wares as well as painted wares.

f. *Oil Lamps and Molds*—Rounded bodies with a hole on the top and in the nozzle, handles or lugs and figural motifs (beading, rosette, silphium). Include glazed ceramic mosque lamps, which may have a straight or round bulbous body with flared top, and several branches. Approximate date: 1st millennium B.C. to 15th century A.D.

3. *Objects of Daily Use*—Including game pieces, loom weights, toys, and lamps.

D. Glass, Faience, and Semi-Precious Stone

1. *Architectural Elements*—Mosaics and glass windows.
2. *Vessels*—Shapes include small jars, bowls, animal shaped, goblet, spherical, candle holders, perfume jars (unguentaria), and mosque lamps. Those from prehistory and ancient history may be engraved and/or colorless or blue, green or orange, while those from the Islamic Period may include animal, floral, and/or geometric motifs. Approximate date: 1st millennium B.C. to 15th century A.D.
3. *Beads*—Globular and relief beads. Approximate date: 1st millennium B.C. to 15th century A.D.
4. *Mosque Lamps*—May have a straight or round bulbous body with flared top, and several branches. Approximate date: 642 A.D. to 1750 A.D.

E. Mosaic

1. *Floor Mosaics*—Including landscapes, scenes of deities, humans, or animals, and activities such as hunting and fishing. There may also be vegetative, floral, or geometric motifs and imitations of stone. Often have religious imagery. They are made from stone cut into small bits (tesserae) and laid into a plaster matrix. Approximate date: 5th century B.C. to 4th century A.D.
2. *Wall and Ceiling Mosaics*—Generally portray similar motifs as seen in floor mosaics. Similar technique to floor mosaics, but may include tesserae of both stone and glass. Approximate date: 5th century B.C. to 4th century A.D.

F. Painting

1. *Rock Art*—Painted and incised drawings on natural rock surfaces. There may be human, animal, geometric and/or floral motifs. Include fragments. Approximate date: 12,000 B.C. to 100 A.D.
2. *Wall Painting*—With figurative (deities, humans, animals), floral, and/or geometric motifs, as well as funerary scenes. These are painted on stone, mud plaster, lime plaster (wet—buon fresco—and dry—secco fresco), sometimes to imitate marble. May be on domestic or public walls as well as in tombs. Approximate date: 1st millennium B.C. to 1551 A.D.

G. Plaster—Stucco reliefs, plaques, stelae, and inlays or other architectural decoration in stucco.

H. Textiles, Basketry, and Rope

1. *Textiles*—Linen cloth was used in Greco-Roman times for mummy wrapping, shrouds, garments, and sails. Islamic textiles in linen and wool, including garments and hangings.
2. *Basketry*—Plant fibers were used to make baskets and containers in a variety of shapes and sizes, as well as sandals and mats.
3. *Rope*—Rope and string were used for a great variety of purposes, including binding, lifting water for irrigation, fishing nets, measuring, and stringing beads for jewelry and garments.

I. Bone, Ivory, Shell, and Other Organics

1. *Small Statuary and Figurines*—Subject matter includes human, animal, and hybrid figures, and parts thereof as well as groups of figures in the round. These range from approximately 4 to 40 in. in height. Approximate date: 1st millennium B.C. to 15th century A.D.
2. *Reliefs, Plaques, Stelae, and Inlays*—Carved and sculpted. May have figurative, floral and/or geometric motifs.
3. *Personal Ornaments and Objects of Daily Use*—In bone, ivory, and spondylus shell. Types include amulets, combs, pins, spoons, small containers, bracelets, buckles, and beads. Approximate date: 1st millennium B.C. to 15th century A.D.
4. *Seals and Stamps*—Small devices with at least one side engraved with a design for stamping or sealing; they can be discoid, cuboid, conoid, or in the shape of animals or fantastic creatures (*e.g.,* a scarab). Approximate date: 1st millennium B.C. to 2nd millennium B.C.
5. *Luxury Objects*—Ivory, bone, and shell were used either alone or as inlays in luxury objects including furniture, chests and boxes, writing and painting equipment, musical instruments, games, cosmetic containers, combs, jewelry, amulets, seals, and vessels made of ostrich egg shell.

J. Wood—Items such as tablets (tabulae), sometimes pierced with holes on the borders and with text written in ink on one or both faces, typically small in size (4 to 12 in. in length), recording sales of property (such as slaves, animals, grain) and other legal documents such as testaments. Approximate date: late 2nd to 4th centuries A.D.

II. Ottoman Ethnological Material

A. Stone

1. *Architectural Elements*—The most common stones are marble, limestone, and sandstone. From sites such as forts, palaces, mosques, shrines, tombs, and monuments, including doors, door frames, window fittings, columns, capitals, bases, lintels, jambs, friezes, pilasters, engaged columns, altars, mihrabs (prayer niches), screens, fountains, mosaics, inlays, and blocks from walls, floors, and ceilings. Often decorated in relief with religious motifs.
2. *Architectural and Non-architectural Relief Sculpture*—In marble, limestone, and sandstone. Types include carved slabs with religious, figural, floral, or geometric motifs, as well as plaques and stelae, sometimes inscribed.
3. *Statuary*—Primarily in marble, but also in limestone and sandstone. Large- and small-scale, such as human (including historical portraits or busts) and animal figures.
4. *Sepulchers*—In marble, limestone, and other kinds of stone. Types of burial containers include sarcophagi, caskets, coffins, and chest urns. May be plain or have figural, geometric, or floral motifs painted on them, be carved in relief, and/or have decorative moldings.
5. *Inscriptions, Memorial Stones, and Tombstones*—Primarily in marble, most frequently engraved with Arabic script.
6. *Vessels and Containers*—Include stone lamps and containers such as those used in religious services, as well as smaller funerary urns.

B. Metal

1. *Architectural Elements*—Primarily copper, brass, lead, and alloys. From sites such as forts, palaces, mosques, shrines, tombs, and monuments, including doors, door fixtures, other lathes, chandeliers, screens, and sheets to protect domes.
2. *Architectural and Non-architectural Relief Sculpture*—Primarily bronze and brass. Includes appliques, plaques, and stelae. Often with religious, figural, floral, or geometric motifs. May have inscriptions in Arabic.
3. *Vessels and Containers*—In brass, copper, silver, or gold, plain, engraved, or hammered. Types include jugs, pitchers, plates, cups, lamps, and containers used for religious services (like Qur'an boxes). Often engraved or otherwise decorated.
4. *Jewelry and Personal Adornments*—In a wide variety of metals such as iron, brass, copper, silver, and gold. Includes rings and ring seals, head ornaments, earrings, pendants, amulets, bracelets, talismans, and belt buckles. May be adorned with inlaid beads, gemstones, and leather.
5. *Weapons and Armor*—Often in iron or steel. Includes daggers, swords, saifs, scimitars, other blades, with or without sheaths, as well as spears, firearms, and cannons. Ottoman types may be inlaid with gemstones, embellished with silver or gold, or engraved with floral or geometric motifs and inscriptions. Grips or hilts may be made of metal, wood, or

even semi-precious stones such as agate, and bound with leather. Armor consisting of small metal scales, originally sewn to a backing of cloth or leather, and augmented by helmets, body armor, shields, and horse armor.

6. *Ceremonial Paraphernalia*—Including boxes (such as Qur'an boxes), plaques, pendants, candelabra, stamp and seal rings.

7. *Musical Instruments*—In a wide variety of metals. Includes cymbals and trumpets.

C. Ceramic and Clay

1. *Architectural Decorations*—Including carved and molded brick, and engraved and/or painted tile wall ornaments and panels, sometimes with Arabic script. May be from forts, palaces, mosques, shrines, tombs, or monuments.

2. *Vessels and Containers*—Includes glazed, molded, and painted ceramics. Types include boxes, plates, lamps, jars, and flasks. May be plain or decorated with floral or geometric patterns, or Arabic script, primarily using blue, green, brown, black, or yellow colors.

D. Wood

1. *Architectural Elements*—From sites such as forts, palaces, mosques, shrines, tombs, monuments, and madrassas, including doors, door fixtures, panels, beams, balconies, stages, screens, ceilings, and tent posts. Types include doors, door frames, windows, window frames, walls, panels, beams, ceilings, and balconies. May be decorated with religious, geometric or floral motifs or Arabic script.

2. *Architectural and Non-architectural Relief Sculpture*—Carved and inlaid wood panels, rooms, beams, balconies, stages, panels, ceilings, and doors, frequently decorated with religious, floral, or geometric motifs. May have script in Arabic or other languages.

3. *Qur'an Boxes*—May be carved and inlaid, with decorations in religious, floral, or geometric motifs, or Arabic script.

4. *Study Tablets*—Arabic inscribed training boards for teaching the Qur'an.

E. Bone and Ivory

1. *Ceremonial Paraphernalia*—Types include boxes, reliquaries (and their contents), plaques, pendants, candelabra, stamp and seal rings.

2. *Inlays*—For religious decorative and architectural elements.

F. Glass—Vessels and containers in glass from mosques, shrines, tombs, and monuments, including glass and enamel mosque lamps and ritual vessels.

G. Textiles—In linen, silk, and wool. Religious textiles and fragments from mosques, shrines, tombs, and monuments, including garments, hangings, prayer rugs, and shrine covers.

H. Leather and Parchment

1. *Books and Manuscripts*—Either as sheets or bound volumes. Text is often written on vellum or other parchment (cattle, sheep, goat, or camel) and then gathered in leather bindings. Paper may also be used. Types include the Qur'an and other Islamic books and manuscripts, often written in brown ink, and then further embellished with colorful floral or geometric motifs.

2. *Musical Instruments*—Leather drums of various sizes (*e.g.,* bendir drums used in Sufi rituals, wedding processions and Mal'uf performances).

I. Painting and Drawing—Ottoman Period paintings may depict courtly themes (*e.g.,* rulers, musicians, riders on horses) and city views, among other topics.

Inapplicability of Notice and Delayed Effective Date

This amendment involves a foreign affairs function of the United States and is, therefore, being made without notice or public procedure under 5 U.S.C. 553(a)(1). For the same reason, a delayed effective date is not required under 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Orders 12866 and 13771

CBP has determined that this document is not a regulation or rule subject to the provisions of Executive Order 12866 or Executive Order 13771 because it pertains to a foreign affairs function of the United States, as described above, and therefore is specifically exempted by section 3(d)(2) of Executive Order 12866 and section 4(a) of Executive Order 13771.

Signing Authority

This regulation is being issued in accordance with 19 CFR 0.1(a)(1), pertaining to the Secretary of the Treasury's authority (or that of his/her delegate) to approve regulations related to customs revenue functions.

List of Subjects in 19 CFR Part 12

Cultural property, Customs duties and inspection, Imports, Prohibited merchandise.

Amendment to CBP Regulations

For the reasons set forth above, part 12 of title 19 of the Code of Federal Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

■ 1. The general authority citation for part 12 and the specific authority citation for § 12.104g continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

■ 2. In § 12.104g:

■ a. The table in paragraph (a) is amended by adding the entry for Libya in appropriate alphabetical order; and

■ b. The table in paragraph (b) is amended by removing the entry for ''Libya'' in its entirety, but retaining the table headings.

The addition reads as follows:

§ 12.104g Specific items or categories designated by agreements or emergency actions.

* * * * *

(a) * * *

State party	Cultural property	Decision No.
*	*	*
Libya	Archaeological and ethnological material from Libya	CBP Dec. 18–07.
*	*	*

Kevin K. McAleenan,

Commissioner, U.S. Customs and Border Protection.

Approved: July 3, 2018.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2018–14637 Filed 7–6–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0639]

Drawbridge Operation Regulation; Black Narrows and Lewis Creek Channel, Chincoteague Island, VA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR 175 Bridge, which carries SR 175 across the Black Narrows and Lewis Creek Channel, mile 0.0, at Chincoteague Island, VA. The deviation is necessary to facilitate the 2018 Annual Pony Run and Auction. This deviation allows the bridge to remain in the closed-to-navigation position.

DATES: The deviation is effective from 6 a.m. on July 25, 2018, through 6 p.m. on July 26, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0639 is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Michael Thorogood, Bridge Administration Branch Fifth District, Coast Guard, telephone 757–398–6557, email *Michael.R.Thorogood@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Virginia Department of Transportation, owner and operator of the SR 175 Bridge that carries SR 175 across the Black Narrows and Lewis Creek Channel, mile 0.0, at Chincoteague Island, VA, has requested a temporary deviation from the current operating regulations to ensure the safety of the participants and spectators associated with the 2018 Annual Pony Run and Auction on July 25, 2018, and July 26, 2018. This bridge is a single-span bascule drawbridge, with a vertical clearance of 15 feet above mean high water in the closed position and unlimited vertical clearance in the open position.

The current operating regulation is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will be maintained in the closed-to-navigation position from 6 a.m. through 6 p.m. on July 25, 2018, and July 26, 2018.

The Black Narrows and Lewis Creek Channel is used by a variety of vessels including recreational vessels. The Coast Guard has carefully coordinated the restrictions with waterway users in publishing this temporary deviation.

Vessels able to pass through the bridge in the closed-to-navigation position may do so at anytime. The bridge will not be able to open for emergencies and there is no immediate alternative route for vessels unable to pass through the bridge in the closed position. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: July 2, 2018.

Hal R. Pitts,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2018–14616 Filed 7–6–18; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51, 63, and 68

[WC Docket No. 17–84; FCC 18–74]

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, a Second Report and Order takes a number of actions to accelerate the deployment of next-generation networks and services through removing barriers to infrastructure investment. The Second Report and Order takes further action to revise the discontinuance process, network change notification processes, and the customer notice process. It also forbears from applying discontinuance requirements for services with no customers and no reasonable requests for service during the preceding 30 days.

DATES: This rule is effective August 8, 2018, except for the amendments to 47 CFR 51.333(g)(1)(i), (g)(1)(iii), and (g)(2), 63.71(f), (h), (k) introductory text, (k)(1) and (3), and (l), which contain information collection requirements that have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date. The amendments to 47 CFR 63.19(a) introductory text published at 81 FR 62656, Sept. 12, 2016, are effective August 8, 2018.

FOR FURTHER INFORMATION CONTACT: Wireline Competition Bureau, Competition Policy Division, Michele Berlove, at (202) 418–1477, *michele.berlove@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order in WC Docket No. 17–84, FCC 18–74, adopted June 7, 2018 and released June 8, 2018. The full text of this document is available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It is available on the Commission's website at *https://docs.fcc.gov/public/attachments/FCC-18-74A1.pdf.*

Synopsis

I. Introduction

1. Removing regulatory barriers causing unnecessary costs or delay when carriers seek to transition from legacy networks and services to broadband networks and services is an important piece of our work to encourage deployment of next-generation networks and to close the digital divide. In this Report and Order, we continue to act on our commitment by further reforming regulatory processes that unnecessarily stand in the way of this important transition that benefits the American public.

2. The actions we take today focus on further streamlining our processes by which carriers discontinue outdated services, eliminating unnecessary and burdensome or redundant requirements, and helping ensure that our network

change notification rules take into account the challenges carriers face in the wake of catastrophic and unforeseen events. Providing additional opportunities for streamlined treatment for discontinuance and grandfathering of legacy voice and lower-speed data services and forbearing from applying our discontinuance requirements to services no longer being used by any customers, with appropriate limitations to protect consumers and the public interest, will allow carriers to more quickly redirect resources to next-generation networks and for the public to receive the benefits of those new networks.

II. Background

3. The Commission initiated this proceeding last spring by adopting a *Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment* (*Wireline Infrastructure NPRM*) seeking comment on a number of potential regulatory reforms to our rules and procedures regarding pole attachments, copper retirement, and discontinuances of legacy services. The *NPRM* was published in the **Federal Register** on May 16, 2017 (82 FR 22453).

4. On November 16, 2017, the Commission adopted a *Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking* (*Wireline Infrastructure Order*) enacting reforms to our pole attachment, network change disclosure, and discontinuance processes to better enable providers to invest in next-generation networks. The *Order* was published in the **Federal Register** on December 28, 2017 (82 FR 61453). At the same time, the Commission adopted the *Wireline Infrastructure FNPRM* and sought comment on additional steps to streamline our network change and discontinuance processes, including with respect to discontinuing legacy voice services. At this time, in the interest of removing barriers to broadband infrastructure deployment as quickly as possible, we focus specifically on continuing to reform our discontinuance and network change notification rules. We are committed to and working toward addressing other important issues raised by the *Wireline Infrastructure FNPRM* and for which the Commission's Broadband Deployment Advisory Committee offered recommendations, including revisions to our pole attachment rules. We expect to address those issues in the near future.

III. Report and Order

A. Further Streamlining the Section 214(a) Discontinuance Process

5. Today, we take additional steps to eliminate unnecessary regulatory burdens when carriers decide to replace legacy voice and lower-speed data services with improved technological alternatives. The reforms we adopt here, like those adopted late last year, reflect the reality of today's marketplace and the decreasing demand for legacy voice and lower-speed data services as customers move towards more advanced competing alternatives. As demand for legacy services declines, expediting the discontinuance process for such services will allow carriers to focus their resources on providing next-generation IP-based services. The revisions we make today to our rules implementing the section 214(a) discontinuance approval process decrease needless costs and delay in transitioning from legacy voice services and lower-speed data services to next-generation IP-based services so that customers can receive innovative services that meet their needs. As a matter of convenience, unless otherwise noted, in this Report and Order, we use the terms ''discontinue'' or ''discontinuance'' as a shorthand for the statutory language ''discontinue, reduce, or impair.''

6. At the outset, we reiterate that section 214(a)'s discontinuance obligations apply to interstate voice and data telecommunications services, and to interconnected VoIP service to which the Commission has extended section 214(a)'s discontinuance requirements. Our rules governing the discontinuance process do not preempt state requirements regarding the discontinuance of intrastate services. They do not apply to any carrier's provision of information services, to data or other services offered on a private carriage basis, or to any other communications or non-communications lines of business in which a carrier is engaged that do not come within the purview of Title II of the Communications Act of 1934, as amended (the Act).

1. Expediting Applications That Grandfather, or Discontinue Previously-Grandfathered, Data Services at Speeds Below 25/3 Mbps

7. To encourage carriers to transition to next-generation technologies, and to reduce unnecessary regulatory burdens and costs that would otherwise be imposed on carriers as part of a technology transition, we revise our rules to provide streamlined treatment for lower-speed services in circumstances where the carrier already provides replacement data services at speeds of at least 25 Mbps/3 Mbps. Specifically, we streamline our discontinuance processes for applications seeking to (i) grandfather data services with download/upload speeds below 25 Mbps/3 Mbps, and (ii) subsequently discontinue on a permanent basis such data services once they have been grandfathered for at least 180 days. Previously, the Commission adopted streamlined comment and automatic grant periods of 10 and 25 days, respectively, for applications to grandfather voice and data services below 1.544 Mbps. We now extend this same streamlined treatment to applications seeking to grandfather data services with speeds below 25 Mbps/3 Mbps, so long as the applying carrier provides fixed replacement data services at speeds of at least 25 Mbps/3 Mbps throughout the affected service area. We recognize that data services subject to section 214 discontinuance authority typically have symmetrical upload and download speeds. We nevertheless specify a non-symmetrical speed threshold here to provide maximum flexibility to carriers to the extent they now or in the future offer any non-symmetrical common carrier data service having download speeds less than 25 Mbps and upload speeds less than 3 Mbps that is subject to our discontinuance rules. The Commission also previously adopted streamlined comment and automatic grant periods of 10 and 31 days, respectively, for applications to permanently discontinue data services below 1.544 Mbps, provided the Commission has previously authorized such services to be grandfathered for at least the prior 180-day period. We now revise our rules to provide the same expedited 10-day comment and 31-day automatic grant periods to all previously-grandfathered data services with download/upload speeds below 25 Mbps/3 Mbps.

8. The record strongly supports extending this streamlined processing to these additional grandfathered and previously-grandfathered data services. Most importantly, these streamlining measures meet our objective of providing carriers with incentives to develop and deploy higher-speed data services at or above 25 Mbps/3 Mbps. Expediting the discontinuance process for additional data services provided that the carrier offers replacement data services at or above our specified speed threshold will spur the ongoing technology transition to next-generation IP-based services and promote

competition in the market for higher-speed replacement services.

9. We reject some commenters' suggestion that extending the streamlined treatment to this class of data services ''does not strike the appropriate balance between providing carriers flexibility and ensuring that customers have access to adequate alternatives.'' Because carriers seeking to use this streamlined process must provide replacement data services at speeds of at least 25 Mbps/3 Mbps throughout the affected service area, concerns about adequate alternatives are misplaced. Moreover, as other commenters recognize, extending our expedited discontinuance process to cover additional grandfathered and previously-grandfathered data services below 25 Mbps/3 Mbps protects existing customers in the same manner as our expedited process for grandfathered and previously-grandfathered low-speed legacy voice and data services. Commenters also note that more flexible speed thresholds are justified by the fact that grandfathering has no impact on existing services. We have thus heeded concerns that we proceed with caution in extending relief to higher speed data services. Existing customers will be grandfathered and they will have sufficient time to raise concerns, if any, about the carrier's grandfathering plans if they are impacted. What's more, the grandfathering period provides customers a far longer actual notice period and opportunity to transition to alternative services than our existing, more general, streamlined processing rules. It also provides us with sufficient time to conduct a thorough examination as to whether the proposed discontinuance would adversely affect the present or future public convenience and necessity during the application review process.

10. Carriers, of course, remain free to seek approval to discontinue a data service below 25 Mbps/3 Mbps without first grandfathering such service. But if they choose to do so, they are not eligible for the further streamlined processing we adopt today for previously-grandfathered data services below this speed threshold. Our further streamlining actions reflect common-sense reforms that balance the needs of customers and carriers in fulfilling our section 214(a) discontinuance obligations.

11. The Commission proposed the 25 Mbps/3 Mbps threshold in the *Wireline Infrastructure FNPRM* to encourage and incentivize carriers seeking to discontinue lower-speed services to deploy and offer data services meeting our current benchmark for fixed advanced telecommunications capability under section 706 of the Act. A data service having download/upload speeds of 25 Mbps/3 Mbps ''enables users to originate and receive high quality voice, data, graphics, and video telecommunications.'' If the discontinuing carrier offers replacement data services at speeds of at least 25 Mbps/3 Mbps, then the streamlined discontinuance process serves as an additional tool to close the digital divide by ensuring customers in the affected area have access to fixed services offering advanced telecommunications capability. We find that limiting the extension of expedited treatment for grandfathered and previously-grandfathered services to data services below 25 Mbps/3 Mbps strikes the appropriate balance at this time to provide regulatory relief to incentivize carriers to transition from the provision of legacy or lower-speed data services and allow them to free up resources to devote to higher-speed more advanced services. We thus decline at present to extend these same streamlining measures to certain higher-speed data services or ''*all* data services regardless of speed.'' We proceed incrementally to focus regulatory relief where it is most needed first—on lower-speed data services for which customer demand is rapidly declining.

12. Similarly, we decline requests to apply an expedited discontinuance process where the proposed replacement data services are below 25 Mbps/3 Mbps as long as the discontinuing carrier offers ''another data service of at least the same . . . speed throughout the affected service area as the service being discontinued.'' Allowing carriers that do not commit to provide replacement data services having speeds of at least 25 Mbps/3 Mbps to qualify for this streamlined treatment would not encourage carriers to deploy and offer data services meeting at least our current benchmark speed threshold for fixed advanced telecommunications capability of 25 Mbps/3 Mbps. As the Commission has explained, data services having download/upload speeds of 25 Mbps/3 Mbps ''enable[ ] users to originate and receive high quality voice, data, graphics, and video telecommunications''—capabilities that consumers demand. We recognize commenter concerns that a higher-speed data service may be more costly than a service providing speeds of less than 25 Mbps/3 Mbps. However, this is precisely the type of concern that can be addressed during the section 214 discontinuance public comment period. We also note that while the cost of the replacement service might be outweighed by other considerations, the Commission will consider whether the price for the replacement service is so high as to be unaffordable to most users.

13. In the *Wireline Infrastructure FNPRM,* the Commission proposed specifying that the replacement data service at or above 25 Mbps/3 Mbps that an applicant must provide to qualify for streamlined treatment must be of ''equivalent quality.'' We decline to adopt the ''equivalent quality'' descriptive language in the condition to qualify for streamlined treatment. In proposing that the replacement data service be of ''equivalent quality,'' the Commission did not intend to impose new rigid or prescriptive requirements on replacement services at or above 25 Mbps/3 Mbps that a carrier must meet to obtain streamlined processing to grandfather these additional data services. We note that no commenter objects to Verizon's request that we eliminate this qualifier in extending streamlined processing to additional data services below 25 Mbps/3 Mbps. We do not intend to modify our existing precedent governing the requirements of a replacement service or how we analyze and evaluate a carrier's application under our traditional five-factor test. For example, Commission precedent does not require that a replacement service constitute a like-for-like alternative to the service being discontinued. In determining whether a discontinuance will harm the public interest, the Commission has traditionally utilized a five-factor balancing test to analyze a section 214(a) discontinuance application: (1) The financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) increased charges for alternative services; and (5) the existence, availability, and adequacy of alternatives. We agree that including the ''equivalent quality'' descriptor in the condition requiring the carrier's availability of a replacement data service at or above 25 Mbps/3 Mbps would inject unintended uncertainty into this streamlined process and could lead to further confusion given the absence of a similar descriptor as a condition for grandfathering data services below 1.544 Mbps. We clarify that the adequacy of the alternative data service offered by the carrier will continue to be evaluated like any other replacement data service under our rules—according to our traditional five-

factor test, and consistent with precedent.

14. Finally, Windstream and Ad Hoc urge us again to incorporate specific prescribed safeguards in any further streamlining of data service applications to protect grandfathered business customers. The Commission rejected these same recommendations in its most recent wireline infrastructure item because they are inconsistent with the goal of streamlining processes and because businesses—like other consumers—benefit overall when carriers invest in deployment of next-generation services rather than outdated technologies. There is nothing in the current record that leads us to a different conclusion. We therefore decline to adopt these proposals here, as the Commission did just over six months ago.

2. Forbearing From Applying Discontinuance Approval Obligations for Services With No Customers

15. We forbear from applying the discontinuance approval obligations set forth in section 214(a) of the Act and section 63.60 through 63.602 of our rules to carriers choosing to discontinue services for which the carrier has had no customers and no reasonable requests for service for at least the immediately preceding 30 days. When we refer to services without customers in this subsection, we are referring to applications for services having both no existing customers *and* no reasonable request for the service for the preceding 30-day period. The Commission exercised its ancillary authority to extend discontinuance obligations to interconnected VoIP providers. We see no reason to treat interconnected VoIP services subject to our discontinuance authority prior to today differently than telecommunications services having no customers for the purpose of this forbearance relief. In so doing, we relieve carries of the burden of filing discontinuance applications and leave them free to focus their funding and attention on newer, more popular services rather than maintain a service for which there is no demand during the pendency of a discontinuance application. This action does not impact the requirements associated with emergency discontinuances where a carrier's existing customers are without service for a period of time exceeding 30 days. The rules governing such occurrences are separately set forth in section 63.63 of our rules. Section 63.63's requirements will continue to govern such situations.

16. The Act requires us to forbear from applying any requirement of the Act or of our regulations to a telecommunications carrier or telecommunications service if and only if we determine that: (1) Enforcement of the requirement is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory; (2) enforcement of that requirement is not necessary for the protection of consumers; and (3) forbearance from applying that requirement is consistent with the public interest. In making the public interest determination, we must also consider, pursuant to section 10(b) of the Act, ''whether forbearance from enforcing the provision or regulation will promote competitive market conditions.'' As discussed below, we find that the criteria for forbearance are satisfied here.

17. *Section 10(a)(1).* We agree with commenters that ''[w]hen a service has no customers, it necessarily follows that the section 214 discontinuance processes are not necessary to ensure just and reasonable and nondiscriminatory terms of service . . . for the simple reason that customers have demonstrated by their actions in the marketplace that they do not need or want the service.'' Thus, we find enforcement of the discontinuance requirements in this context could hardly be ''necessary'' when, in fact, there are ''no subscribers who pay charges or who are subject to 'practices' or other terms.''

18. *Section 10(a)(2).* We find that enforcement of the discontinuance obligations in this context is not necessary to protect consumers. Section 214(a)'s discontinuance provision is meant to prevent communities from being deprived of critical links to the larger public communications infrastructure. When a service with no existing customers is eliminated, it follows that ''no community or part of a community would be cut off from the public communications infrastructure.'' Moreover, although a key component of the section 214(a) discontinuance process is notifying all affected customers, we agree with AT&T that attempts at customer notice ''would be futile in the context of services without existing customers.''

19. CWA's assertion that it is only through Commission review and public comment during the discontinuance process that the Commission can determine whether a service has no customers is at odds with our experience with discontinuance applications for services identified as having no customers. To date, we have not received a single comment in opposition to any application to discontinue service with no customers. We previously took more incremental steps to streamline discontinuance obligations for certain services with no customers, and the record does not identify any harms that arose as a result. In the *Wireline Infrastructure FNPRM,* the Commission revised its rules so that applications to discontinue legacy voice and data services below 1.544 Mbps that have had no customers and no reasonable requests for service for at least 30 days would be automatically granted 15 days after acceptance for filing absent further action by Commission staff to remove the application from streamlined treatment. Moreover, there is no evidence in the current record that services without customers are likely to be in demand sometime in the future. Therefore, we find that neither current nor future customers will be harmed by forbearing from applying discontinuance obligations for services with no customers.

20. *Section 10(a)(3) and 10(b).* We agree with commenters that forbearance from the discontinuance approval requirements for services with no customers will serve the public interest by ''eliminating superfluous regulation that slows the transition to more modern services'' with growing demand for services that customers want to purchase. We also find that forbearance in this instance will promote competitive market conditions by enabling carriers to redirect resources from services with no demand to more rapidly bringing next-generation services and networks to all customers or ''other endeavors where the public interest is expressed through consumer demand.'' Freeing carriers to invest in services people want, instead of services nobody wants, promotes competition and benefits the public.

21. Our decision to forbear from the discontinuance requirements for services with no customers, obviates our need to consider further streamlining applications for discontinuance of services with no customers. For the same reason, it obviates the rationale for the Commission's previous decision to streamline applications for certain services with no customers. We therefore revise the present text of section 63.71(g) and remove section 63.71(k)(5), which created varying degrees of streamlining for discontinuance applications for services with no customers. We take this action to make clear to carriers that they need

not file an application to discontinue a service for which they have had no customers and no reasonable requests for service during the 30-day period immediately preceding the discontinuance.

3. Eliminating 2016 Outreach Requirements

22. We also eliminate the uncodified education and outreach mandates adopted in the *2016 Technology Transitions Order* applicable to carriers discontinuing TDM voice services. These education and outreach requirements are not yet in effect because they have not been approved by the Office of Management and Budget (OMB). The OMB approval process is a transparent and public process. The record confirms that these requirements are unduly burdensome in light of current marketplace incentives and carriers' normal business practices of providing their customers with timely and necessary information regarding replacement voice services in a technology transition. These mandates include: (1) The development and dissemination of Commission-prescribed educational materials to all affected customers containing specific information about the replacement service; (2) the creation of an accessible telephone hotline, staffed 12 hours per day, to answer questions regarding the transition; and (3) designated staff, trained in disabilities access issues, to answer consumer questions about the technology transition. Moreover, existing regulatory requirements ensure that such information is available to consumers.

23. We agree with commenters that argue that service providers have strong marketplace incentives to communicate with, and educate, customers about replacement services related to their technology transitions. As the Commission found in the *Wireline Infrastructure Order,* intermodal competition encourages carriers to communicate with customers to retain them and stay competitive. This finding is not surprising, as even the *2016 Technology Transitions Order* acknowledged carriers ''strong business incentives to answer customers' questions in a competent and timely manner.'' The record here further substantiates this finding and belies the claims that marketplace competition or carriers' existing customer relationships may not ensure that carriers provide the information required by the rules. Indeed, one opponent of eliminating the outreach requirements specifically acknowledges that carriers have made ''comprehensive, and multi-faceted'' efforts to educate and inform consumers in a technology transitions situation even before the adoption of the 2016 requirements. Another opponent mistakenly credits the 2016 outreach mandates with helping achieve the ''relatively smooth and seamless'' technology transitions in its state. However, because the 2016 outreach requirements are not yet effective, the commenter's observations actually demonstrate that carriers engage in effective customer communications about their technology transitions without the need for mandatory prescriptive requirements. Opponents of eliminating the 2016 outreach requirements fail to offer any examples of ''any actual harms for the requirements to redress.''

24. In the face of carriers' incentives to communicate with customers, one-size-fits-all regulatory intrusion is unnecessarily burdensome. We disagree with those commenters that claim that the 2016 requirements provide consumers with ''the minimum amount of information'' they need to transition from legacy to alternative services and provide carriers ''with a flexible blueprint to follow.'' The record demonstrates that the 2016 outreach obligations translate to a long list of inflexible and burdensome mandates. We are therefore persuaded by those commenters that argue that the outreach requirements impose real, and in some cases, quite burdensome, costs on service providers.

25. Furthermore, our discontinuance obligations and accessibility and 911 rules also protect customers by requiring their carriers to provide timely and necessary information regarding replacement voice services when those carriers seek to cease offering legacy TDM voice service. The Commission extended section 255 accessibility requirements to interconnected VoIP services in 2007. For example, our rules require carriers seeking to discontinue a legacy voice service to provide substantially similar information about available replacement service alternatives in their application, including price, as the separate outreach requirement mandates. The Commission also puts discontinuance applications on public notice, thus triggering its discontinuance review process which gives affected customers the opportunity to comment or object to the application. Carriers also must ensure, through accessible call centers and customer support—akin to the 2016 telephone hotline accessibility requirement—that information about their voice services and accessibility features are accessible to individuals with disabilities at no additional cost. Carriers must also train customer service representatives to communicate with individuals with disabilities in order to comply with our accessibility rules. In developing training programs, carriers ''are encouraged to consider topics on accessibility requirements, means of communicating with individuals with disabilities, commonly used adaptive technology, designing for accessibility, and solutions for accessibility and compatibility.''

26. If customers facing a discontinuance of their legacy voice service do not believe that they have sufficient information about a replacement service from a carrier seeking Commission approval to discontinue a legacy voice service, then they can raise these issues in objections to the carrier's discontinuance application and seek to have the Commission remove the application from streamlined processing. Thus, the discontinuance process provides an additional backstop that encourages carriers to communicate with their customers up-front. We agree with USTelecom that ''there is no evidence in the record that existing applicable notice requirements are inadequate to notify consumers of service changes.'' Consequently, we find it unnecessary to continue to impose prescriptive outreach obligations when our rules already obligate carriers to ensure that customers are appropriately informed. We reject the argument that we should retain the education and outreach requirements because ''public safety and public welfare are at stake'' when carriers transition from legacy TDM voice to IP-based or other voice technologies. These objections are irrelevant here because they concern the circumstances in which transitions are permitted, rather than education and outreach requirements concerning those transitions. We note that the Act and our existing rules protect vulnerable consumers during technology transitions—for instance, voice service providers have independent consumer protection obligations addressing important accessibility and public safety issues, even when they use IP to deliver their voice services.

27. PK/CRS state that ''the test to eliminate these rules is not simply whether they impose cost but whether the public understands what is going on, [and] maintains critical services.'' Our decision to eliminate these outreach rules meets that ''test.'' The record reflects that carriers' ongoing customer relationship experience best positions them, not the Commission, to understand and implement effective

customer education and communications strategies, and other rules ensure that carriers make available necessary information regarding replacement voice services when those carriers seek to cease offering legacy TDM voice service. We thus disagree with commenters that assert that the education requirements remain necessary and that absent such requirements carriers are unlikely to provide the information customers need to understand the changes in their legacy voice services without these enforceable outreach requirements.

28. What's more, by eliminating these prescriptive and unnecessary requirements, we help accelerate the important and ongoing process of technology transitions to next-generation IP-based services and networks by significantly reducing additional costs and unnecessary regulatory burdens that would be imposed on carriers as part of this transition. Eliminating unnecessary costs and burdens having scant apparent countervailing benefits, frees up carrier resources to devote to a more rapid and efficient transition to next-generation networks and services. Apart from duplicating information already provided to customers through normal business practices or other Commission requirements, one carrier submits that this ''exhaustive information'' may so overwhelm its customers that they ignore it altogether. At the same time, we reiterate that we expect and encourage carriers to continue to collaborate with and educate their customers and state entities to ensure that customers are given sufficient time to accommodate the transition to new technologies, such that key functionalities are not lost during this period of change.

4. Streamlining Applications To Discontinue Legacy Voice Services

29. In the interest of further encouraging deployment of next-generation networks, we amend our rules to allow carriers to use either the ''adequate replacement test'' or a new ''alternative options test'' to qualify for streamlined treatment of applications to discontinue legacy voice services. Under the adequate replacement test, applications seeking to discontinue a legacy TDM-based voice service as part of a transition to a newer technology, such as VoIP, wireless, or some other advanced service (technology transition discontinuance applications), are required to satisfy a three-pronged test in order to be entitled to streamlined treatment. Specifically, the adequate replacement test requires a technology transition discontinuance application to ''certify[ ] or show[ ] that one or more replacement service(s) offers all of the following: (i) Substantially similar levels of network infrastructure and service quality as the applicant service; (ii) compliance with existing federal and/or industry standards required to ensure that critical applications such as 911, network security, and applications for individuals with disabilities remain available; and (iii) interoperability and compatibility with an enumerated list of applications and functionalities determined to be key to consumers and competitors.'' We clarify that we are not making any findings that the stand-alone interconnected VoIP service necessary for the discontinuing carrier to meet the first prong of the test and whatever alternative voice service(s) meets the second prong of the test are necessarily substitutes or in the same product market for all potential customers in the affected service area. Rather, we merely intend to ensure that under this streamlined test, the community has, at a minimum, at least one alternative voice service to the discontinuing carrier's replacement service, as distinguished from the adequate replacement test where only a single voice replacement service need be available to meet that test. We also further streamline applications to grandfather legacy voice services at or above speeds of 1.544 Mbps.

30. *New Streamlining Option.* Under the new alternative options test, if a discontinuing carrier shows in its application that (1) it provides a stand-alone interconnected VoIP service throughout the affected service area, and (2) at least one other stand-alone facilities-based voice service is available from another provider throughout the affected service area, the discontinuance application will be entitled to 15-day comment and 31-day automatic grant processing periods unless the Commission notifies the applicant otherwise. For purposes of the option for streamlined treatment of applications to discontinue legacy voice services that we adopt today, ''stand-alone'' means that a customer is not required to purchase a separate broadband service to access the voice service. ''Interconnected VoIP'' is defined in section 9.3 of our rules. To be clear, while over-the-top VoIP can meet the definition of interconnected VoIP in section 9.3 of our rules, it does not satisfy the requirement of ''stand-alone'' for purposes of the alternative streamlined option we adopt today. The provider of the alternative stand-alone facilities-based voice service must be unaffiliated with the discontinuing carrier. These streamlined processing timeframes apply uniformly to all carriers meeting the alternative options test, regardless of whether the carrier is considered dominant or non-dominant with respect to the legacy voice service it is seeking to discontinue. Thus, for example, to the extent incumbent LECs offer enterprise voice services such as ISDN PRI over legacy TDM special access facilities for which they are still considered dominant and otherwise subject to the longer dominant carrier processing timeframes of 30/60 days, they now will be entitled to the 15/31 day processing periods under the option we adopt today.

31. Importantly, the alternative options test complements, rather than replaces, the adequate replacement test adopted in the *2016 Technology Transitions Order.* Pursuant to the adequate replacement test, an applicant can receive streamlined treatment by demonstrating that a single adequate replacement service exists in the affected service area.

32. As the record, and our own data, clearly demonstrate, the number of switched access lines has ''continued to plummet,'' while the ''number of interconnected VoIP and mobile voice subscriptions have continued to climb.'' According to the most recent statistics released by the Commission's Industry Analysis and Technology Division of the Wireline Competition Bureau, there were 58 million traditional ''switched access'' lines in service, 63 million interconnected VoIP subscriptions, and 341 million mobile subscriptions in the United States as of December 2016. These figures represented a three-year compound annual growth rate of 10 percent for interconnected VoIP subscriptions and 3 percent for mobile voice subscriptions, while retail switched access lines declined at 12 percent per year over the same period. The record also shows strong support for further streamlining the section 214(a) discontinuance process for legacy voice services for carriers in the midst of a technology transition. By providing additional opportunities to streamline the discontinuance process for legacy voice services, with appropriate limitations to protect consumers and the public interest, we allow carriers to more quickly redirect resources to next-generation networks, and the public to receive the benefit of those new networks.

33. Some commenters urge us to eliminate the adequate replacement test in favor of a simpler approach to streamlined treatment of applications to discontinue legacy voice services.

Others urge us to retain the adequate replacement test, expressing concerns about the potential impact on, for example, utilities and vulnerable populations.

34. We find the better course is to retain the adequate replacement test and give applicants the choice of seeking streamlined treatment under either the adequate replacement test or the alternative options test. This action is consistent with the Commission's requests for comment on ways to further streamline the discontinuance process for legacy voice services. Applicants seeking streamlined treatment under the adequate replacement test must engage in testing and other regulatory compliance obligations to demonstrate the existence of at least one adequate replacement service. In addition, the streamlined treatment afforded such carriers depends on whether they are treated as dominant or non-dominant with respect to the legacy voice service they are seeking to discontinue. By contrast, applicants seeking streamlined treatment under the alternative options test must themselves offer stand-alone interconnected VoIP, and at least one other stand-alone facilities-based voice service must be available from another unaffiliated provider throughout the affected service area. Where only one potential replacement service exists, a carrier must meet the more rigorous demands of the adequate replacement test in order to receive streamlined treatment of its discontinuance application. But where there is more than one facilities-based alternative, at least one of which is a stand-alone interconnected VoIP offering provided by the discontinuing carrier, we expect customers will benefit from competition between facilities-based providers. For example, where the alternative voice option is another facilities-based VoIP service offered by a competing wireline provider, consumers will benefit from both choice and competition between the two providers. The stand-alone interconnected VoIP service option required to meet the alternative options test embodies managed service quality and underlying network infrastructure, and disabilities access and 911 access requirements, key components of the Commission's 2016 streamlining action. The managed nature of the stand-alone interconnected VoIP service option embodies the concept articulated in the *2016 Technology Transitions Order* that ''consumers expect and deserve a replacement that will provide comparable network quality and service performance.'' Because state commissions will continue to receive notices of planned discontinuances, they will also remain in a position ''to bring to our attention the effects of discontinuances upon customers who may be unable themselves to inform us that they lack substitute service.'' In such instances, we have the ability to delay grant of discontinuance authorization if we believe customers would otherwise face an unreasonable degree of hardship. The two parts of the alternative options test thus address commenters' concerns about potentially inadequate mobile wireless replacement services for customers requiring service quality guarantees and their concerns that vulnerable populations will be unable to use specialized equipment for people with disabilities, such as TTYs or analog captioned telephone devices or will be left without access to 911. As a result, under either test, customers will be assured a smooth transition to a voice replacement service that provides capabilities comparable to legacy TDM-based voice services and, often, numerous additional advanced capabilities. This action is also consistent with the Commission's finding in the Competitive Carrier proceeding that ''simplifying applications for discontinuance of service, when service alternatives are likely to exist, is consistent with congressional intent.'' At least one commenter has asked that we include a requirement that the services that meet the alternative options test are interoperable with third-party devices and services such as alarm monitoring services. We are unconvinced of the necessity for such a requirement. As the Commission previously found, ''there is significant intermodal competition in the provision of alarm monitoring services, including provision of such services over media other than copper.'' Moreover, the marketplace has already recognized the value of such interoperability, and carriers have largely designed their networks and services accordingly.

35. We recognize that some commenters have advocated for an even simpler approach to qualifying for streamlined treatment of legacy voice discontinuance applications. Most notably, there is some support in the record for AT&T's recommendation that a discontinuing carrier only be required to show that any ''fixed or mobile voice service, including interconnected VoIP'' be available to qualify for streamlined treatment. We do not think this approach strikes the right balance between facilitating the technology transition and our statutory obligation to ensure that ''neither the present nor future public convenience and necessity will be adversely affected'' by discontinuance of legacy voice services. AT&T's approach would allow further streamlined processing for discontinuance applications where only one replacement voice service is available, and where the replacement service could be *any* voice service, including over-the-top VoIP or mobile wireless. Consequently, it fails to ensure the availability of a voice replacement service in the community as a condition to obtaining streamlined treatment that sufficiently addresses commenters' concerns raised in this proceeding about the characteristics of the replacement voice service, and it does not carry the added benefit of ensuring the availability of multiple alternatives to affected customers, whether present or future.

36. We also disagree with AT&T's assertion that our requirement that carriers must offer stand-alone interconnected VoIP service in order to qualify for the alternative options test ''warrants further notice and comment.'' In the *Wireline Infrastructure NPRM,* the Commission sought comment on the ''types of fiber, IP-based, or wireless services [that] would constitute acceptable alternatives, and under what circumstances'' when seeking comment on ways to further streamline the discontinuance process. Second, the requirements we adopt for the alternative options test do not preclude a carrier that cannot meet those requirements from seeking to discontinue its legacy voice service. Instead, the carrier has two other options for seeking discontinuance: (1) Seek streamlined treatment pursuant to the adequate replacement test; or (2) proceed with its application on a non-streamlined basis. Given these other options, we find that AT&T's argument that the availability of multiple voice alternatives is unnecessary because consumer demand demonstrates that wireless voice constitutes an adequate replacement for legacy voice service is misplaced. It also fails to recognize the needs of enterprise customers.

37. We also reject certain commenters' requests that we make a generalized finding that discontinuing a legacy voice service in favor of any type of voice replacement service would not adversely affect the public convenience and necessity, effectively amounting to blanket discontinuance authority for legacy voice services. Likewise, to be clear, the alternative options test we adopt today makes no such generalized finding about the services meeting the two-part test, thereby eliminating any concern regarding such a potential

finding. While a carrier may use the alternative options test to receive streamlined treatment of its discontinuance application, customers that have concerns about a particular carrier's stand-alone interconnected VoIP replacement service may still file comments or objections to that carrier's discontinuance application, and the Commission will evaluate those comments or objections to determine whether to remove the application at issue from streamlined processing for further evaluation under the traditional five-factor test. We determine whether approving a discontinuance application is in the public interest based on several factors, not just the adequacy of the replacement service. We decline to ignore the other factors, as commenters' request would require, and reach a blanket public interest determination based on a single factor.

38. Finally, we are unpersuaded by commenter concerns that large enterprise or government customers will be adversely affected by further streamlined processing of legacy voice discontinuance applications that do not meet the adequate replacement test. By our actions today, like all our streamlining actions, we do not intend to disturb existing contractual obligations between carriers and their customers. Large enterprise and government customers generally enter into negotiated contracts for the provision of telecommunications services given their unique requirements. And as the Commission has found, carriers are accustomed to working with customers, such as government users, to avoid service disruptions. We have no reason to depart from the expectation that carriers will ''continue to collaborate with their [enterprise or government] customers, especially utilities and public safety and other government customers, to ensure that they are given sufficient time to accommodate the transition to [next-generation services] such that key functionalities are not lost during this period of change.'' The record confirms such collaborations routinely occur. Moreover, as with all discontinuance applications, customers are able to file comments in opposition to a discontinuance application and seek to have the Commission remove the application from streamlined processing.

39. *Streamlining Additional Grandfathering Applications.* We also further streamline our discontinuance processes for applications seeking to grandfather legacy voice services. As discussed above, last fall the Commission adopted streamlined comment and automatic grant periods of 10 and 25 days, respectively, for applications seeking to grandfather legacy voice services at speeds below 1.544 Mbps. We now extend this same streamlined processing to applications seeking to grandfather *any* legacy voice service, including enterprise voice services such as T1 CAS and Integrated Service Digital Network (ISDN) used for voice. The record supports this action.

40. As the Commission found in the *Wireline Infrastructure Order,* compliance with our section 214(a) discontinuance rules imposes costs on carriers and diverts carriers' resources away from investment in deploying next-generation networks and services. Moreover, as existing customers will be entitled to maintain their legacy voice services, they will not be harmed by grandfathering applications. When a carrier chooses to grandfather a legacy voice service to its existing customers, it effectively chooses to notify those customers twice of its ultimate intent to discontinue their service—once when the carrier provides notice of its grandfathering application and once when it provides notice of its application to permanently discontinue the service. Each application must separately comply with our section 214(a) discontinuance rules. Once that carrier seeks to permanently discontinue the grandfathered legacy voice service, streamlined processing is only available if that carrier meets either the alternative options test we adopt today or the adequate replacement test adopted in 2016.

41. *Other Issues—Forbearance.* We reject certain commenters' proposal that we forbear from applying section 214(a)'s discontinuance requirements to carriers seeking to transition from legacy voice services to next-generation replacement services. The criteria necessary to satisfy a grant of forbearance are not met at this time.

42. Commenters seeking forbearance assume the ubiquitous availability of next-generation advanced services. However, this assumption does not bear out in many rural areas of this country, thus implicating our statutory obligation to ensure that ''[c]onsumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.'' The Commission has previously recognized Congress' concern that ''discontinuance by the only carrier serving a market . . . would leave the public without adequate communications service.'' We thus find that forbearance would not ''promote competitive market conditions'' because it would eliminate our ability to ensure the existence of any alternatives. We reject NTCA's argument that we should look only to whether a discontinuance will result in the cessation of voice service for the same reasons we reject forbearance. Moreover, if we forbear from our section 214(a) discontinuance requirements, we will be unable to ensure that there is adequate notice of a planned discontinuance, regardless of the availability of multiple alternatives. And should we forbear from requiring that discontinuing carriers file applications and related certifications before discontinuing service, we would lose the opportunity to ensure the accuracy of carriers' own determinations regarding, among other things, the reliability and affordability of the replacement services and the availability of those services to all affected customers. Thus, on this record, enforcement of our section 214(a) discontinuance requirements is ''necessary for the protection of consumers'' and forbearance would not be consistent with the public interest, making forbearance from those requirements inappropriate at this time. Indeed, because the service at issue is basic telephone service, we must be given the opportunity to scrutinize whether the planned discontinuance would result in an unreasonable degree of consumer hardship, including considering ''the availability of reasonable substitutes, and whether customers have had a reasonable opportunity to migrate.''

43. *Other Issues—Notice Only.* For the same reason that we decline to forbear from section 214(a), we reject commenters' proposal that we require no more than a notice to the Commission that affected customers have been ''properly notified'' about the transition or about the alternative services available in the affected service area. Requiring a simple notice to the Commission rather than an application seeking Commission authorization of the planned discontinuance would abrogate our responsibility under section 214(a) to ensure that the discontinuance will not adversely affect the present or future public convenience or necessity.

B. Network Change Disclosure Reforms

44. Today, recognizing significant changes in the marketplace and technology over the past several years, we take additional actions to further reduce unnecessary and redundant regulatory burdens and delay on incumbent LECs when making network changes while continuing to ensure that interconnecting carriers have adequate information and time to accommodate such changes. We also eliminate unnecessary notice requirements pertaining to the connection of customer premises equipment (CPE) to the public switched telephone network (PSTN). And we take action to ensure that carriers can expeditiously return their communications networks to working order in the face of events beyond their control. Finally, we retain the way in which the Commission calculates the waiting period for short-term network change notices.

1. Eliminating Section 51.325(a)(3)

45. We eliminate the provision in section 51.325 of our rules requiring incumbent LECs to provide public notice of network changes that ''will affect the manner in which customer premises equipment is attached to the interstate network.'' As the record demonstrates, incumbent LECs' engagement and collaboration with CPE manufacturers today renders this separate notice requirement unnecessary.

46. When the Commission adopted section 51.325(a)(3), it was concerned that an incumbent LEC controlling the underlying transmission facilities that also had affiliates engaged in the manufacture of CPE might give those affiliates a competitive advantage. This is no longer the case. The record confirms that incumbent LECs no longer have the same control of the PSTN, nor do they enjoy the market power they did two decades ago with respect to the manufacture of CPE.

47. We find that CPE manufacturers, including those engaged in providing essential communications equipment and assistive technologies, will have the same access to information when changes to a provider's network or operations have the potential to render certain devices incompatible to ensure their ability to develop new compatible equipment. Incumbent LECs remain subject to sections 201 (interconnection) and 202 (non-discrimination) of the Act, and the Commission has held that the obligations imposed by these statutory provisions apply in the context of CPE. Moreover, CPE manufacturers have never been entitled to direct notice of network changes of any type, even those that might affect the compatibility of CPE. To the extent any manufacturers actively monitor carrier network change notice web pages or Commission announcements of network change notices, they will have the same access to these notices as they have always had. Significantly, no CPE manufacturer opposes the elimination of section 51.325(a)(3). Indeed, the only CPE manufacturer that submitted comments on this issue supports its elimination.

48. The role played by the Administrative Council for Terminal Attachments (ACTA) in overseeing the adoption of specific technical criteria for terminal equipment further justifies elimination of section 51.325(a)(3). The Commission established ACTA, a non-governmental entity whose membership fairly and impartially represents all segments of the telecommunications industry, for the express purpose of privatizing the standards development and terminal equipment approval processes for the connection of CPE to the PSTN and certain private-line services. Through ACTA, incumbent LECs and other service providers work collaboratively with CPE manufacturers, independent testing labs, and other interested industry segments, to openly share the information necessary to ensure CPE compliance and compatibility with the incumbent LEC and other service providers' networks. Equipment manufacturers must also ensure that their products are registered in the ACTA database. ACTA must publish public notice of submitted technical criteria, and interested parties may appeal any aspect of those submissions to the Commission.

49. We similarly find that manufacturers will have the opportunity to develop modified or upgraded CPE ahead of network changes in the absence of section 51.325(a)(3), and thus that consumers will not be harmed. Incumbent LECs facing increasing competition from a variety of sources must engage their customers and keep them fully informed if they hope to retain their business. Because incumbent LECs no longer have a significant presence in the market for the manufacture of CPE, and they wish to remain competitive in today's ever-changing marketplace, they lack a significant incentive to hide changes to their networks that may impair the compatibility of CPE used by their customers. And as the Commission found in eliminating the requirement that incumbent LECs provide direct notice to retail customers of planned copper retirements, incumbent LECs already must engage their retail customers as a normal business practice in order to install the equipment necessary to accommodate fiber lines, at which time they also address CPE compatibility issues.

50. Unlike section 51.325(a)'s other delineated types of network changes that were adopted to protect interoperability and interconnection with other carriers' networks and facilities, the Commission adopted section 51.325(a)(3) specifically to protect competitive CPE manufacturers. That rationale no longer justifies the rule. Some commenters misunderstand the history of section 51.325(a)(3) and erroneously assert that the Commission's intention in promulgating section 51.325(a)(3) was ''to maintain interoperability and uninterrupted, high quality service to the public.'' While that was the Commission's articulated intention when it adopted section 51.325 in 1996, it was not until three years later that the Commission added subsection (a)(3). When the Commission first adopted its part 51 network change disclosure rules in 1996, it did not include section 51.325(a)(3) related to CPE. At that time, a different section of the Commission's rules already required incumbent LECs, and other facilities-based carriers, to publicly disclose, *inter alia,* network information that would affect CPE compatibility. When the Commission subsequently relieved non-incumbent LEC facilities-based carriers of section 64.702(d)(2) obligations three years later, rather than retain CPE notice obligations just for incumbent LECs in part 64 of its rules, the Commission rolled the requirement into the part 51 network change disclosure rules by adding section 51.325(a)(3). When adding that new provision, the Commission was clear that ''[t]he primary purpose of network information disclosure in this context is not to protect intercarrier interconnection, but rather to give competitive manufacturers of CPE adequate advance notice when a carrier intends to alter its network in a way that may affect the manner in which CPE is attached to the network.''

51. Finally, our rules separately require that incumbent LECs and other service providers and equipment manufacturers ensure the accessibility and usability of their services and equipment by people with disabilities, which of necessity requires collaboration between these two groups, as well as with individuals with disabilities and disability-related organizations. In this regard, we expect that incumbent LECs and other service providers will communicate with state centers that distribute specialized customer premises equipment (SCPE) or

peripheral devices commonly used by people with disabilities (such as TTYs and analog captioned telephones), as well as with state telecommunications relay service programs, to alert these entities when there is an expectation that legacy devices routinely used by people with disabilities may no longer work after network changes are in place. When accessibility and usability are not achievable or readily achievable, as applicable, incumbent LEC service providers have an independent obligation to ensure their services are compatible with assistive technologies, so any network change that would impact service accessibility would necessarily need to also ensure CPE compatibility.

2. Eliminating Section 68.110(b) Notice to Customers

52. We also eliminate the requirement that carriers give notice to customers of changes to their facilities, equipment, operations, or procedures ''[i]f such changes can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider of wireline telecommunications . . . to allow the customer to maintain uninterrupted service.'' Part 68 applies to all wireline providers, not just incumbent LECs. We find that changes to the communications marketplace generally and to the market for terminal equipment specifically render this over 42 year old notice requirement unworkable and unnecessary. Indeed, consumers have available to them a vast range of CPE devices and, in many cases, have the option of using converter boxes to the extent they choose to keep their analog CPE after their service has been migrated to IP. The terms ''terminal equipment'' and ''customer premises equipment (CPE)'' are used interchangeably.

53. The rule made some sense when it was adopted in 1975 as part of the Commission's decision to require carriers to allow third party-manufactured terminal equipment to be directly connected to the network as long as the equipment met specific technical standards set forth by the Commission to prevent network harm. As part of that regime, the Commission required telephone company customers to notify their provider before connecting any third-party terminal equipment to the network to ensure that the equipment had been registered with the Commission under its new part 68 rules. At the same time, the Commission adopted the reciprocal section 68.110(b) requirement for telephone companies to notify those customers if the telephone company was making any changes to its operations that might affect the compatibility of the customer's third-party equipment. This notice requirement imposed no obligation on the carrier to refrain from or delay making its network change to accommodate its customer, nor was there any obligation on the part of the telephone company to ensure that other compatible CPE was available.

54. Attachment of third-party equipment is now the norm. Customers are no longer required to notify their carriers of the CPE they connect to their providers' networks unless their carrier has specifically required that they do so. In 1985, the Commission relaxed the customer requirement to notify the telephone company upon the development of a robust CPE registration database, but the corresponding notice to customers went unaddressed. When the Commission revised the part 68 rules in 2001, it again did not address section 68.110(b). Moreover, given the current universe of registered CPE that customers could potentially connect to their provider's network, as commenters explain, carriers cannot reasonably know which of their subscribers use which, if any, of that equipment. There are tens of thousands of approved pieces of terminal equipment listed in the ACTA database. Indeed, the database was not established for the purpose of enabling carriers to identify the CPE used by particular customers. Rather, it was intended to allow consumers and providers to identify the supplier of a particular piece of equipment. As a result, the only way a carrier could be certain of complying with section 68.110(b) was if it notified each and every one of its customers whenever *any* service or network change was about to occur, an unduly burdensome and impractical requirement.

55. What's more, there are other safeguards in place to reduce the likelihood that manufacturers and customers will be left unaware of carriers' changes to their facilities, equipment, operations, or procedures that can be reasonably expected to render any terminal equipment incompatible with the carrier's facilities. Most significantly, ACTA's privatized, open, and balanced collaborative process among CPE manufacturers, service providers, testing laboratories, and other interested stakeholders ensures the adoption of technical criteria for compatible CPE that accommodates service providers' network evolutions, thus avoiding customer service interruptions.

56. Also, the types of network or operational changes that could impact customers' CPE will still result in notice to customers. Specifically, our rules require customer notice of service discontinuances, and the Commission has found that carriers must as a business necessity communicate with customers regarding copper retirements. Further, carriers have strong incentives to keep their customers informed of technology transitions, including changes in their networks, that might affect CPE compatibility if they hope to retain their customers in today's competitive marketplace. And as discussed earlier, other regulatory requirements are designed to ensure that covered services are accessible to and usable by individuals with disabilities, or compatible with SCPE and peripheral devices commonly used by individuals with disabilities, such as TTYs and analog captioned telephones. And manufacturers of specialized equipment designed to ensure accessibility can refer to technical standards made available through ACTA to also ensure that their equipment is compatible with the network in accordance with part 68. Regardless, mandated notice requirements do not affect whether customers will have to replace their devices.

57. We are unpersuaded by commenter concerns that, if we eliminate this rule, large enterprise customers will be ''required to redesign their networks on the fly and after the fact'' or that ''the reliability and security of utility applications'' will be undermined. As the Commission has already found, such customers generally enter into contracts with their telecommunications carriers in which they can specify the amount of notice the carrier must provide about changes to its network. As the Commission noted in the *Wireline Infrastructure Order,* it would be absurd to suggest that carriers ''would risk public safety or fail to work cooperatively and diligently to accommodate critical needs of their public-safety related customers absent a mandatory Commission notice obligation.'' We do not intend for our network change disclosure and section 214(a) discontinuance rules to disturb contractual obligations. And incumbent LECs are now free, as all other telecommunications carriers always were, to engage their enterprise customers in advance of providing public notice of potential network changes that might affect terminal equipment compatibility.

3. Extending Streamlined Notice Procedures for *Force Majeure* Events to All Network Changes

58. Today, we extend to all types of network changes the streamlined notice procedures the Commission recently adopted for copper retirements when *force majeure* events occur. Throughout this section, we use the phrase ''*force majeure*'' to refer generally to the full range of unforeseen events outside incumbent LECs' control, *e.g.,* natural disasters, terrorist attacks, governmental mandates or unintentional third-party damage, that may give rise to unplanned network changes. The record overwhelmingly supports this action. The same considerations that led the Commission to adopt *force majeure* copper retirement procedures apply equally to all network changes. Facilitating rapid restoration of communications networks in the face of natural disasters and other unforeseen events warrants swift removal of unnecessary regulatory barriers that inhibit incumbent LECs from restoring service as quickly as possible when networks are damaged or destroyed by events beyond the LECs' control.

59. We find no reason in the record to further impede carriers' efforts to restore service necessitating network changes other than copper retirements in the face of *force majeure* events. While CWA posits that these streamlined procedures may reduce Commission oversight ''over network changes after immediate recovery efforts,'' the streamlined procedures we adopt today merely eliminate the advance notice and waiting period requirements in exigent circumstances. Incumbent LECs availing themselves of this limited relief must still comply with section 51.325(a)'s public notice requirement as soon as practicable. Moreover, we agree that the safeguards included within the *force majeure* notice rule ensure that only genuine *force majeure* events necessitating a network change will justify streamlined procedures. Finally, should the network changes occurring from a *force majeure* event result in a discontinuance of service to customers in the affected area, section 63.63 dictates that the carrier remains subject to our discontinuance rules.

4. Retaining Current Calculation of Waiting Period for Short Term Network Changes

60. We retain the current rule that calculates the waiting period for short-term network change notices from the date the Commission issues its public notice after an incumbent LEC files its network change notification, and we decline to calculate the waiting period from the date of filing. We agree with commenters that urge us to retain this rule to ensure sufficient and complete public notice of short-term network changes, given the already short 10-day waiting period. Commencing the waiting period *at the same time* as an incumbent LEC files its network change notification, as proposed by AT&T and supported by others, fails to provide Commission staff an opportunity to first review the notice for compliance with our rules or for unintentional errors, potentially ''depriving notice recipients of information they need to accommodate the network change.''

61. We reject ITTA's assertion that because the Commission retained a distinction between copper retirement notice rules and other types of network change notice rules, this difference alone constitutes a basis for deviating from how we calculate the commencement of the waiting period for each. The record demonstrates that the reasons we declined to revise the calculation of the waiting period for copper retirement notices similarly warrant retaining the long-standing way in which we calculate the waiting period for short-term network change notices as well. Reducing the already-short waiting period further limits the notice to interconnecting carriers, affecting their ability to accommodate the planned network change or to object, if necessary, to the timing of the planned network change. Staff has as much need to ''routinely contact filers to clarify or correct information contained in filings or to add required information that is missing'' for short-term network change notices as for copper retirements.

62. Finally, we decline to adopt a requirement that the Commission release a public notice within a specified period of time after an incumbent LEC files a short-term network change notice. In the *Wireline Infrastructure Order,* the Commission found that commenters had not identified ''any specific instance in which a planned copper retirement had to be delayed due to the timing of our release of the relevant public notice.'' Similarly, commenters here do not identify any instance in which a carrier has had to delay planned network changes because of the Commission's failure to timely release a public notice after a LEC has filed its short-term network change notice. We therefore decline to adopt a rule to solve a non-existent problem.

C. Non-Substantive Changes to the Code of Federal Regulations

63. We also make certain non-substantive updates and corrections to our codified rules required by the actions we take today and actions taken in the *Wireline Infrastructure Order* and the *2016 Technology Transitions Order.* Section 553(b)(3)(B) of the Administrative Procedures Act permits agencies to issue rule changes without notice and comment upon a finding of good cause that notice and associated procedures are ''impracticable, unnecessary, or contrary to the public interest.'' We find that notice and comment is unnecessary for rule changes that reflect prior Commission decisions that inadvertently were not reflected in the Code of Federal Regulations (CFR). Similarly, we find notice and comment is not necessary for rule amendments to ensure consistency in terminology and cross references across various rules or to correct inadvertent failures to make conforming changes when prior rule amendments occurred.

64. In light of our elimination today of section 68.110(b) of our rules, we redesignate that current rule's paragraph (c) as paragraph (b). In turn, we must adjust any cross-references to section 68.110(c) elsewhere in our rules to reflect its redesignation as 68.110(b). We thus make the necessary changes to such cross-reference in section 68.105(d)(4). Similarly, in eliminating section 51.325(a)(3) today, we redesignate paragraph (a)(4) of that section as paragraph (a)(3). We thus adjust the cross-references to section 51.325(a)(4) that appear in section 51.333(b)(2) and (f).

65. Additionally, in the *Wireline Infrastructure Order,* the Commission eliminated section 51.332 of our rules, pertaining to the copper retirement process. A cross-reference to that rule appears in section 63.71(i). Rules governing the copper retirement process now appear in section 51.333. We now revise section 63.71(i) to cross-reference section 51.333 rather than section 51.332.

66. We also make an administrative change to correct an inaccurate cross-reference in section 63.71(k)(1), adopted in the *Wireline Infrastructure Order,* changing its reference to paragraph (k)(4) of that section to paragraph (k)(2). We find good cause for correcting this cross-reference without prior notice and comment because the inaccurate cross-reference will likely confuse and mislead applicants seeking to discontinue, reduce, or impair a legacy data service if not corrected promptly.

67. To shorten the number of unnecessary subsections in our rules, we also revise section 63.71(a) by combining paragraphs (a)(6) and (a)(7) into one consolidated new paragraph (a)(6). We also update any cross-references to paragraphs (a)(6) and (a)(7) in section 63.71(a) to reflect this consolidation. We similarly update any cross-references to section 63.60(h) in section 63.71 to reflect the redesignation of paragraph (h) in section 63.60 as paragraph (i). This administrative change makes no substantive changes to the language or underlying requirements of the rule.

68. Finally, we correct an inadvertent error in the ordering clause of the *2016 Technology Transitions Order* specifying which revised rules adopted in that order require approval by the Office of Management and Budget (OMB) before they can become effective. In that ordering clause, the Commission indicated that the revision to section 63.19(a) required such approval. However, the revision in that rule, to change a cross-reference from section 63.601 to the then newly-adopted section 63.602, did not impact that section's reporting or recordkeeping requirements. It therefore does not fall within the purview of the Paperwork Reduction Act and does not require OMB approval.

IV. Final Regulatory Flexibility Analysis

69. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment (*Wireline Infrastructure NPRM*) and into the Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (*Wireline Infrastructure Order* or *Wireline Infrastructure FNPRM*) for the wireline infrastructure proceeding. The Commission sought written public comment on the proposals in the *Wireline Infrastructure NPRM* and in the *Wireline Infrastructure FNPRM,* including comment on the IRFAs. The Commission received no comments on the IRFAs. Because the Commission amends its rules in this Order, the Commission has included this Final Regulatory Flexibility Analysis (FRFA). This present FRFA conforms to the RFA.

A. Need for, and Objectives of, the Rules

70. In the *Wireline Infrastructure NPRM,* the Commission continued its efforts to close the digital divide by removing barriers to broadband infrastructure investment. To this end, the Commission proposed numerous regulatory reforms to existing rules and procedures regarding copper retirement, and discontinuances of legacy services. In so doing, the Commission sought to better enable broadband providers to build, maintain, and upgrade their networks, leading to more affordable and available internet access and other broadband services for consumers and businesses alike. On November 16, 2017, the Commission adopted the *Wireline Infrastructure Order,* which adopted reforms to speed the replacement of copper with fiber and internet Protocol (IP) technologies. In the accompanying *Further Notice of Proposed Rulemaking,* the Commission sought comment on additional steps to streamline the network change disclosure and discontinuance processes, including the process for transitioning legacy services to new advanced IP services.

71. Pursuant to the objectives set forth in the *Wireline Infrastructure NPRM,* this Second Report and Order (Order) adopts changes to Commission rules regarding section 214 discontinuance procedures, network change disclosures, and part 68 notice requirements. The Order adopts changes to the current section 214(a) discontinuance process to further streamline the review and approval process by: (1) Extending the previously-adopted streamlined comment and automatic grant periods for applications seeking to grandfather or discontinue previously-grandfathered data services to certain higher-speed data services, (2) forbearing from section 214(a)'s discontinuance requirements for services with no customers, (3) eliminating the uncodified education and outreach mandates adopted in the *2016 Technology Transitions Order,* (4) adopting an alternative to the ''adequate replacement test'' adopted in the *2016 Technology Transitions Order* for where the discontinuing carrier offers a stand-alone interconnected VoIP service throughout the affected service area and at least one other stand-alone facilities-based voice service is available throughout the affected service area, and (5) extending the streamlined comment and automatic grant periods of 10 and 25 days to applications seeking to grandfather all legacy voice services. The Order also adopts changes to the Commission's part 51 network change notification rules and part 68 rules pertaining to connecting terminal equipment to the public switched telephone network (PSTN) that eliminate unnecessary notice requirements pertaining to the connection of customer premises equipment to the PSTN, and reduce regulatory burdens and delay on incumbent LECs when making network changes while continuing to ensure that interconnecting carriers have adequate information and time to accommodate such changes. Finally, the Order revises its network change disclosure rules to extend to all types of network changes the streamlined notice procedures the Commission recently adopted for copper retirements when *force majeure* and other unforeseen events occur. These additional steps will further the Commission's goal of eliminating unnecessary regulatory burdens, decrease needless costs and delay in transitioning from legacy services to next-generation IP-based services, and better reflect the reality of today's marketplace and the decreasing demand for legacy services as customers move towards more advanced competing alternatives.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

72. The Commission did not receive comments specifically addressing the rules and policies proposed in the IRFAs in either the *Wireline Infrastructure NPRM* or the *Wireline Infrastructure FNPRM.*

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

73. The Chief Counsel did not file any comments in response to this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

74. The RFA directs agencies to provide a description and, where feasible, an estimate of the number of small entities that may be affected by the final rules adopted pursuant to the Order. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small-business concern'' under the Small Business Act. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s)

in the **Federal Register**.'' A ''small-business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

75. The changes to our section 214 discontinuance, network change notification, and part 68 customer notification rules will affect obligations on incumbent LECs and, in some cases, competitive LECs. Other entities that choose to object to network change notifications for copper retirement or section 214 discontinuance applications may be economically impacted by the rules in the Order.

76. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive small entity size standards that could be directly affected herein. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States which translates to 29.6 million businesses.

77. Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of August 2016, there were approximately 356,494 small organizations based on registration and tax data filed by nonprofits with the Internal Revenue Service (IRS). Data from the Urban Institute, National Center for Charitable Statistics (NCCS) reporting on nonprofit organizations registered with the IRS was used to estimate the number of small organizations. Reports generated using the NCCS online database indicated that as of August 2016 there were 356,494 registered nonprofits with total revenues of less than $100,000. Of this number, 326,897 entities filed tax returns with 65,113 registered nonprofits reporting total revenues of $50,000 or less on the IRS Form 990–N for Small Exempt Organizations and 261,784 nonprofits reporting total revenues of $100,000 or less on some other version of the IRS Form 990 within 24 months of the August 2016 data release date.

78. Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2012 Census of Governments indicates that there were 90,056 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States. The Census of Government is conducted every five (5) years compiling data for years ending with ''2'' and ''7.'' Local governmental jurisdictions are classified in two categories—General purpose governments (county, municipal and town or township) and Special purpose governments (special districts and independent school districts). Of this number there were 37,132 general purpose governments (county, municipal and town or township) with populations of less than 50,000 and 12,184 special purpose governments (independent school districts and special districts) with populations of less than 50,000. There were 2,114 county governments with populations less than 50,000. There were 18,811 municipal and 16,207 town and township governments with populations less than 50,000. There were 12,184 independent school districts with enrollment populations less than 50,000. The U.S. Census Bureau data did not provide a population breakout for special district governments. The 2012 U.S. Census Bureau data for most types of governments in the local government category shows that the majority of these governments have populations of less than 50,000. While U.S. Census Bureau data did not provide a population breakout for special district governments, if the population of less than 50,000 for this category of local government is consistent with the other types of local governments the majority of the 38,266 special district governments have populations of less than 50,000. Based on this data we estimate that at least 49,316 local government jurisdictions fall in the category of ''small governmental jurisdictions.''

79. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this size standard, the majority of firms in this industry can be considered small.

80. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS Code category is for Wired Telecommunications Carriers, as defined in paragraph 79 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 show that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

81. *Incumbent Local Exchange Carriers (incumbent LECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 79 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. According to Commission data, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees. Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. One thousand three hundred and seven (1,307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers. Of this total, an estimated 1,006 have 1,500 or fewer employees.

82. *Competitive Local Exchange Carriers (competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the

Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS Code category is Wired Telecommunications Carriers, as defined in paragraph 79 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees. Based on this data, the Commission concludes that the majority of Competitive LECs, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services. Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees. In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees. In addition, 72 carriers have reported that they are Other Local Service Providers. Of this total, 70 have 1,500 or fewer employees. Consequently, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities that may be affected by the adopted rules.

83. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS Code category is Wired Telecommunications Carriers as defined in paragraph 79 of this FRFA. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. According to Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services. Of this total, an estimated 317 have 1,500 or fewer employees and 42 have more than 1,500 employees. Consequently, the Commission estimates that the majority of interexchange service providers are small entities that may be affected by rules adopted.

84. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS Code category is for Wired Telecommunications Carriers, as defined in paragraph 79 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees. Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees. Thus, under this category and the associated small business size standard, the majority of Other Toll Carriers can be considered small. According to Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage. Of these, an estimated 279 have 1,500 or fewer employees. Consequently, the Commission estimates that most Other Toll Carriers that may be affected by our rules are small.

85. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services. The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services. Of this total, an estimated 261 have 1,500 or fewer employees. Consequently, the Commission estimates that approximately half of these firms can be considered small. Thus, using available data, we estimate that the majority of wireless firms can be considered small.

86. *Cable Companies and Systems (Rate Regulation).* The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data indicate that there are currently 4,600 active cable systems in the United States. Of this total, all but nine cable operators nationwide are small under the 400,000-subscriber size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,600 cable systems nationwide. Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records. Thus, under this standard as well, we estimate that most cable systems are small entities.

87. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000 are approximately 52,403,705 cable video subscribers in the United States today. Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to section 76.901(f) of the Commission's rules. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under *the* definition in the Communications Act.

88. *All Other Telecommunications.* ''All Other Telecommunications'' is defined as follows: ''This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal

stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing internet services or voice over internet protocol (VoIP) services via client supplied telecommunications connections are also included in this industry.'' The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less. For this category, Census Bureau data for 2012 show that there were 1,442 firms that operated for the entire year. Of those firms, a total of 1,400 had annual receipts less than $25 million. Consequently, we conclude that the majority of All Other Telecommunications firms can be considered small.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

89. *Section 214(a) Discontinuance Process.* The Order streamlines the discontinuance process for applications seeking to grandfather certain data services with speeds at or above 1.544 Mbps in both directions and to subsequently permanently discontinue such services once they have been grandfathered for at least 180 days. Specifically, the Order extends the previously-adopted streamlined comment and automatic grant period of 10 and 25 days, respectively, for applications to grandfather voice and data services below 1.544 Mbps, to applications to grandfather data services at or above speeds of 1.544 Mbps and with download/upload speeds below 25 Mbps/3 Mbps, provided the applying carrier offers data services at speeds of at least 25 Mbps/3 Mbps throughout the affected service area. The Order also extends previously-adopted streamlined comment and automatic grant periods of 10 and 31 days, respectively, for applications to permanently discontinue data services below 1.544 Mbps provided such services have been grandfathered for at least 180 days, to previously-grandfathered data services at or above speeds of 1.544 Mbps and with download/upload speeds below 25 Mbps/3 Mbps. The Order finds that these changes will incentivize carriers to provide higher-speed data services at or above the 25 Mbps/3 Mbps mark, without sacrificing the customer protections under the previous rules. The Order also forbears from section 214(a) discontinuance requirements for all services with no customers and no reasonable requests for service for at least 30 days. Carriers thus will not be required to file applications to discontinue such services. The Order finds enforcement of the section 214(a) discontinuance requirements is unnecessary to protect consumers when the service in question has no customers. It also finds that forbearance in such situations is consistent with the public interest. The Order also eliminates the uncodified education and outreach mandates adopted in the *2016 Technology Transitions Order* applicable to carriers discontinuing TDM voice services. These requirements have not yet been in effect because they have not been approved by OMB. The Order finds these mandates unnecessary, as customers already receive or can easily obtain from their carriers the information encompassed by these requirements. The Order further streamlines applications to discontinue legacy voice services by adopting an alternative to the ''adequate replacement test'' where (1) the discontinuing carrier offers a stand-alone interconnected VoIP service throughout the affected service area, and (2) there is at least one other stand-alone facilities-based voice service available throughout the affected service area. These applications will be treated in the same manner as other discontinuance applications. Customers will have 15 days from filing of the application to submit comments in response to the application, and the application will be automatically granted on the 31st day after filing unless the Commission notifies otherwise. Through this alternative to the ''adequate replacement test,'' the Commission incents carriers to deploy broadband facilities and ensures that customers in the affected service area have multiple voice alternatives. Additionally, the Order extends the streamlined comment and automatic grant periods of 10 and 25 days to applications seeking to grandfather any legacy voice services.

90. *Network Change Notification and Part 68 Notification Requirement Reforms.* The Order adopts changes to the Commission's part 51 network change notification rules to eliminate unnecessary notice requirements pertaining to the connection of customer premises equipment to the public switched telephone network, and to reduce regulatory burdens and delay on incumbent LECs when making network changes while continuing to ensure that interconnecting carriers have adequate information and time to accommodate such changes. The Order eliminates the section 51.325(a)(3) requirement that incumbent LECs provide public notice of network changes that will affect CPE connection to the interstate network. Section 51.325(a)(3) is no longer necessary to ensure that CPE manufacturers receive sufficient notice of incumbent LECs' planned network changes that may affect CPE compatibility because incumbent LECs' engagement and collaboration with CPE manufacturers today renders this separate notice requirement superfluous. Section 51.325(a)(3) was specifically adopted to protect competitive CPE manufacturers, and this rationale no longer justifies the rule. The Order also eliminates the section 68.110(b) requirement that carriers give notice to customers when changes to their facilities, equipment operations, or procedures can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider. As with section 51.325(a)(3), changes to the marketplace render the purpose of this requirement obsolete. The Order revises section 51.333(g) to allow all types of network changes to be subject to streamlined notice procedures recently adopted for copper retirements when *force majeure* and other unforeseen events occur. This streamlined procedure eliminates the advance notice and waiting period requirements for incumbent LECs during exigent circumstances. Incumbent LECs will still be required to comply with section 51.325(a)'s public notice requirement, as well as standard discontinuance rules in the event such changes result in a discontinuance of services to customers in the affected area.

F. Steps Taken To Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

91. In this Order, the Commission modifies its section 214 discontinuance and network change disclosure rules to improve the efficiency of these processes, as well as to increase broadband deployment. It also eliminates unnecessary and burdensome section 214 discontinuance, network change disclosure, and part 68 notification regulations that inhibit carriers from implementing the transition to next-generation networks and IP-based broadband services. Finally, it forbears from section 214 discontinuance requirements in limited circumstances, thus further reducing the burden on carriers seeking to discontinue services for which they have no customers and have had no reasonable request for customers for the

preceding 30 days. Overall, we expect the actions in this document will reduce burdens on the affected carriers, including any small entities.

92. *Section 214(a) Discontinuance Process.* The Order streamlines applications to grandfather data services with download/upload speeds below 25 Mbps/3 Mbps, provided the applying carrier offers data services at download/upload speeds of at least 25 Mbps/3 Mbps throughout the affected service area by extending the previously streamlined public comment period of 10 days and automatic grant period of 25 days for all carriers seeking to grandfather these data services. For applications seeking authorization to discontinue services with download/upload speeds below 25 Mbps/3 Mbps that have previously been grandfathered for a period of 180 days, the Order extends the streamlined public comment period of 10 days and the auto-grant period of 31 days to all such applications. The Order finds that these changes do not sacrifice the customer protections under the previous rules. For applications to discontinue any service with no customers and no reasonable requests for service for at least 30 days, the Order finds that forbearance from section 214(a)'s discontinuance requirements is appropriate. The Commission finds enforcement of those requirements is not necessary to protect consumers, is consistent with the public interest, and will enable carriers to cease devoting resources to services no longer having any customer interest. The Order also eliminates the uncodified education and outreach requirements adopted in the *2016 Technology Transitions Order,* finding that these mandates are unnecessary as customers already receive or can easily obtain from their carriers the information encompassed by these requirements. The Order further streamlines applications to discontinue legacy voice services by adopting an alternative to the ''adequate replacement test'' where (1) the discontinuing carrier offers a stand-alone interconnected VoIP service throughout the affected service area, and (2) there is at least one other stand-alone facilities-based voice service available throughout the affected service area. These applications will be treated in the same manner as other discontinuance applications. Customers will have 15 days from filing of the application to submit comments in response to the application, and the application will be automatically granted on the 31st day after filing unless the Commission notifies otherwise. Through this alternative to the adequate replacement test, the Commission incents carriers to deploy broadband facilities and ensures that customers in the affected service area have competitive voice alternatives. Additionally, the Order extends the streamlined comment and automatic grant periods of 10 and 25 days to applications seeking to grandfather any legacy voice services.

93. *Network Change Notifications and Part 68 Notification Requirements.* The Order adopts network change notification rule revisions that eliminate the requirement that incumbent LECs provide public notice of network changes that ''will affect the manner in which customer premises equipment is attached to the interstate network'' and eliminates the requirement that carriers give notice to customers of changes to their facilities, equipment, operations, or procedures ''[i]f such changes can be reasonably expected to render any customer's terminal equipment incompatible with the communications facilities of the provider of wireline telecommunications . . . to allow the customer to maintain uninterrupted service'' because the Order finds these rules are unnecessary. The Order also finds that extending the streamlined notice procedures recently adopted for copper retirements when *force majeure* and other unforeseen events occur to all types of network changes reduces regulatory burdens and delay on incumbent LECs when making network changes. However, the Order further determines that these rules continue to ensure that interconnecting carriers have adequate information and time to accommodate such changes.

Report to Congress

94. The Commission will send a copy of the Second Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the Order and FRFA (or summaries thereof) will also be published in the **Federal Register**.

V. Procedural Matters

95. *Congressional Review Act.* The Commission will send a copy of this Report and Order, including a copy of the Final Regulatory Flexibility Analysis, in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A). In addition, the Report and Order and this Final Regulatory Flexibility Analysis will be sent to the Chief Counsel for Advocacy of the Small Business Administration (SBA), and will be published in the **Federal Register**.

96. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act of 1980 (RFA), the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is contained in section IV above.

97. *Paperwork Reduction Act.* The Report and Order contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

98. In this document, we have assessed the effects of reforming our network change notification and section 214(a) discontinuance rules, and find that doing so will serve the public interest and is unlikely to directly affect businesses with fewer than 25 employees.

VI. Ordering Clauses

99. Accordingly, *it is ordered* that, pursuant to sections 1–4, 10, 201, 202, 214, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151–54, 160, 201, 202, 214, 251, and 303(r), this Second Report and Order *is adopted.*

100. *It is further ordered* that parts 51, 63, and 68 of the Commission's rules *are amended* as set forth in Appendix A, and that any such rule amendments that contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act *shall be effective* after announcement in the **Federal Register** of OMB approval of the rules, and on the effective date announced therein.

101. *It is further ordered* that this Report and Order *shall be* effective 30 days after publication in the **Federal Register**, except for 47 CFR 51.333(g)(1)(i), (g)(1)(iii), and (g)(2), 63.71(f), (h), (k) introductory text, (k)(1) and (3), and (l), which contain information collection requirements that

have not been approved by OMB. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

102. *It is further ordered* that section 63.19(a), as revised in the *2016 Technology Transitions Order,* shall be effective 30 days after publication of this Report and Order in the **Federal Register**.

103. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Second Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

104. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Second Report and Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 63

Cable television, Communications common carriers, Radio, Reporting and recordkeeping requirements, Telegraph, Telephone.

47 CFR Part 68

Administrative practice and procedure, Communications common carriers, Communications equipment, Labeling, Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons set forth above, Parts 51, 63, and 68 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 51—INTERCONNECTION

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 47 U.S.C. 151–55, 201–05, 207–09, 218, 220, 225–27, 251–54, 256, 271, 303(r), 332, 1302.

§ 51.325 [Amended]

■ 2. Amend § 51.325 by removing paragraph (a)(3) and redesignating paragraph (a)(4) as paragraph (a)(3).

■ 3. Amend § 51.333 by revising paragraphs (b)(2), (f), (g)(1)(i), (g)(1)(iii), and (g)(2), to read as follows:

§ 51.333 Notice of network changes: Short term notice, objections thereto and objections to copper retirement notices.

* * * * *

(b) * * *

(2) *Copper retirement notice.* Notices of copper retirement, as defined in § 51.325(a)(3), shall be deemed final on the 90th day after the release of the Commission's public notice of the filing, unless an objection is filed pursuant to paragraph (c) of this section, except that notices of copper retirement involving copper facilities not being used to provision services to any customers shall be deemed final on the 15th day after the release of the Commission's public notice of the filing. Incumbent LEC copper retirement notices shall be subject to the short-term notice provisions of this section, but under no circumstances may an incumbent LEC provide less than 90 days' notice of such a change except where the copper facilities are not being used to provision services to any customers.

* * * * *

(f) *Resolution of objections to copper retirement notices.* An objection to a notice that an incumbent LEC intends to retire copper, as defined in § 51.325(a)(3) shall be deemed denied 90 days after the date on which the Commission releases public notice of the incumbent LEC filing, unless the Commission rules otherwise within that time. Until the Commission has either ruled on an objection or the 90-day period for the Commission's consideration has expired, an incumbent LEC may not retire those copper facilities at issue.

(g) *Limited exemption from advance notice and timing requirements*—(1) *Force majeure events.* (i) Notwithstanding the requirements of this section, if in response to a force majeure event, an incumbent LEC invokes its disaster recovery plan, the incumbent LEC will be exempted during the period when the plan is invoked (up to a maximum 180 days) from all advanced notice and waiting period requirements under this section associated with network changes that result from or are necessitated as a direct result of the force majeure event.

* * * * *

(iii) If an incumbent LEC requires relief from the notice requirements under this section longer than 180 days after it invokes the disaster recovery plan, the incumbent LEC must request such authority from the Commission. Any such request must be accompanied by a status report describing the incumbent LEC's progress and providing an estimate of when the incumbent LEC expects to be able to resume compliance with the notice requirements under this section.

* * * * *

(2) *Other events outside an incumbent LEC's control.* (i) Notwithstanding the requirements of this section, if in response to circumstances outside of its control other than a force majeure event addressed in paragraph (g)(1) of this section, an incumbent LEC cannot comply with the timing requirement set forth in paragraphs (b)(1) or (2) of this section, hereinafter referred to as the waiting period, the incumbent LEC must give notice of the network change as soon as practicable and will be entitled to a reduced waiting period commensurate with the circumstances at issue.

(ii) A short term network change or copper retirement notice subject to paragraph (g)(2) of this section must include a brief explanation of the circumstances necessitating the reduced waiting period and how the incumbent LEC intends to minimize the impact of the reduced waiting period on directly interconnected telephone exchange service providers.

(iii) For purposes of this section, circumstances outside of the incumbent LEC's control include federal, state, or local municipal mandates and unintentional damage to the incumbent LEC's network facilities not caused by the incumbent LEC.

PART 63—EXTENSION OF LINES, NEW LINES, AND DISCONTINUANCE, REDUCTION, OUTAGE AND IMPAIRMENT OF SERVICE BY COMMON CARRIERS; AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

■ 4. The authority citation for part 63 is revised to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 160, 201–205, 214, 218, 403, and 571, unless otherwise noted.

■ 5. Amend § 63.71 by revising paragraphs (a)(6), (f) through (h), (i) introductory text, (k) introductory text, and (k)(1) and (3), removing paragraphs (a)(7) and (k)(5), and adding new paragraph (1) to read as follows:

§ 63.71 Procedures for discontinuance, reduction or impairment of service by domestic carriers.

* * * * *

(a) * * *

(6) For applications to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), except for applications meeting the requirements of paragraph (f)(2)(ii) of this section, in order to be eligible for automatic grant under paragraph (f) of this section:

(i) A statement that any service offered in place of the service being discontinued, reduced, or impaired may not provide line power;

(ii) The information required by § 12.5(d)(1) of this chapter;

(iii) A description of any security responsibilities the customer will have regarding the replacement service; and

(iv) A list of the steps the customer may take to ensure safe use of the replacement service.

* * * * *

(f)(1) The application to discontinue, reduce, or impair service, if filed by a domestic, non-dominant carrier, or any carrier meeting the requirements of paragraph (f)(2)(ii) of this section, shall be automatically granted on the 31st day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective. The application to discontinue, reduce, or impair service, if filed by a domestic, dominant carrier, shall be automatically granted on the 60th day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective. For purposes of this section, an application will be deemed filed on the date the Commission releases public notice of the filing.

(2) An application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), may be automatically granted only if:

(i) The applicant provides affected customers with the notice required under paragraph (a)(6) of this section, and the application contains the showing or certification described in § 63.602(b); or

(ii) The applicant:

(A) Offers a stand-alone interconnected VoIP service, as defined in § 9.3 of this chapter, throughout the affected service area, and

(B) At least one other alternative stand-alone facilities-based wireline or wireless voice service is available from another unaffiliated provider throughout the affected service area.

(iii) For purposes of this paragraph (f)(2), ''stand-alone'' means that a customer is not required to purchase a separate broadband service to access the voice service.

(g) Notwithstanding any other provision of this section, a carrier is not required to file an application to discontinue, reduce, or impair a service for which the requesting carrier has had no customers or reasonable requests for service during the 30-day period immediately preceding the discontinuance.

(h) An application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), except for an application meeting the requirements of paragraphs (f)(2)(ii) and (k) of this section, shall contain the information required by § 63.602. The certification or showing described in § 63.602(b) is only required if the applicant seeks eligibility for automatic grant under paragraph (f)(2)(i) of this section.

(i) An application to discontinue, reduce, or impair a service filed by a competitive local exchange carrier in response to a copper retirement notice filed pursuant to § 51.333 of this chapter shall be automatically granted on the effective date of the copper retirement; provided that:

* * * * *

(k) Notwithstanding paragraphs (a)(5), (a)(6), and (f) of this section, the following requirements apply to applications for legacy voice services or data services operating at speeds lower than 1.544 Mbps:

(1) Where any carrier, dominant or non-dominant, seeks to:

(i) Grandfather any legacy voice service;

(ii) Grandfather any data service operating at speeds lower than 1.544 Mbps; or

(iii) Discontinue, reduce, or impair a legacy data service operating at speeds lower than 1.544 Mbps that has been grandfathered for a period of no less than 180 days consistent with the criteria established in paragraph (k)(2) of this section, the notice shall state:

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 10 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

* * * * *

(3) An application filed by any carrier seeking to grandfather any legacy voice service or to grandfather any data service operating at speeds lower than 1.544 Mbps for existing customers shall be automatically granted on the 25th day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective.

* * * * *

(l) Notwithstanding paragraphs (a)(5), (a)(6), and (f) of this section, the following requirements apply to applications for data services operating at or above 1.544 Mbps in both directions but below 25 Mbps download, and 3 Mbps upload, provided that the carrier offers alternative fixed data services in the affected service area at speeds of at least 25 Mbps download and 3 Mbps upload:

(1) Where any carrier, dominant or non-dominant, seeks to:

(i) Grandfather such data service; or

(ii) Discontinue, reduce, or impair such data service that has been grandfathered for a period of no less than 180 days consistent with the criteria established in paragraph (l)(2) of this section, the notice to all affected customers shall state:

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 10 days after the Commission releases public notice of the proposed

discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

(2) For applications to discontinue, reduce, or impair such data service that has been grandfathered for a period of no less than 180 days, in order to be eligible for automatic grant under paragraph (l)(4) of this section, an applicant must include in its application a statement confirming that it received Commission authority to grandfather the service at issue at least 180 days prior to filing the current application.

(3) An application seeking to grandfather such a data service shall be automatically granted on the 25th day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective.

(4) An application seeking to discontinue, reduce, or impair such a data service that has been grandfathered under this section for 180 days or more preceding the filing of the application, shall be automatically granted on the 31st day after its filing with the Commission without any Commission notification to the applicant, unless the Commission has notified the applicant that the grant will not be automatically effective.

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

■ 6. The authority citation for part 68 is revised to read as follows:

Authority: 47 U.S.C. 154, 303, 610.

■ 7. Amend § 68.105 by revising paragraph (d)(4) to read as follows:

§ 68.105 Minimum point of entry (MPOE) and demarcation point.

* * * * *

(d) * * *

(4) The provider of wireline telecommunications services shall make available information on the location of the demarcation point within ten business days of a request from the premises owner. If the provider of wireline telecommunications services does not provide the information within that time, the premises owner may presume the demarcation point to be at the MPOE. Notwithstanding the provisions of § 68.110(b), provider of wireline telecommunications services must make this information freely available to the requesting premises owner.

* * * * *

§ 68.110 [Amended]

■ 8. Amend § 68.110 by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

[FR Doc. 2018–14570 Filed 7–6–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 170703617–8097–01]

RIN 0648–BG97

Atlantic Highly Migratory Species; Final Rule To Revise Atlantic Shark Fishery Closure Regulations

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

ACTION: Final rule.

SUMMARY: This final rule revises the current closure regulations for commercial shark fisheries. These changes affect commercial shark fisheries in the Atlantic Ocean, including the Gulf of Mexico and Caribbean. Revisions include changes to the landings threshold that prompts a closure and the minimum time between filing of the closure with the **Federal Register** and the closure becoming effective. This action is necessary to allow more flexibility when closing shark fisheries and to facilitate the use of available quota while still preventing overharvests.

DATES: This rule is effective on August 8, 2018.

ADDRESSES: Copies of the supporting documents, including the Final Environmental Assessment (EA), Regulatory Impact Review (RIR), Final Regulatory Flexibility Analysis (FRFA), and the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and amendments are available from the HMS website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Lauren Latchford at (301) 427–8503.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford, Guý DuBeck, Chanté Davis, or Karyl Brewster-Geisz by phone at (301) 427–8503 or Delisse Ortiz at (240) 681–9037.

SUPPLEMENTARY INFORMATION: Atlantic sharks are directly managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). NMFS published in the **Federal Register** (71 FR 59058, October 2, 2006) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This final rule modifies the current regulations related to closures for commercial shark fisheries.

Background

A brief summary of the background of this action is provided below; more detailed information can be found in the proposed rule (83 FR 8037, February 23, 2018) and is not repeated here. Additional information regarding Atlantic HMS management, specifically the commercial fisheries season structure, can be found in the Final EA for this action and the 2006 Consolidated HMS FMP and its amendments, found on the HMS website (see **ADDRESSES**).

On February 23, 2018, NMFS published a proposed rule (83 FR 8037) that proposed (1) changing the regulations from requiring a shark fishery species and/or management group to close when landings have reached or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, and instead allowing the fishery to remain open in such circumstances if the species and/or management group's landings are not projected to reach 100 percent before the end of the commercial fishing season, and (2) changing the minimum notice time between filing and the closure going into effect from five days to three. A 30-day public comment period closed on March 26, 2018. The comments received on the Draft EA and proposed rule, and our responses to those comments, are summarized below in the section labeled ''Response to Comments.''

After reviewing the public comments and consulting with the HMS Advisory Panel, this final action allows a shark fishery to remain open after the fishery's landings have reached or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season. This final action also changes the minimum notice time between filing of the closure notice with the Office of the Federal Register and the closure going into effect from five days to four days, which is a change from the proposed rule based on public comment.

Response to Comments

During the 30-day public comment period, NMFS held one webinar and presented information about the proposed rule at the HMS Advisory Panel meeting. In addition to the nine verbal comments received at those meetings, NMFS also received 10 written comments regarding the proposed action from fishermen, states, environmental groups, academia, and other interested parties. All written comments can be found at *http://www.regulations.gov/* by searching for RIN 0648–BG97. All of the comments received are summarized below.

Section A: Comments on Closure Threshold and Closure Notice Alternatives

Comment 1: NMFS received a number of comments regarding the closure threshold alternatives. Some commenters supported preferred Alternative 1f, while other commenters suggested combining Alternative 1e, which would establish criteria to use for evaluation of a closure, with the preferred Alternative 1f. Other commenters wanted to increase the federal fishery closure threshold for the shark management groups from 80 percent to greater than 90 percent because they felt the current weekly electronic reporting requirements for dealers increased the timeliness and accuracy of dealer reporting (compared to reporting requirements that were in place when the 80-percent buffer was implemented) and would allow for a smaller buffer while still preventing overharvest of the quota. Lastly, one commenter preferred Alternative 1a, No Action.

Response: After considering public comment and carefully reviewing the relevant data, NMFS is finalizing this action as proposed with preferred Alternative 1f, which would allow a shark fishery to remain open after the fishery's landings have reached or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season. With regard to comments preferring the combination of Alternatives 1e and 1f, Alternative 1e would have established criteria such as examining stock status or patterns of over- and underharvest that NMFS would evaluate before determining if a closure notice is needed when any shark fishery species and/or management group landings reach or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota. If the evaluation of the specified criteria were to indicate that the fishery does not need to close at 80 percent, the fishery could remain open until landings reach, or are projected to reach, 90 percent. Alternative 1f, however, maintains the 80-percent threshold, and at that threshold, NMFS would review landings projections indicating whether a closure is needed to avoid exceedance of the available overall, regional, and/or sub-regional quota by the end of the season. If the species and/or management group's landings are not projected to reach 100 percent of the applicable quota before the end of the season, the fishery will remain open. Because Alternative 1e would require closing the fishery at 90 percent of the quota, regardless of whether the projections indicate the fishery would not exceed 100 percent of the quota before the end of the fishing season (which is what Alternative 1f would allow), NMFS is assuming that commenters who suggested combining these two alternatives actually were suggesting adding the criteria listed in Alternative 1e to Alternative 1f. NMFS does not prefer adding criteria to Alternative 1f because doing so would unnecessarily complicate the closure procedures, possibly confuse the regulated community, and would not necessarily enhance the accuracy of any closure notice. Requiring NMFS to step through specific criteria such as stock status that do not influence catch rates would add complexity to the process and would not improve accuracy of the projections and in fact may delay needed closures in some circumstances.

Some commenters supported a higher closure threshold than was analyzed in the proposed alternatives, such as closure when quota use reaches 100 percent, because they felt the combination of weekly electronic dealer reporting with advanced projection methodologies should allow for full quota utilization before closing the fishery. Most states in the Gulf of Mexico require all state-only dealers to report electronically, but some states still allow for paper reports, and/or require reporting once a month rather than weekly. That, in combination with late dealer reports prevent NMFS from setting the threshold at full utilization because of the risk of exceeding the quota. The 80-percent fishery-closure threshold for the shark management groups was implemented in Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 35778, June 24, 2008; 73 FR 40658, July 15, 2008). At that time, NMFS relied on hard copy dealer reports that were mailed to the Agency and were often several weeks, or even months, out of date. Since then, NMFS has established weekly electronic reporting with weekly compliance monitoring. While dealer reporting now is electronic, except for some state-only dealers, particularly in the Gulf of Mexico, and thus generally more timely, NMFS must still account for late reporting by shark dealers and provide a buffer to include landings received after the reporting deadline to avoid overharvests. A review of closures since NMFS began electronic reporting has showed that the current 80-percent threshold is not always effective at closing in time to prevent overharvest of small quotas, such as porbeagle sharks. Additionally, the review shows that on average, across all of the shark fisheries, 16 percent of the quota is landed after a closure is announced. Therefore, a 90-percent or greater closure threshold would likely result in overharvests of the quotas. For stocks with small quotas, we can anticipate that this higher closure threshold would result in consistent overharvests, with little opportunity to account for the overharvests in the next year (because overharvests would occur again) and this could be expected to have moderate adverse direct ecological effects on such shark species and result in the need to close the fisheries in future years.

Regarding the commenter who preferred no action, that alternative would require NMFS to continue closing the relevant management group when 80 percent of its shark quota had been landed. However, in recent years as a result of monitoring the fishery and changing the trip limits throughout the year, several management groups (*e.g.,* aggregated large coastal sharks (LCS) and hammerhead sharks) are remaining open for the entire year and may not reach 80 percent of that quota until late in the year. Under no action, NMFS would close these fisheries once

landings reach 80 percent of the quota even if it would be unlikely that the quota would be fully harvested. Instead, this final action would allow NMFS to keep those fisheries open for the entire year as long as projections indicate the quotas would not be exceeded by December 31 of each year.

Comment 2: Some commenters supported the proposed Alternative 2b, which would close sharks fisheries three days after the notice was filed with the Office of the Federal Register. Other commenters, including the States of North Carolina and Louisiana, supported the no action alternative and did not support proposed Alternative 2b because, they argued, three days would not allow time for states to implement complementary measures by closing state water shark fisheries. Additionally, some commenters stated that some commercial pelagic longline participants take multi-day trips that could be interrupted by such an earlier closure notice. Finally, commenters were worried that a three-day notice would have safety issues if, after getting notice of a closure, fishermen decide to fish one or more trips before a closure occurs and without regard to any weather conditions.

Response: After considering public comment and reviewing the data, NMFS has decided to change from its originally preferred alternative providing three days' notice (Alternative 2b) to a new alternative that provides four days' notice (Alternative 2d) between filing of the closure notice with the Office of the Federal Register and the closure going into effect. This change is in response to comments that States need more than three days' notice in order to close state water shark fisheries at the same time as federal water shark fisheries. Closing with four days' notice adequately addresses our concerns about closing shark fisheries in a timely manner, while ensuring state and federal waters close at the same time to prevent confusion among fisherman, dealers, and enforcement. Additionally, the four-day preferred alternative increases flexibility to close the fishery as needed while still preventing overharvest and allowing sufficient time for fishermen to complete ongoing trips at the time of the closure. The allotted time before the closure becomes effective is also well within the range of the current directed shark trip lengths (*i.e.,* one to two days). Because the EA examined alternatives ranging from immediate closure to closure with five days' notice, this new alternative is within the range of originally proposed actions.

Regarding Alternative 1a, no action, NMFS does not prefer to keep the closure notice at five days because this alternative would not increase flexibility in NMFS' ability to manage the shark fisheries in a timely manner. As stated in the response to Comment 1, after NMFS announces a closure, approximately 16 percent of the quota is harvested before the fishery actually closes five days later. Under a no action alternative, continued landings during a five-day notice period would likely contribute to overharvests. When such overharvests occur on a frequent basis over the long-term, it can lead to overfishing, delayed rebuilding of overfished stocks, and overall negative impacts on fishermen and dealers. However, NMFS also recognizes that complementary state water closures are needed in order to prevent quotas from being overharvested. As such, in this final action, NMFS is finalizing a different alternative, Alternative 2d that changes the closure notification from five days to four days. This alternative is an appropriate compromise between needing to provide appropriate notice for states to implement complementary measures and for the closure to take effect quickly and prevent overharvests.

Regarding the concerns about the potential for fishermen to be out on long trips, and then having to discard their catch if they missed the closure date, historically (pre-2008), directed shark fishing trips, primarily targeting LCS, averaged between one and four days in length, but could be longer. However, because of reduced trip-based retention limits implemented in Amendment 2 in 2008, there has been a reduction in trip length, and the typical shark fishing trip is now only one or two days. Trips using pelagic longline gear, and interacting with pelagic sharks, can be longer, with the typical trip lasting nine days. Pelagic longline trips usually do not land many sharks, and the sharks they do land tend to be sharks in the pelagic shark management groups, which have never closed. Therefore, the four-day closure notice should not affect pelagic longline trips. NMFS has determined that a four-day closure notice should allow fishermen enough time to finish their trips, while still providing NMFS the flexibility to close the fishery as needed while still preventing overharvest. Similarly, a four-day closure notice would also allow fishermen to safely fish one or two more trips, depending on weather and other factors, once the closure notice is announced.

Section B: General Comments

Comment 3: NMFS should stop all shark fishing.

Response: This comment is outside the scope of this rulemaking. The purpose of this rulemaking is to revise existing HMS regulations that require closure of shark fisheries with no fewer than five days' notice when landings or projections of landings reach 80 percent of the commercial quota. Management of the Atlantic shark fisheries is based on the best available science to achieve optimum yield while rebuilding overfished shark stocks and preventing overfishing. The final rule does not reanalyze the overall management measures for sharks, which have been analyzed in the 2006 Consolidated HMS FMP and its amendments.

Comment 4: NMFS should provide more information about catch across all sectors including catch versus total allowable catch (TAC), catch and release mortality, and bycatch associated with other fisheries.

Response: This comment is beyond the scope of this rulemaking. This rulemaking updates and revises existing HMS regulations that require NMFS to close shark fisheries with no fewer than five days' notice, when landings or projections of landings reach 80 percent of the commercial quota. NMFS provides similar data in its annual Stock Assessment and Fishery Evaluation (SAFE) reports (*https://www.fisheries.noaa.gov/bulletin/2017-stock-assessment-and-fishery-evaluation-report-atlantic-highly-migratory-species*).

Comment 5: NMFS should provide the date and location of landings by region.

Response: NMFS currently provides shark landings by region and management group on a monthly basis (*https://www.fisheries.noaa.gov/atlantic-highly-migratory-species/atlantic-highly-migratory-species-landings-updates*), and uses the landings in our decision process to determine fishery closures and annual fishery quotas. Additionally, NMFS provides aggregated information in its annual SAFE reports. Due to the confidentiality requirements of the Magnuson-Stevens Act, NMFS aggregates such data.

Changes From the Proposed Rule (83 FR 8037; February 23, 2018)

NMFS made one change to the proposed rule. Specifically, in § 635.28(b)(2) and (b)(3), NMFS is changing from the proposed action of a three-day minimum notice time between filing of the closure notice with

the Office of the Federal Register and the closure going into effect to four days. This change is being made in response to comments from States that they need more than three days' notice in order to implement complementary state water shark fishery closures. This change to a four-day notice should provide NMFS the flexibility to close the fishery as needed while still preventing overharvests and allowing sufficient time for fishermen to complete ongoing trips at the time of the closure.

Classification

Pursuant to the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that the final rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, and other applicable laws.

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

This final rule is expected to be an Executive Order 13771 deregulatory action.

A Final Regulatory Flexibility Analysis (FRFA) was prepared for this rule. The FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA), and a summary of the analyses completed to support the action. The full FRFA and analysis of economic and ecological impacts are available from NMFS. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

Section 604(a)(1) of the RFA requires a succinct statement of the need for and objectives of the rule. The purpose of this final action is to allow shark fishermen to harvest available quota without exceeding it, consistent with conservation and management measures adopted in accordance with Magnuson-Stevens Act requirements to end overfishing and rebuild stocks. The final action is also intended to maximize economic benefits to stakeholders by allowing them to harvest available quota while achieving conservation goals, including preventing overfishing. To achieve this goal, this action considers modifications to the percent landings threshold that results in a closure, and modifications to the minimum amount of time before a closure is effective.

Section 604(a)(2) requires a summary of significant issues raised by the public comment in response to the IRFA and a summary of the assessment of the Agency of such issues, and a statement of any changes made in the rule as a result of such comments. NMFS did not receive comments specific to the IRFA or any comments relating to economic impacts of the proposed action.

Section 604(a)(4) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. This provision is made under the SBA's regulations for an agency to develop its own industry-specific size standards after consultation with and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194). In this final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they all had average annual receipts of less than $11 million for commercial fishing.

The final rule would apply to the approximately 113 commercial shark dealers, 490 commercial limited access permit holders in the Atlantic shark fishery (221 directed and 269 incidental permits), and 154 open access smoothhound shark permit holders, based on an analysis of permit holders as of October 2017. Not all permit holders are active in the shark fishery in any given year. Active directed permit holders are defined as those with valid permits that landed one shark, based on HMS electronic dealer reports. Of those 221 commercial directed limited access permit holders, 32 (14 percent of permit holders) landed LCS, 30 (14 percent of permit holders) landed non-blacknose SCS, and 14 (6 percent of permit holders) landed blacknose sharks in the Atlantic. In the Gulf of Mexico region, 10 (5 percent of permit holders) landed LCS in the western sub-region, 6 (3 percent of permit holders) landed LCS in the eastern sub-region, and 8 (4 percent of permit holders) landed non-blacknose SCS throughout the region. Of directed limited access permit holders, 47 (21 percent of permit holders) landed pelagic sharks. Of the 154 open access smoothhound shark permit holders, 75 (49 percent of permit holders) landed sharks in the Atlantic region. NMFS has determined that the final rule would not likely affect any small governmental jurisdictions.

Section 603(a)(5) of the RFA requires agencies to describe any new reporting, record-keeping and other compliance requirements. The action does not contain any new collection of information, reporting, or record-keeping requirements. The alternatives considered modify the percentage landings threshold that prompts a shark fishery closure and the length of time between public notice and the effective date of a given fishery closure with the goal of avoiding under- and overharvests in these fisheries.

Section 604(a)(6) of the RFA requires agencies is to describe the steps taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected. These impacts are summarized below and discussed in the accompanying Final EA.

Alternative 1a, the No Action alternative, would maintain the existing 80-percent threshold to close the shark fishery and maintain current shark quotas. Based on the 2017 ex-vessel prices, the potential average annual gross revenue for the 10 active directed permit holders from blacktip, aggregated LCS, and hammerhead shark meat in the western Gulf of Mexico sub-region would be $312,411, and average annual gross revenue from shark fins would be $187,631. Thus, potential average annual gross revenue by each active directed permit holder for blacktip, aggregated LCS, and hammerhead shark landings in the western Gulf of Mexico sub-region would be $50,004 ((312,411 + 187,631)/10 active vessels). The potential total average annual gross revenue for the six active directed permit holders from blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $113,327, and average annual gross revenue from shark fins would be $70,954. Thus, potential total average annual gross revenue by each active directed permit holder for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico region would be $30,713 ((113,327 + 30,713)/6 active vessels). The potential total average annual gross revenue for the eight active directed permit holders for non-blacknose SCS and

smoothhound shark meat in the Gulf of Mexico would be $54,614, while revenue from shark fins would be $33,682. Thus, potential total average annual gross revenue by each active directed permit holder for non-blacknose SCS in the Gulf of Mexico would be $11,036 ((54,614 + 33,682)/8 active vessels). Since there have been no landings of smoothhound sharks in the Gulf of Mexico, the annual gross revenue for the active directed permit holders would be zero. The potential annual gross revenues for the 32 active directed permit holders from aggregated LCS and hammerhead shark meat in the Atlantic would be $283,630, while revenue from shark fins would be $97,566. Thus, potential total average annual gross revenues by each active directed permit holder for aggregated LCS and hammerhead shark in the Atlantic would be $11,912 ((283,630 + 97,566)/32 active vessels). The potential annual gross revenues for the 30 active directed permit holders from non-blacknose SCS shark meat in the Atlantic would be $266,150, while revenue from shark fins would be $54,869. Thus, potential total average annual gross revenue by each active directed permit holder for non-blacknose SCS in the Atlantic would be $10,700 ((266,150 + 54,869)/30 active vessels). The potential annual gross revenues for the 14 active directed permit holders from blacknose shark meat in the Atlantic would be $18,103, while revenue from shark fins would be $3,412. Thus, potential total average annual gross revenue by each active directed permit holder for blacknose in the Atlantic would be $1,537 ((18,103 + 3,412)/14 active vessels). The potential annual gross revenues for the 75 active directed permit holders from smoothhound shark meat in the Atlantic would be $582,233, while revenue from shark fins would be $48,808. Thus, potential total average annual gross revenues by each active directed permit holder for smoothhound shark in the Atlantic would be $8,414 ((582,233 + 48,808)/75 active vessels). The potential annual gross revenues for the 47 active directed permit holders from pelagic sharks (blue, porbeagle, shortfin mako, and thresher sharks) meat would be $381,580, while revenue from shark fins would be $20,134. Thus, potential total average annual gross revenues by each active directed permit holder for pelagic sharks would be $8,547 ((381,580 + 20,134)/47 active vessels). Alternative 1a would likely result in neutral direct short- and long-term socioeconomic impacts because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. The No Action alternative could also have neutral indirect impacts to those supporting the commercial shark fisheries, since the retention limits, and thus current fishing efforts, would not change under this alternative.

Under Alternative 1b, NMFS would change the shark fishery closure threshold to 90 percent of the available overall, regional, and/or sub-regional quota. This alternative would be likely to have neutral direct and indirect short- and long-term socioeconomic impacts because the base quotas would not change for any of the management groups and fishermen would still be limited in the total amount of sharks that could be harvested. This alternative could potentially lead to minor beneficial direct economic impacts if fishermen can land available quota that may have remained unharvested under the current 80-percent threshold. For example, in 2017, the quota for the blacktip, aggregated LCS, and hammerhead management groups from the western Gulf of Mexico sub-region was underutilized by 310,546 lb dw or 25 percent of the adjusted annual base quota, valued at $247,518 in potential ex-vessel revenue. Assuming all of this unharvested quota were caught, based on the 10 vessels that landed LCS in the western Gulf of Mexico sub-region, the individual vessel impact would be an approximate gain of $31,055 per year. This does not include incidental permit holders, who would receive a smaller amount per year. For example, in the Atlantic, the blacknose shark management group was underutilized by 21,238 lb dw or 35 percent of the quota, valued at $25,807 in potential ex-vessel revenue. Based on the 14 vessels that landed blacknose in the Atlantic region, the individual vessel impact would be an approximate gain of $1,843 per year. This does not include incidental permit holders, who would receive a smaller amount per year. Alternative 1b could also lead to minor adverse socioeconomic impacts in the short-term if the quotas are overharvested, which would lead to lower quotas the following year. In addition, this alternative could potentially lead to minor adverse socioeconomic impacts if there is a large increase of landings combined with late dealer reporting, after the fishery is closed, that resulted in overharvest. For instance, the current 80 percent threshold has not been effective at closing in time to prevent overharvest of shark species that have small quotas, such as porbeagle sharks. As such, changing the percent closure threshold to 90 percent might be detrimental to the porbeagle shark fishery, as it may not provide a sufficient buffer to prevent overharvest and season closures that occurred in 2013 and 2015. However, this negative impact would be only in the short-term, as NMFS has the ability to monitor quotas on a weekly basis and promptly close the shark fishery.

Under Alternative 1c, NMFS would change the shark fishery closure threshold to 70 percent of the available overall, regional, and/or sub-regional quota. This change would potentially leave a larger buffer for fishermen to complete trips and receive delayed dealer reports. It is likely the change in threshold to 70 percent would have neutral direct and indirect short- and long-term socioeconomic impacts since none of the commercial quotas are being changed and NMFS is not expecting an increase in effort or fishing. This alternative could potentially have minor adverse direct socioeconomic impacts if there is a large amount of underharvest remaining every year, after accounting for late dealer reports, that fishermen would no longer be able to harvest as compared to the No Action alternative. For instance, a 10 percent decrease in realized revenue for the western Gulf of Mexico blacktip, aggregated LCS, and hammerhead shark fisheries would equate to approximately $50,004 (10 percent of $500,042) loss in ex-vessel revenue. Based on the 10 vessels that landed LCS in the western Gulf of Mexico sub-region, the individual vessel impact would be an approximate loss of $5,000 per year. This does not include incidental permit holders, who would receive a smaller amount per year. However, these would be only be in the short-term because the fisheries have achieved close to full quota utilization in recent years for some shark quotas.

Under Alternative 1d, NMFS would change the shark fishery closure threshold to 90 percent in the Atlantic Region, while maintaining the Gulf of Mexico closure threshold or overall non-regional threshold at 80 percent. Alternative 1d provides some flexibility in assigning different closure thresholds between the Atlantic and Gulf of Mexico. In the Atlantic region, this alternative could potentially lead to minor beneficial direct economic impacts if fishermen can land available quota that may have remained unharvested under the current 80-percent threshold. For instance, a 10 percent increase in realized revenue for the Atlantic aggregated LCS and hammerhead shark fisheries would equate to an approximate $38,119 (10 percent of $381,196) gain in ex-vessel

revenue. Based on the 32 vessels that landed LCS in the Atlantic region, the individual vessel impact would be an approximate increase of $1,191 per year. This does not include incidental permit holders, who would receive a smaller amount per year. In the Gulf of Mexico region and for fisheries with no region, this alternative could likely result in neutral direct and indirect, short- and long-term socioeconomic impacts because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. Impacts in the Gulf of Mexico would therefore be the same as those described in Alternative 1a.

Under Alternative 1e, when any shark fishery species and/or management group landings reach or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, NMFS would evaluate the following criteriato determine if a closure is needed at the 80-percent threshold:

A. The stock status of the relevant species or management group and any linked species and/or management groups;

B. The patterns of over- and underharvest in the fishery over the previous five years;

C. The likelihood of continued landings after the federal closure of the fishery;

D. The effects of the closure on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments;

E. The likelihood of landings exceeding the quota by December 31 of each year; and

F. The impacts of the closure on the catch rates of other shark management groups, including likelihood of an increase in dead discards.

(See discussion in Chapter 2 of the Final EA.) This alternative would add flexibility to close a fishery depending on a set of criteria, helping to maximize management efficacy while preventing overharvest. If this increased flexibility in determining when to close a fishery leads to full quota utilization of management groups, while still preventing overharvest of shark fisheries, then fishermen could potentially see additional revenue from being able to land sharks that would otherwise have remained unharvested under the existing 80-percent threshold. For instance, a 20-percent increase in realized revenue for the Atlantic aggregated LCS and hammerhead shark fisheries would equate to an approximate $76,239 (20 percent of $381,196) gain in ex-vessel revenue. Based on the 32 vessels that landed LCS in the Atlantic region, the individual vessel impact would be an approximate increase of $2,382 per year. This does not include incidental permit holders, who would receive a smaller amount per year. Based upon these criteria, the fishery could still operate similarly to the status quo 80-percent closure threshold, which would result in neutral socioeconomic impacts as described for Alternative 1a, the status quo alternative. As examples, if a shark species and/or management group quota reaches 80 percent by September 1, then NMFS would evaluate the criteria in Alternative 1e before determining if a closure is needed at the 80-percent threshold in the Gulf of Mexico and Atlantic regions. Based on criteria A (stock status of the relevant species or management group and any linked species and/or management groups) and C (continued landings after the federal closure), NMFS would likely close the shark species and/or management group quota in the Gulf of Mexico. In the Atlantic region, NMFS would likely also close the shark species and/or management group quota based on criteria A since all of the shark species and/or management groups in the region have an overfished or unknown stock status. This would lead to neutral socioeconomic impacts in both regions since there would be no change from current regulations. If a shark species and/or management group quota reaches 80 percent by December 1, then NMFS would need to evaluate all of the criteria closely before implementing a closure in either the Gulf of Mexico or Atlantic region. A key criterion to evaluate is the likelihood of landings exceeding the quota by December 31 of each year (Criteria E). In the Gulf of Mexico region, NMFS would also consider Criteria C (continued landings after the federal closure) and how this would impact the fishery. In the Atlantic region, NMFS would likely keep the fishery open as long as landings are not projected to exceed the quota by the end of the year.

Alternative 1f, the preferred alternative, will allow a shark fishery to remain open after the fishery's landings have reached or are projected to reach 80 percent of the available overall, regional, and/or sub-regional quota, if the fishery's landings are not projected to reach 100 percent of the applicable quota before the end of the season. If the 80 percent threshold is reached but a closure is not necessary, NMFS will notify the public of this determination in the first monthly shark landings update listserv notice following achievement of the 80 percent level. If a closure is needed, NMFS will file a Notice in the **Federal Register** reflecting that determination and closing the fishery with the appropriate notice. This alternative, similar to Alternatives 1d and 1e, will provide the flexibility of achieving full quota utilization while still preventing overharvest. This alternative could therefore lead to neutral socioeconomic impacts, similar to Alternative 1a, the status quo alternative, if the landings are projected to reach 100 percent before the end of the fishing year. As examples, if landings of a shark species and/or management group reach 80 percent by September 1, then NMFS would likely have to close the fishery if it was in either the Gulf of Mexico or Atlantic regions since the landings would likely reach 100 percent before the end of the fishing year. This would cause neutral socioeconomic impacts since it would be the status quo for the fishery. If landings of a shark species and/or management group reach 80 percent by December 1, then NMFS would project whether the landings in the Gulf of Mexico and Atlantic regions would reach 100 percent before the end of the fishing year. If NMFS makes a determination that the landings would exceed 100 percent of the available quota before the end of the fishing year (December 31) absent a closure, then NMFS would keep the fishery open. Thus, this could lead to minor beneficial socioeconomic impacts since the quota could be fully utilized. A fishery reaching the 80-percent threshold without being projected to exceed its quota before the end of the season is most likely to occur late in the year.

Under Alternative 2a, NMFS would maintain the status quo and would not change the notice period of five days for the closure of a management group. This alternative would have no impact on the allowable level of fishing pressure, catch rates, or distribution of fishing effort. As such, it is likely that the No Action Alternative as well as this alternative in combination with any of the Alternatives 1b, 1c, 1d, 1e, or 1f would have both neutral direct and indirect, short- and long-term socioeconomic impacts. If there is a large amount of landings made during the five-day notice and a later closure under Alternatives 1b, 1c, or 1d, then there could be the potential for minor beneficial socioeconomic impacts for those fisheries who have underutilized the quota in recent years. The majority of fishing trips for sharks are currently one day in length, so a five-day closure

notice should not result in regulatory discards for these trips. However, this alternative could potentially result in interrupted fishing activities, potentially resulting in regulatory discards if trips were underway at the time of the notice of the closure. For instance, pelagic longline fishing vessels, which can take trips that last several weeks, may need to discard any dead sharks onboard and in their hold if the vessel is unable to land the sharks before the closure is effective. However, NMFS expects few dead discards as a result of closure notices given that NMFS has implemented several management measures that prohibit retention of some sharks (*i.e.,* silky, oceanic whitetip, hammerhead sharks) on vessels with pelagic longline gear onboard. In combination with all other alternatives (*i.e.,* 1a, 1c, 1d, 1e, and 1f), except Alternative 1b, this alternative would allow fishermen to complete their fishing trips while still preventing overharvest. In combination with Alternative 1b (*e.g.,* 90-percent closure threshold), there is a risk of overharvest if the landings rate was high before the closure date is effective and potential reduced quotas the following season.

Under Alternative 2b, NMFS would change the minimum notice period to three days instead of the current five-day notice once the fisheries reached a landings threshold necessitating a closure. This change would allow more timely action in closing shark fisheries, helping to prevent overharvest. In combination with all other Alternatives (1a, 1b, 1d, 1e, and 1f), except Alternative 1c, this alternative would reduce the risk of exceeding the quota, especially if the landings rate was high before the closure date is effective. In combination with Alternative 1c (*e.g.,* 70-percent closure threshold), this alternative would increase the risk of a significant underharvest and would cause minor adverse socioeconomic impacts. This alternative would have no impact on the allowable level of fishing pressure, catch rates, or distribution of fishing effort, as the commercial quotas would remain the same. Therefore, it is likely that this alternative would have both neutral direct and indirect, short- and long-term socioeconomic impacts. This alternative could potentially result in interrupted fishing activities for pelagic longline vessels, which generally take trips up to nine days in length, potentially resulting in regulatory discards if shark trips were underway at the time of the closure and the closure was immediate upon filing of the closure notice. However, NMFS expects few dead discards as a result of the closure notice timing as most pelagic longline fishermen do not target sharks and are unlikely to land many sharks given recent management measures to reduce shark mortality on pelagic longline vessels. In addition, the preferred time before the closure is effective is well within the range of the current directed shark trip lengths (*i.e.,* one to two days). This alternative was preferred in the draft EA primarily because it would increase flexibility to close the fishery as needed while still preventing overharvest and allowing sufficient time for most fishermen to complete trips underway at the time of the notice of the closure. Based on public comment, this alternative is no longer preferred. A new preferred alternative (2d) better addresses concerns from the States that they need more than three days' notice in order to close state waters in conjunction with federal waters while also addressing NMFS' need to increase flexibility to close the fishery as needed while still preventing overharvest.

Under Alternative 2c, NMFS would change the timing of shark fishery species and/or management group closures to allow immediate closure upon filing of the closure notice with the Office of the Federal Register. This alternative would allow timely action in closing shark fisheries, helping to prevent overharvest. In combination with all other alternatives, this alternative would either reduce the risk of exceeding the quota (*i.e.,* Alternatives 1a, 1b, 1d, 1e, and 1f) or increase the risk of a significant underharvest (*i.e.,* Alternative 1c). Therefore, it is likely that this alternative would have both neutral direct and indirect, short- and long-term economic impacts. However, as described in above, this alternative could potentially result in interrupted fishing activities with little or no warning to the regulated community, potentially resulting in regulatory discards, if shark trips were underway at the time of the notice of the closure, with associated loss of revenue. Additionally, HMS AP members from several states indicated that some states would have difficulty closing state water fisheries immediately.

Under Alternative 2d, the new preferred alternative, NMFS will change the minimum notice period to four days instead of the current five-day notice once the landings reach a threshold necessitating a closure. This alternative is preferred because it addresses the concerns from the States that they need more than three days' notice in order to close state waters in conjunction with federal waters while addressing NMFS' need to increase flexibility to close the fishery as needed while still preventing overharvest. In combination with all other alternatives (*i.e.,* 1a, 1c, 1d, 1e, and 1f), except Alternative 1b, Alternative 2d will allow most fishermen, particularly those fishing for sharks, to complete their fishing trips while still reducing the risk of exceeding the quota, especially if landings rate increases substantially between the filing of the closure notice and the effective date of the closure. In combination with Alternative 1b (*e.g.,* 90-percent closure threshold), there is a risk of overharvest if the landings rate was high before the closure date is effective under Alternative 2d. This alternative would likely have both neutral direct and indirect short- and long-term socioeconomic impacts to shark fishery participants because the allowable level of fishing pressure, catch rates, distribution of fishing effort, and the commercial quotas would remain the same. This alternative is within the range of originally proposed actions, which covered potential closure notice between immediate closure and five days.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a listserv notice and a statement published online that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule and the guide are available upon request (see **ADDRESSES**).

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: July 3, 2018.

Patricia A. Montanio,

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

For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.24, revise paragraph (a)(8)(iii) to read as follows:

§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.

* * * * *

(a) * * *

(8) * * *

(iii) Estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates and whether they are projected to reach 100 percent before the end of the fishing season;

* * * * *

■ 3. In § 635.28, revise paragraphs (b)(2) and (b)(3) to read as follows:

§ 635.28 Fishery closures.

* * * * *

(b) * * *

(2) *Non-linked quotas.* If the overall, regional, and/or sub-regional quota of a species or management group is not linked to another species or management group and that overall, regional, and/or sub-regional quota is available as specified by a publication in the **Federal Register**, then that overall, regional, and/or sub-regional commercial fishery for the shark species or management group will open as specified in § 635.27(b). When NMFS calculates that the overall, regional, and/or sub-regional landings for a shark species and/or management group, as specified in § 635.27(b)(1), has reached or is projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and is projected to reach 100 percent of the relevant quota by the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure, as applicable, for that shark species and/or shark management group that will be effective no fewer than 4 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fisheries for that shark species or management group are closed, even across fishing years.

(3) *Linked quotas.* As specified in paragraph (b)(4) of this section, the overall, regional, and/or sub-regional quotas of some shark species and/or management groups are linked to the overall, regional, and/or sub-regional quotas of other shark species and/or management groups. For each pair of linked species and/or management groups, if the overall, regional, and/or sub-regional quota specified in § 635.27(b)(1) is available for both of the linked species and/or management groups as specified by a publication in the **Federal Register**, then the overall, regional, and/or sub-regional commercial fishery for both of the linked species and/or management groups will open as specified in § 635.27(b)(1). When NMFS calculates that the overall, regional, and/or sub-regional landings for any species and/or management group of a linked group have reached or are projected to reach 80 percent of the applicable available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1) and are projected to reach 100 percent of the relevant quota before the end of the fishing season, NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure for all of the species and/or management groups in that linked group that will be effective no fewer than 4 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional overall, regional, and/or sub-regional quota is available and the season is reopened, the overall, regional, and/or sub-regional fishery for all species and/or management groups in that linked group is closed, even across fishing years.

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[FR Doc. 2018–14665 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 180110024–8535–02]

RIN 0648–BH33

Fisheries of the Northeastern United States; Special Management Zones for 13 New Jersey Artificial Reefs

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

ACTION: Final rule.

SUMMARY: NMFS approves and implements management measures to designate 13 New Jersey artificial reefs as special management zones under the black sea bass provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. The intent of these measures is to reduce user group conflicts and help maintain the intended socioeconomic benefits of the artificial reefs to the maximum extent practicable.

DATES: This rule is effective August 8, 2018.

ADDRESSES: NMFS prepared an environmental assessment (EA) and an Initial Regulatory Flexibility Analysis (IRFA) for this action that describe the measures and other considered alternatives and analyzes of the impacts of the measures and alternatives. Copies of the EA and the IRFA are available upon request from Travis Ford, NOAA/NMFS, Sustainable Fisheries Division, 55 Great Republic Drive, Gloucester, MA 01930. The special management zone measures document is also accessible via the internet at: *https://www.greateratlantic.fisheries.noaa.gov/.*

Copies of the small entity compliance guide are available from Michael Pentony, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, or available on the internet at: *http://www.greateratlantic.fisheries.noaa.gov/.*

FOR FURTHER INFORMATION CONTACT: Travis Ford, Fishery Policy Analyst, 978–281–9233.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 2015, the New Jersey Department of Environmental Protection (NJDEP) requested that the Mid-Atlantic Fishery Management Council (Council) designate 13 artificial reef sites, currently permitted in Federal water by the U.S. Corps of Engineers (COE), as special management zones (SMZ) under the black sea bass provisions of the Council's Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP), 50 CFR 648.148. The SMZ request noted that the NJDEP has received complaints from rod and reel anglers regarding fouling of their fishing gear on commercial pots/traps and lines on ocean reef sites for more than 20 years. It also noted that the U.S. Fish and Wildlife Service (FWS) Sportfish Restoration Program (SRP), which was the primary funding source of the New Jersey Reef Program, had discontinued its funding of the program and all reef construction and monitoring activities until the gear conflicts are resolved. These gear conflicts are not consistent with the objectives of the SRP program,

which provides funding for the building and maintenance of the artificial reefs. In order to comply with the goals of the SRP, the FWS is requiring that state artificial reef programs limit gear conflicts by state regulations in state waters or by SMZs for sites in the Exclusive Economic Zone (EEZ). The major issues from the FWS's perspective include: (1) Proliferation of commercial fishing traps/pots on artificial reefs constructed with SRP funds; (2) commercial/recreational gear conflicts interfere with accomplishment of artificial reef grant objectives; and (3) absence of mechanisms to manage commercial fishing on reefs located in state-controlled waters and the EEZ.

The Council established the SMZ Monitoring Team to develop an analysis of designating the 13 reefs as SMZs. On December 21, 2016, after a review of the Monitoring Team's report and input from 3 public hearings, the Council recommended that NMFS designate all 13 artificial reefs as SMZs through a regulatory amendment. This action approves and implements the Council's recommended measures that apply in the Federal waters of the EEZ and to all vessels: Within the established areas of the SMZs, all vessels are only allowed to conduct fishing by handline, rod and reel, or spear fishing (including the taking of fish by hand). All pot/trap gear must be removed from these reef sites by August 8, 2018.

The boundaries of the SMZs artificial reef sites encompass 19.71 square nautical miles (nmi^2) (67.6 square kilometers (km^2)) and are in Federal waters bounded by the following coordinates connected by straight lines in the sequence specified in Tables 1–13.

TABLE 1—SEA GIRT REEF SITE

Point	N Latitude	W Longitude
NE Corner	40°08.22′	73°55.52′
ME Corner	40°07.30′	73°56.67′
SE Corner	40°06.13′	73°57.12′
SW Corner	40°06.17′	73°57.57′
MW Corner	40°07.48′	73°57.15′
NW Corner	40°08.63′	73°55.73′
NE Corner	40°08.22′	73°55.52′

TABLE 2—GARDEN STATE NORTH REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°38.05′	74°00.70′
SE Corner	39°37.05′	74°01.00′
SW Corner	39°37.00′	74°02.50′
NW Corner	39°37.98′	74°02.20′
NE Corner	39°38.05′	74°00.70′

TABLE 3—GARDEN STATE SOUTH REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°33.82′	74°05.75′
SE Corner	39°33.33′	74°05.85′
SW Corner	39°33.33′	74°07.35′
NW Corner	39°33.80′	74°07.20′
NE Corner	39°33.82′	74°05.75′

TABLE 4—LITTLE EGG REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°29.00′	74°10.00′
SE Corner	39°28.00′	74°10.00′
SW Corner	39°28.00′	74°12.00′
NW Corner	39°29.00′	74°12.00′
NE Corner	39°29.00′	74°10.00′

TABLE 5—ATLANTIC CITY REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°16.90′	74°15.28′
SE Corner	39°13.93′	74°11.80′
SW Corner	39°13.30′	74°12.70′
NW Corner	39°16.22′	74°16.18′
NE Corner	39°16.90′	74°15.28′

TABLE 6—GREAT EGG REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°15.00′	74°21.00′
SE Corner	39°14.00′	74°21.00′
SW Corner	39°14.00′	74°22.00′
NW Corner	39°15.00′	74°22.00′
NE Corner	39°15.00′	74°21.00′

TABLE 7—OCEAN CITY REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°10.75′	74°32.45′
SE Corner	39°09.40′	74°34.62′
SW Corner	39°09.82′	74°34.97′
NW Corner	39°11.10′	74°32.85′
NE Corner	39°10.75′	74°32.45′

TABLE 8—SHARK RIVER REEF SITE

Point	N Latitude	W Longitude
NE Corner	40°07.33′	73°41.08′
SE Corner	40°06.20′	73°41.08′
SW Corner	40°06.20′	73°41.80′
NW Corner	40°07.33′	73°41.80′
NE Corner	40°07.33′	73°41.08′

TABLE 9—BARNEGAT LIGHT REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°45.87′	74°01.10′
SE Corner	39°44.62′	74°01.10′
SW Corner	39°44.62′	74°01.95′
NW Corner	39°45.87′	74°01.95′
NE Corner	39°45.87′	74°01.10′

TABLE 10—WILDWOOD REEF SITE

Point	N Latitude	W Longitude
NE Corner	38°57.85′	74°39.70′
SE Corner	38°56.58′	74°41.40′
SW Corner	38°57.55′	74°42.60′
NW Corner	38°58.80′	74°40.90′
NE Corner	38°57.85′	74°39.70′

TABLE 11—DEEPWATER REEF SITE

Point	N Latitude	W Longitude
NE Corner	38°59.00′	74°10.50′
SE Corner	38°58.00′	74°10.50′
SW Corner	38°58.00′	74°11.50′
NW Corner	38°59.00′	74°11.50′
NE Corner	38°59.00′	74°10.50′

TABLE 12—CAPE MAY REEF SITE

Point	N Latitude	W Longitude
NE Corner	38°53.45′	74°39.43′
SE Corner	38°50.07′	74°42.25′
SW Corner	38°50.67′	74°43.25′
NW Corner	38°53.97′	74°40.62′
NE Corner	38°53.45′	74°39.43′

TABLE 13—TOWNSEND INLET REEF SITE

Point	N Latitude	W Longitude
NE Corner	39°06.70′	74°36.00′
SE Corner	39°06.25′	74°36.00′
SW Corner	39°06.25′	74°37.50′
NW Corner	39°06.70′	74°37.50′
NE Corner	39°06.70′	74°36.00′

Figure 1 shows the location of the 13 artificial reef sites off the coast of New Jersey.

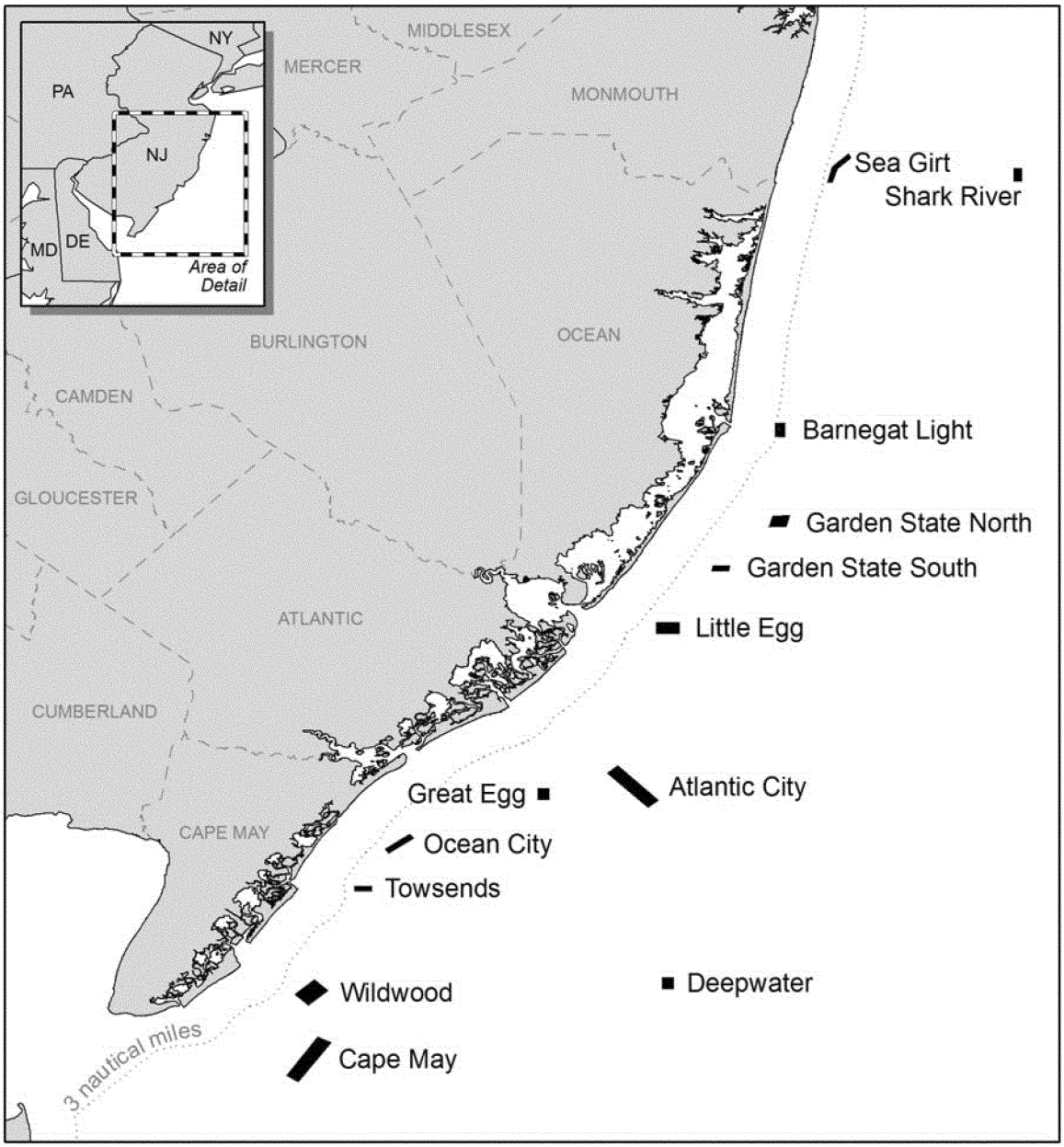

Figure 1. Location of the 13 artificial reef sites that NMFS is designating as SMZs.

Regulatory Corrections Under Regional Administrator Authority

This rule includes a revision to the regulatory text to address text that is unnecessary, outdated, unclear, or that NMFS could otherwise improve. These changes are consistent with section 305(d) of the Magnuson-Stevens Act (MSA) which provides that the Secretary of Commerce may promulgate regulations necessary to ensure that amendments to an FMP are carried out in accordance with the FMP and the MSA. The revision, at § 648.148(a), clarifies that the Council may prohibit or restrain the use of specific types of fishing gear that are not compatible with the purpose of the artificial reef or fish attraction device or other habitat modification within the SMZ.

Changes From Proposed Rule to Final Rule

We made corrections to the coordinates for the Ocean City and Shark River Reef Sites to correct an error in the proposed rule.

Comments and Responses

We published a proposed rule for this action on February 13, 2018 (83 FR 6152), and the comment period closed on March 15, 2018. We received 348 comments about the SMZs during the comment period. There were 74 unique comments submitted in favor of the action. Of these, 13 were from recreational fishing/diving organizations and 61 were from individuals. One of the comments from an organization included 4,301 signatures in support of the action. In addition, we received 263 form letters from individuals in support of the action. We received eight comments against implementing the SMZs (two from industry organizations and six from individuals with commercial fishing interests). The

remaining three comments were unrelated to this action.

Comment 1: Comments in support of this action noted that this action will resolve the gear conflict on these reefs and will help restore the SRP funding. They argue that the vast majority of the funding to support these reefs comes from the recreational industry and that the original intent of these reefs was to promote recreational fishing. Furthermore, they comment that pot/trap fishing is not consistent with the intent of the SRP, which was established through excise tax on recreational fishermen and divers. Many of the comments referenced the hazards that pot/trap fishing can cause on the reefs, including: Navigational hazards of multiple poorly marked pots; at-sea skirmishes; the need for crew to enter the water to untangle vertical lines from propellers; and threats to the safety of divers who may become entangled in pot lines. Many commenters said that pots/traps are overharvesting the reefs because there is no limit on the number of pots/traps and that these pots/traps take up the prime real estate on the reefs. In addition, they comment that the lost pots/traps can continue ghost fishing on the reefs leading to overharvesting. The commenters said that the pots/traps restrict use for other groups on the reefs, and that results in a large loss of revenue to recreational marine industries, including loss of gear, restrictions on expansion and maintenance of reefs, and a decrease in recreational fishing interest. Finally, regarding NMFS' authority to implement this action, commenters discussed that this action represents the desires of NJDEP and the Council and a similar action took place on artificial reef sites off of Delaware in 2015.

Response: The SMZs are intended to reduce the commercial/recreational gear conflicts on the artificial reefs, and help ensure unimpeded access to the artificial reefs for recreational and commercial rod and reel fishing. Both NJDEP and the Council recommended that we designate all 13 reef sites as SMZ for many of the reasons highlighted above. NMFS supports the Council's recommendation to designate these areas as SMZs to reduce gear conflicts and help restore SRP funding to New Jersey.

Comment 2: One individual commented that implementing the SMZs would violate National Standard 1 of the Magnuson-Steven Act because it is not designed to achieve optimum yield of any species.

Response: NMFS disagrees. NMFS is implementing this action under the black sea bass provisions of the Summer Flounder, Scup and Black Sea Bass FMP. The most recent amendments to the FMP address how the management actions implemented comply with the National Standards. The black sea bass specifications are set by the Council to achieve optimum yield and these specification will take into account these SMZs moving forward. This action will not prevent the black sea bass fishery from achieving optimum yield.

Comment 3: Three individuals, the Garden State Seafood Association (GSSA), and LaMonica Fine Foods commented that this action is not supported by science and gear conflicts are not substantiated, and is therefore a violation of National Standard 2 of the Magnuson-Stevens Act.

Response: NMFS disagrees. The analysis of this action is based on the best scientific information available. Therefore, it is consistent with the requirements of National Standard 2. The EA for this action provides in-depth analysis of the economic and social impacts of designating these 13 artificial reef sites as SMZs. The analysis is based on the most recent available information from vessel activity along the East Coast where the vessels operate. This information is gathered from vessel trip reports (VTR) and fish dealer reports. No other information is available for such analyses. Vessel operators are required to report a single ''representative'' point of fishing activity per VTR. Because self-reported VTR points are generally inadequate for identification of party/charter or commercial fishing activity occurring at a reef site, we used a statistical approach to assesses the spatial precision of the commercial fishing VTR points and derive probability distributions for actual fishing locations. This allowed for more robust analysis of the commercial fishing VTR data by taking into account some of the uncertainties around each reported point. The mapping approach is applied only to commercial fishing VTR data and not party/charter VTR data because it requires use of Northeast Observer Program data that are not available for party/charter fishing trips. Analysis of the impacts on the biological and physical environment is based on updated information on the status of the black sea bass resource and the physical environment. The FWS has determined that the gear conflicts are significant enough to pull the SRP funding from New Jersey, which is one of the driving factors for NJDEP and the Council requesting this action. However, the FMP does not require demonstration of gear conflicts to designate a reef as an SMZ.

Comment 4: One individual commented that implementing the SMZs would violate National Standard 3 of the Magnuson-Steven Act because it does nothing to manage any species of fish.

Response: NMFS disagrees. The regulations governing the designation of these SMZs are part of the black sea bass provisions of Summer Flounder, Scup and Black Sea Bass FMP. These SMZs are a tool developed in the FMP that the Council can use to help manage these stocks, consistent with National Standard 3.

Comment 5: GSSA and one individual commented that this action is a violation of National Standard 4 of the Magnuson-Steven Act because it does not address several of its requirements, specifically: Fairness and equity (because it effectively bans commercial fishing); promotion of conservation (the recreational fleet will increase its catch); and avoidance of excessive shares (they claim that NMFS did not do a review to avoid excessive shares).

Response: NMFS disagrees. This action does not violate the provisions of National Standard 4. National Standard 4 guidelines at § 600.325(c) note that allocation of fishing privileges should be considered in relation to achievement of optimum yield or to achieve an objective of the FMP. This action allows access to New Jersey artificial reef sites in the EEZ only to those recreational and commercial fishermen using rod and reel and hand line gear in order to ameliorate gear conflicts between this gear type and fixed pot/trap gear.

This action is consistent with the SMZ provisions of the Summer Flounder, Scup and Black Sea Bass FMP. The SMZ regulations at § 648.148 allow the Council to recommend to the Regional Administrator that an SMZ be approved. If the Regional Administrator concurs in the recommendation, an SMZ can be established. Within the SMZ, the Council may prohibit or restrain the use of specific types of fishing gear that are not compatible with the purpose of the artificial reef or fish attraction device or other habitat modification within an established SMZ. The Council already addressed these larger Magnuson-Stevens Act issues when it decided that the Regional Administrator could implement SMZs.

This action promotes conservation as described in the National Standard 4 guidelines because it encourages a rational, more easily managed use of the resource by reducing gear conflicts at the reef sites, and making the resource more accessible to rod and reel fishermen. More trips may be made to

these areas if fishermen realize that they may no longer lose rod and reel gear to fixed pot/trap gear. This could result in increased economic benefits for those commercial and recreational fishermen who choose to fish in these areas. Certainly, given the small size of these artificial reef areas in comparison to the totality of available fishing grounds, these conservation benefits are expected to be minimal. This conclusion does not have any measureable impact on the overall management scheme because fishing mortality for the black sea bass stock is controlled by annual quotas which are allocated to the recreational and commercial sectors of the fishery based on historical performance of each sector. Thus, limiting access to the artificial reef areas under an SMZ designation is not be expected to affect achievement of the FMP's conservation objectives one way or another.

Regarding avoidance of excessive shares, the National Standard 4 guidelines state that an allocation scheme must be designed to deter any person or other entity from acquiring an excessive share of fishing privileges, and to avoid creating conditions fostering inordinate control, by buyers or sellers, that would not otherwise exist. Designating these artificial reefs as SMZ does not represent an allocation scheme. Instead, it simply resolves user conflicts while enabling both commercial and recreational sectors to continue to harvest fish that are not controlled by vessel or group-specific allocations.

Comment 6: GSSA and one individual commented that the NJDEP has managed artificial reefs to the benefit of both the commercial and recreational sectors because the Congressional statement of findings at 33 U.S.C. 2101(a)(5) require it and therefore this action is inconsistent with these regulations. They also commented that this action is inconsistent with the National Artificial Reef Plan (NARP) standards at 33 U.S.C. 2102 and 33 CFR 322.5(b)(1)(ii) and (iii), specifically, to facilitate access and use by U.S. recreational and commercial fishermen because it leaves no viable commercial fishery on the reef areas. In addition, they commented that it does not minimize conflicts among competing users of the artificial reefs and the resources on these reefs because it eliminates users rather than minimizing conflicts.

Response: NMFS disagrees. The statement of findings at 33 U.S.C. 2101(a)(5) states that Congress found that properly designed, constructed and located artificial reefs can enhance habitat and diversity of resources; enhance United States recreational and commercial fishery resources; increase production of fishery product in the United States; increase the energy efficiency of recreational and commercial fisheries; and contribute to the United States and costal economies. These reefs were built with SRP funding to enhance recreational fishing. COE regulations at 33 U.S.C. 2101(a)(5) are designed to permit artificial reefs for the benefit of commercial and recreational fishing, and one of the standards for these regulations is the minimization of conflicting uses. Neither the statute nor the COE regulations require that all reefs be built to simultaneously benefit commercial and recreational fishing. This action does not prohibit commercial fishing on the reef sites. It prohibits the use of certain gears types on the reefs. Implementing SMZs for the New Jersey artificial reefs will increase recreational and commercial rod and reel fisheries opportunities, and likely increase energy efficiency of the recreational fleet (by reducing their search time for high quality fishing areas) and contribute to the U.S. and coastal economies. The New Jersey reefs were built with SRP funds to specifically enhance recreational fisheries.

The SMZs will allow continued use among all to fish the artificial reefs. They will just be limited in the type of gear they can use. Anyone with proper commercial fishing permits may continue to fish on the artificial reefs using rod and reel or taking by hand, and private, charter, and party recreational vessels may continue to fish the artificial reefs with rod and reel gear. Although a robust commercial rod and reel fishery may not currently exist, one could operate under the restrictions of the SMZs.

Comment 7: One commenter stated that implementing these SMZs does not comply with the SMZ regulations at 50 CFR 648.148 because this action only allows certain types of gear but doesn't prohibit specific gears.

Response: NMFS disagrees. The regulations at § 648.148 state that the recipient of a COE permit for an artificial reef, fish attraction device, or other modification of habitat for purposes of fishing may request that an area surrounding and including the site be designated by the Council (Mid-Atlantic Fishery Management Council) as an SMZ. These SMZs will prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the permitted area. This action would restrict use of all commercial gears other than handline, rod and reel, and spear fishing (including the taking of fish by hand), which is allowable under § 648.148. This is compatible with the intent of the New Jersey artificial reefs which were built with SRP funds.

Comment 8: One individual commented that the Executive Order (E.O.) titled Reducing Regulation and Controlling Regulatory Costs (E.O. 13771) requires that NMFS remove regulations in order to implement these new SMZs.

Response: Office of Management and Budget (OMB) guidance clarifies that E.O. 13771 only applies to rules that are significant, as that term is defined in E.O. 12866. OMB has determined that this rule is not significant pursuant to E.O. 12866. Therefore, this action is not subject to the requirements of E.O. 13771.

Comment 9: One individual commented that NMFS should include estimates of profits from vessels fishing commercially on the reef sites so the public could better gauge the impact of the rule.

Response: This information was available in the EA for this action. Table 14 shows the ex-vessel revenue from the reef sites from 2011 through 2015. Since 2012, the highest ex-vessel revenues were from landings at the Cape May reef site, which constituted almost half of the total ex-vessel revenue obtained from the 13 reef sites in 2015. Two other reef sites with measurable pot/trap ex-vessel revenue over the past few years include the Wildwood reef site and Ocean City reef site. It is important to point out; however, that because the size of each reef site is generally less than one square mile, the amount of pot/trap activity occurring at each reef site is limited. Ex-vessel revenue from pot/trap landings at all 13 reef sites combined approached only $25,000 in 2015. This represents less than 1 percent of total ex-vessel revenue (*i.e.,* reef revenue and non-reef revenue combined) obtained by vessels with pot/trap reef landings in 2015. Over the past 5 years, ex-vessel reef revenue from pot/trap landings has remained below 1 percent of total ex-vessel revenue for vessels with pot/trap reef landings.

TABLE 14—EX-VESSEL REVENUE OF VTR MAPPED COMMERCIAL FISHING POT/TRAP TRIPS WHERE THE ESTIMATED SPATIAL FOOTPRINT OF THE TRIP INCLUDES ONE OR MORE REEF SITES

	2011		2012		2013		2014		2015	
	$'s	%	$'s	%	$'s	%	$'s	%	$'s	%
Atlantic City Reef Site	3,002	13.4	5,090	12.5	1,224	4.8	894	3.8	1,422	5.7
Barnegat Light Reef Site	51	0.2	41	0.1	44	0.2	35	0.2	50	0.2
Cape May Reef Site	2,086	9.3	13,682	33.5	9,757	38.3	9,347	40.1	11,761	47.2
Deepwater Reef Site	103	0.5	384	0.9	373	1.5	234	1.0	2,273	9.1
Garden State North Reef Site	103	0.5	35	0.1	25	0.1	8	0.0	62	0.2
Garden State South Reef Site	6	0.0	2	0.0	13	0.1	2	0.0	26	0.1
Great Egg Reef Site	2,914	13.0	9,602	23.5	363	1.4	257	1.1	246	1.0
Little Egg Reef Site	100	0.4	104	0.3	45	0.2	11	0.0	35	0.1
Ocean City Reef Site	3,809	17.0	2,313	5.7	2,965	11.6	3,025	13.0	2,467	9.9
Sea Girt Reef Site	680	3.0	1,499	3.7	1,314	5.2	1,161	5.0	1,605	6.4
Shark River Reef Site	2,247	10.0	2,391	5.9	1,863	7.3	1,052	4.5	1,028	4.1
Townsends Inlet Reef	3,607	16.1	2,002	4.9	3,204	12.6	1,833	7.9	832	3.3
Wildwood Reef Site	3,749	16.7	3,684	9.0	4,318	16.9	5,458	23.4	3,097	12.4
Total	22,457		40,830		25,507		23,317		24,903	

Comment 10: LaMonica Fine Foods commented that the commercial fleet has significant costs for permits and licenses to maintain the right to fish.

Response: Any commercial license revenue in New Jersey is used for commercial fisheries management, not recreational management or artificial reefs. Further, this action is supported by the NJDEP despite the permit or license costs they may impose on commercial pot/trap vessels. Although the commercial pot/trap fishery may have costs for permits and licenses to maintain the right to fish from New Jersey, there are no costs for these vessels to retain their Federal permits.

Comment 11: GSSA commented that this action would prevent New Jersey from harvesting $250,000 worth of lobsters annually.

Response: This action will not prevent fishermen from harvesting lobsters. New Jersey lobster fishermen can relocate their pots/traps to other areas. This action does not reduce the number of pot/traps an individual can deploy. It only prohibits the use of pots/traps on these reef sites. There are no buffer zones on these reef sites and fishermen could deploy their traps directly adjacent to the reefs. Fishermen will only be displaced over the relatively small area of the reef sites (19.71 nmi^2 (67.6 km^2)). Further, as stated above, we used the best available science to determine the impacts of this action and concluded that the impacts to commercial pot/trap fishing would be far less than those suggested by GSSA (see Table 14 above).

Comment 12: GSSA commented that the economic impacts described in the action are inconsistent with the degree of pot/trap fishing on the reef sites. It asserts that if there is a minimal economic impact then the gear conflicts must not be substantial.

Response: NMFS disagrees. Even though NMFS predicts that removing pot/trap gear from the reefs may have a slight negative economic impact on the commercial pot/trap fleet, this does not translate to only a minimal benefit to the rod and reel fleet. A single pot or trap and the affiliated lines may be associated with multiple gear conflicts. Therefore, although there will likely be a minimal economic impact to the pot/trap fleet, this will likely relieve the majority of the gear conflicts on the reefs. Furthermore, New Jersey's funding for these reefs has been suspended and will not be fully available to maintain these reefs unless the gear conflict issue is resolved. The lack of funding and resulting failure to maintain the reefs could lead to long term negative impacts on both commercial and recreational fishing.

Comment 13: GSSA commented that the natural bottom around New Jersey is sandy and that the reefs provide a unique habitat for black sea bass, tautog, and lobsters. They argue that prohibiting pot/trap gear from these sites will have a significant impact on the industry catching these species. Further, an individual commented that more and more bottom is being taken away from commercial pot/trap fishermen.

Response: NMFS disagrees. While other actions may have prohibited commercial pots/traps, the analysis in the IRFA indicates that this action will require a total of 45 vessels to relocate the portion of their pots/traps and that catch from traps on these reefs are responsible for less than 5 percent of these vessels' annual gross revenue. The majority of these vessels (36) will have to relocate effort that was responsible for less than 0.5 percent of their annual gross revenue. Unless traps result in zero catch after being relocated, vessel owners will recoup at least some of the revenue they expect to lose by not fishing pots/traps on the reefs. Therefore, NMFS believes this action will have a slight negative to negligible impact on the commercial pot/trap fleet and a slight positive impact on the rod and reel fleet.

Comment 14: One individual commented that the majority of the trap fishery are small vessels that need to fish near shore.

Response: Although many of these vessels may be fishing inshore, they can still relocate their pots/traps to other inshore areas. Further, most of the rod and reel fleet consists of smaller vessels as well, particularly private recreational anglers. If the gear conflicts are deterring vessels from utilizing the reefs they may forgo fishing activity as opposed to traveling further offshore.

Comment 15: One individual commented that no part of the ocean should be set aside for one group of stakeholders and that this action favors one group over another.

Response: NMFS disagrees; The regulations at § 648.148 grants the Council the authority to designate artificial reefs as SMZs if the Regional Administrator determines that the establishment of the SMZ is supported by the substantial weight of evidence in the record and consistent with the Magnuson-Stevens Act and other applicable law. These SMZs may prohibit or restrain the use of specific types of fishing gear that are not compatible with the intent of the artificial reef.

Comment 16: One individual and LaMonica Fine Foods commented that the recreational fleet will still lose gear on the reef sites because the reef itself can cause hang ups.

Response: NMFS agrees that rod and reel anglers will continue to lose gear on

the reefs themselves, but removing the pots/traps from the reef sites will reduce the total amount of gear lost and eliminate gear lost on pots/traps.

Comment 17: One individual and GSSA commented that pots/traps have biodegradable vents and become part of the reef habitat if lost, while recreational gear (monofilament) does not disintegrate and can do more damage to the marine environment.

Response: NMFS agrees that all Federal pots/traps are required to have a ghost panel with biodegradable fasteners as described in § 697.21(d). However, if a pot/trap is lost, that pot/trap will continue to fish for a period of time before the fasteners degrade. NMFS is not designating these reefs as SMZs to reduce ghost fishing of pots/traps, but to address gear conflicts as recommended by NJDEP and the Council. NMFS agrees that monofilament line can damage marine environments, but this action did not propose to prohibit the use of monofilament gear on the reefs. However, if reinstated, NJDEP could use SRP funding to maintain reefs and which would help remove any lost recreational gear on the reef sites. Further, less monofilament gear will be lost if the pot/trap gear is removed, reducing gear conflicts.

Comment 18: GSSA commented that since 2007 all of the lines for the pots/traps have been sinking lines and this should limit conflicts.

Response: While this may reduce gear conflicts on these reefs, most of the rod and reel fishing is occurring on or near the bottom, so rod and reel anglers can still get hung up on trap/pot lines. In addition, regardless of the sinking line requirements, the gear conflicts have remained after 2007 to the extent that FWS has not fully reinstated their SRP funding of the reef sites.

Comment 19: GSSA commented that any gear conflicts can be addressed by NJDEP or the United States Coast Guard.

Response: This action represents an attempt by NJDEP to address the gear conflicts on these reefs. They brought this proposal to the Council that recommended that NMFS designate the 13 reefs as SMZs. The United States Coast Guard may not be able to prevent these gear conflicts if everyone is fishing legally under the existing rules.

Comment 20: One individual commented that NMFS should not consider NJDEP's funding source to manage its reef program because this is no different than selling Federal waters to the funders because they will have control of the site. One individual, LaMonica Fine Foods, and GSSA commented that the commercial fishing industry made financial investment in the New Jersey reef program through the preparation and donation of vessels to be used as reefs. In addition, GSSA commented that the Oyster Creek power plant provided $400,000 to NJDEP to offset fish kills associated with the facility. The commercial fleet allowed its portion ($200,000) to be used in the artificial reef program. Finally, GSSA commented that NJDEP erroneously states that SRP was the primary funding source for the artificial reef program, because the primary funding source is actually state general funds to cover salaries and benefits.

Response: In response to this comment, we contacted NJDEP. They informed us that the New Jersey Artificial Reef Program is funded through the SRP. The commercial industry has indeed donated vessels in the past. Typically, these vessels are far past their useful lifespan and have two possible destinies: 1. Scuttled at the owner's expense; or 2. deployed as artificial reefs at the expense of recreational fishing clubs. When a vessel is donated, it is usually because the scrap value is less than the expense of preparing the vessel for scrap. The State of New Jersey does not spend state funds on vessels for deployment.

NMFS is designating these artificial reefs as SMZs at the recommendation of the Council and NJDEP. While those entities may have considered the original source of the funding for the reefs and recommended this action to NMFS to restore SRP funding, NMFS is abiding by the regulations at § 648.148, which grant the Council the authority to designate artificial reefs as SMZs if the Regional Administrator of the Greater Atlantic Regional Fisheries Office determines that the establishment of the SMZ is supported by the substantial weight of evidence in the record and consistent with the Magnuson-Stevens Act and other applicable law. The Regional Administrator has determined that establishing these SMZs is consistent with the Magnuson-Stevens Act and other applicable law. The source of the funding for these sites and the opportunity for NJDEP to regain its SRP funding is not relevant to NMFS' decision to designate the reef sites as SMZs.

Comment 21: We received several alternative proposals for SMZ designation on these reefs through comments on the proposed rule. One commenter suggested that NMFS prohibit all fishing on these artificial reefs and keep them in place for fish habitat. One individual suggested a sharing agreement that would divide each reef in half from April through December of each year and designate one side for the recreational fleet and one side for the commercial fleet. Each year the sides would switch for equity. GSSA recommended that NMFS consider dividing the reefs equally among the four primary users groups (three dive reefs, three for-hire charter, three recreational, and three commercial) and set the one remaining reef for conservation as a scientific no-take zone. Finally, one commenter suggested that NMFS make these SMZs for rod and reel gear only from April 1 through Labor Day of each year to allow the commercial trap fishing for lobster, conch, and tautogs in the fall.

Response: The Council heard several of these alternative proposals throughout the development of this action at public hearings and Council meetings. The Council recommended that all 13 artificial reef sites be designated as SMZs. Generally, NMFS implements measures recommended by the Council based on whether the measures are consistent with the fishery management plan, the Magnuson-Stevens Act and its National Standards, and other applicable law. We defer to the Council's policy choices unless there is a clear inconsistency with the law or the FMP. Because we find these measures to be consistent with these laws, we are designating the 13 artificial reefs as recommended by the Council. Further, the SMZ regulations at § 648.148 only allow the Regional Administrator to accept or reject, but not revise the Council's recommendation. If in the future the Council recommends a different management alternative, NMFS will evaluate that alternative using the same criteria and make a determination regarding its implementation.

Classification

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

OMB has determined that this rule is not significant pursuant to E.O. 12866.

This final rule does not contain policies with federalism or ''takings'' implications, as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This action does not contain any collection-of-information requirements subject to the Paperwork Reduction Act (PRA).

Pursuant to section 604 of the Regulatory Flexibility Act (RFA), NMFS has completed a final regulatory

flexibility analysis (FRFA) in support of this action. The FRFA incorporates the IRFA, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, a summary of the analyses completed in the EA for this action, and the preamble to this final rule. A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for, this rule is contained in the EA and in the preambles to the proposed rule and this final rule, and is not repeated here. All of the documents that constitute the FRFA are available from NMFS and/or the Council, and a copy of the IRFA, the Regulatory Impact Review (RIR), and the EA are available upon request (see **ADDRESSES**).

A Summary of the Significant Issues Raised by the Public in Response to the IRFA, a Summary of the Agency's Assessment of Such Issues, and a Statement of Any Changes Made in the Final Rule as a Result of Such Comments

One individual commented that NMFS should include estimates of profits from vessels fishing commercially on the reef sites so the public could better gauge the impact of the rule. In addition, GSSA commented that they believe that the economic impacts are inconsistent with the degree of pot/trap fishing on the reef sites. They assert that if there is a minimal economic impact then the gear conflicts must not be substantial.

In our response to comments, we referenced a table (Table 14) from the EA that included commercial pot/trap revenue from the reef sites to help characterize the amount of revenue affected by this action.

Though NMFS predicts that removing pot/trap gear from the reefs will have a slight negative economic impact on the commercial pot/trap fleet, this does not translate to only a minimal benefit to the rod and reel fleet. A single pot or trap and the affiliated lines may be associated with multiple gear conflicts. Therefore, although there will likely be a minimal economic impact to the pot/trap fleet, this will likely relieve the majority of the gear conflicts on the reefs.

Description and Estimate of Number of Small Entities to Which the Rule Would Apply

The Small Business Administration (SBA) defines a small commercial finfishing or shellfishing business as a firm with annual receipts (gross revenue) of up to $11.0 million. A small for-hire recreational fishing business is defined as a firm with receipts of up to $7.5 million.

This rule applies to all Federal permit holders except recreational for-hire permit holders and commercial permit holders using hand gear or dive gear. While virtually all commercial fishing permit holders employing gear other than pot/trap gear will technically be regulated if the artificial reefs are granted SMZ status, the vast majority of the commercial fishing effort on these artificial reefs comes from the pot/trap gear sector. Therefore, only pot/trap gear vessel trips are considered in this analysis. Hand gear and dive gear activities will continue to be allowed under SMZ designation, and vessels using other mobile gears and fixed gears stay clear of the reef site areas to avoid bottom hang-ups with reef materials. Additionally, not all business entities that hold Federal fishing permits fish in the areas identified as potential SMZs. Those who actively participate (*i.e.,* catch and land fish in and from at least one of the areas) in the areas identified as potential SMZs will be the group of business entities that are directly impacted by the regulations.

During 2013, 2014, and 2015: 24 vessels reported landings of fish caught at the reef sites in all 3 of those years; 10 vessels reported landings of fish caught at the reef sites in 2 of the 3 years; and 18 vessels reported landings of fish caught at the reef sites in only 1 of the 3 years. A total of 52 unique commercial vessels reported landings of catch estimated to be from within the coordinates of the 13 reef sites from 2013–2015.

Based on the ownership data classification process described above, the 52 directly affected participating commercial fishing vessels were owned by 45 unique fishing business entities. All revenue earned by these businesses was derived from finfishing or shellfishing, and no revenue was earned from for-hire recreational fishing. Thus, all 45 of the potentially affected businesses are classified as commercial fishing business entities.

Average annual gross revenue estimates calculated from 2013–2015 Greater Atlantic region dealer data indicate that only one of the potentially affected business entities under the preferred alternative will be considered large according to the SBA size standards. In other words, one business, classified as a commercial fishing business, averaged more than $11 million annually in gross revenues from all of its fishing activities during 2013–2015. Therefore, 44 of the 45 potentially affected business entities are considered small and one business entity is considered large.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Final Rule

This action contains no new collection-of-information, reporting, or recordkeeping requirements.

Description of the Steps the Agency Has Taken to Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes

During the development of this action the SMZ Monitoring Team, the Council, and NMFS considered ways to reduce the regulatory burden on, and provide flexibility for, the regulated entities in this action. For instance, the SMZ Monitoring Team considered implementing buffer zones around each of the SMZs, but ultimately decided that including buffer zones would substantially increase the footprint of the SMZs and further increase the areas where pot/trap fishermen could deploy their gear. The Council and NMFS each took public comment from the commercial and recreational fleets on this action, but ultimately determined that the benefits of this action will outweigh the negligible to slight negative impacts. NMFS considered a slightly less restrictive alternative after receiving the Council's recommendation (Alternative 3). Under the No Action alternative, vessels would still have been able to fish with pot/trap gear on the 13 artificial reef sites. Alternative 3 would have designated 11 of the 13 artificial reefs as SMZs (excludes Shark River and Wildwood); 41 unique fishing business entities were estimated to have landings within the coordinates of the 11 reef sites from 2013–2015. The Shark River and Wildwood reef site were excluded under this alternative because these sites had higher percentage of commercial effort when compared to the percentage of recreational effort.

Alternative 2 was ultimately selected as the preferred alternative because it reduces gear conflicts on all 13 of the artificial reefs. For Alternatives 1 and 3, gear conflicts would remain on all reefs not designated as SMZs. Alternative 2 results in slight positive economic impacts to the recreational fleet and is likely to have slight negative to negligible economic effects on the commercial fishery compared to the No Action alternative. Further, under Alternative 2, the program to maintain the artificial reefs will not be in jeopardy of losing its FWS funding.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency will publish one or more guides to assist small entities in complying with the rule, and will designate such publications as ''small entity compliance guides.'' The agency will explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as a small entity compliance guide was prepared. Copies of this final rule are available from the Greater Atlantic Regional Fisheries Office, and the guide (*i.e.,* permit holder letter) will be sent to all holders of permits for the black sea bass and lobster fisheries. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: July 3, 2018.

Patricia A. Montanio,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEAST UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.148, revise paragraph (a) introductory text and paragraph (b) to read as follows:

§ 648.148 Special management zones.

(a) *General.* The recipient of a U.S. Army Corps of Engineers permit for an artificial reef, fish attraction device, or other modification of habitat for purposes of fishing may request that an area surrounding and including the site be designated by the MAFMC as a special management zone (SMZ). The MAFMC may prohibit or restrain the use of specific types of fishing gear that are not compatible with the purpose of the artificial reef or fish attraction device or other habitat modification within the SMZ. The establishment of an SMZ will be effected by a regulatory amendment, pursuant to the following procedure: An SMZ monitoring team comprised of members of staff from the MAFMC, NMFS Greater Atlantic Regional Fisheries Office, and NMFS Northeast Fisheries Science Center will evaluate the request in the form of a written report.

* * * * *

(b) *Approved/Established SMZs*—(1) *Delaware Special Management Zone Areas.* Special management zones are established for Delaware artificial reef permit areas #9, 10, 11, and 13, in the area of the U.S. Exclusive Economic Zone. From January 1 through December 31 of each year, no person may fish in the Delaware Special Management Zones except by handline, rod and reel, or spear fishing (including the taking of fish by hand). The Delaware Special Management Zones are defined by rhumb lines connecting the following coordinates in the order stated:

(i) *Delaware artificial reef #9.*

Point	Corner	N Latitude	W Longitude
1	9SE	38°39.972′	74°59.298′
2	9SW	38°40.05′	75°0.702′
3	9NW	38°40.848′	75°0.402′
4	9NE	38°40.8′	74°58.902′
5	9SE	38°39.972′	74°59.298′

(ii) *Delaware artificial reef #10.*

Point	Corner	N Latitude	W Longitude
1	10SE	38°36.198′	74°55.674′
2	10SW	38°36.294′	74°57.15′
3	10NW	38°37.098′	74°56.802′
4	10NE	38°37.002′	74°55.374′
5	10SE	38°36.198′	74°55.674′

(iii) *Delaware artificial reef #11.*

Point	Corner	N Latitude	W Longitude
1	11SE	38°39.882′	74°43.05′
2	11SW	38°40.002′	74°44.802′
3	11NW	38°40.848′	74°44.502′
4	11NE	38°40.752′	74°42.75′
5	11SE	38°39.882′	74°43.05′

(iv) *Delaware artificial reef #13.*

Point	Corner	N Latitude	W Longitude
1	13SE	38°30.138′	74°30.582′
2	13SW	38°30.222′	74°31.5′
3	13NW	38°31.614′	74°30.864′
4	13NE	38°31.734′	74°30.018′
5	13SE	38°30.138′	74°30.582′

(2) *New Jersey Special Management Zone Areas.* Special management zones are established for New Jersey artificial reef permit areas, in the area of the U.S. Exclusive Economic Zone. From January 1 through December 31 of each year, no person may fish in the New Jersey Special Management Zones except by handline, rod and reel, or spear fishing (including the taking of fish by hand). The New Jersey Special Management Zones are defined by rhumb lines connecting the following coordinates in the order stated:

(i) *Sea Girt Reef Site.*

Point	N Latitude	W Longitude
NE Corner	40°08.22′	73°55.52′
ME Corner	40°07.30′	73°56.67′
SE Corner	40°06.13′	73°57.12′
SW Corner	40°06.17′	73°57.57′
MW Corner	40°07.48′	73°57.15′
NW Corner	40°08.63′	73°55.73′
NE Corner	40°08.22′	73°55.52′

(ii) *Garden State North Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°38.05′	74°00.70
SE Corner	39°37.05′	74°01.00′
SW Corner	39°37.00′	74°02.50′
NW Corner	39°37.98′	74°02.20′
NE Corner	39°38.05′	74°00.70′

(iii) *Garden State South Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°33.82′	74°05.75′
SE Corner	39°33.33′	74°05.85′
SW Corner	39°33.33′	74°07.35′
NW Corner	39°33.80′	74°07.20′
NE Corner	39°33.82′	74°05.75′

(iv) *Little Egg Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°29.00′	74°10.00′
SE Corner	39°28.00′	74°10.00′
SW Corner	39°28.00′	74°12.00′
NW Corner	39°29.00′	74°12.00′
NE Corner	39°29.00′	74°10.00′

(v) *Atlantic City Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°16.90′	74°15.28′
SE Corner	39°13.93′	74°11.80′
SW Corner	39°13.30′	74°12.70′
NW Corner	39°16.22′	74°16.18′
NE Corner	39°16.90′	74°15.28′

(vi) *Great Egg Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°15.00′	74°21.00′
SE Corner	39°14.00′	74°21.00′
SW Corner	39°14.00′	74°22.00′
NW Corner	39°15.00′	74°22.00′
NE Corner	39°15.00′	74°21.00′

(vii) *Ocean City Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°10.75′	74°32.45′
SE Corner	39°09.40′	74°34.62′
SW Corner	39°09.82′	74°34.97′
NW Corner	39°11.10′	74°32.85′
NE Corner	39°10.75′	74°32.45′

(viii) *Shark River Reef Site.*

Point	N Latitude	W Longitude
NE Corner	40°07.33′	73°41.08′
SE Corner	40°06.20′	73°41.08′
SW Corner	40°06.20′	73°41.80′
NW Corner	40°07.33′	73°41.80′
NE Corner	40°07.33′	73°41.08′

(ix) *Barnegat Light Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°45.87′	74°01.10′
SE Corner	39°44.62′	74°01.10′
SW Corner	39°44.62′	74°01.95′
NW Corner	39°45.87′	74°01.95′
NE Corner	39°45.87′	74°01.10′

(x) *Wildwood Reef Site.*

Point	N Latitude	W Longitude
NE Corner	38°57.85′	74°39.70′
SE Corner	38°56.58′	74°41.40′
SW Corner	38°57.55′	74°42.60′
NW Corner	38°58.80′	74°40.90′
NE Corner	38°57.85′	74°39.70′

(xi) *Deepwater Reef Site.*

Point	N Latitude	W Longitude
NE Corner	38°59.00′	74°10.50′
SE Corner	38°58.00′	74°10.50′
SW Corner	38°58.00′	74°11.50′
NW Corner	38°59.00′	74°11.50′
NE Corner	38°59.00′	74°10.50′

(xii) *Cape May Reef Site.*

Point	N Latitude	W Longitude
NE Corner	38°53.45′	74°39.43′
SE Corner	38°50.07′	74°42.25′
SW Corner	38°50.67′	74°43.25′
NW Corner	38°53.97′	74°40.62′
NE Corner	38°53.45′	74°39.43′

(xiii) *Townsend Inlet Reef Site.*

Point	N Latitude	W Longitude
NE Corner	39°06.70′	74°36.00′
SE Corner	39°06.25′	74°36.00′
SW Corner	39°06.25′	74°37.50′
NW Corner	39°06.70′	74°37.50′
NE Corner	39°06.70′	74°36.00′

[FR Doc. 2018–14661 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 131
Monday, July 9, 2018

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

RIN 3206–AN64

General Schedule Locality Pay Areas

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: On behalf of the President's Pay Agent, the Office of Personnel Management is issuing proposed regulations to establish four new General Schedule locality pay areas, make certain changes to the definitions of existing locality pay areas, and make minor clarifying changes to the names of two locality pay areas. The proposed changes in locality pay area definitions would be applicable on the first day of the first applicable pay period beginning on or after January 1, 2019, subject to issuance of final regulations. Locality pay rates for the four new locality pay areas would be set by the President after the new locality pay areas would be established by regulation.

DATES: We must receive comments on or before August 8, 2018.

ADDRESSES: You may submit comments, identified by RIN 3206–AN64, by either of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

Email: pay-leave-policy@opm.gov. Include ''RIN 3206–AN64'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Joe Ratcliffe by email at *pay-leave-policy@opm.gov* or by telephone at (202) 606–2838.

SUPPLEMENTARY INFORMATION: Section 5304 of title 5, United States Code, authorizes locality pay for General Schedule (GS) employees with duty stations in the United States and its territories and possessions. Section 5304(f) of title 5, United States Code, authorizes the President's Pay Agent (the Secretary of Labor, the Director of the Office of Management and Budget (OMB), and the Director of the Office of Personnel Management (OPM)) to determine locality pay areas. The boundaries of locality pay areas are based on appropriate factors, which may include local labor market patterns, commuting patterns, and the practices of other employers. The Pay Agent considers the views and recommendations of the Federal Salary Council, a body composed of experts in the fields of labor relations and pay policy and representatives of Federal employee organizations. The President appoints the members of the Council, which submits annual recommendations to the Pay Agent about the administration of the locality pay program, including the geographic boundaries of locality pay areas. (The Federal Salary Council's recommendations are posted on the OPM website at *https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/#url=Federal-Salary-Council.*) The establishment or modification of pay area boundaries conforms to the notice and comment provisions of the Administrative Procedure Act (5 U.S.C. 553).

This proposal provides notice and requests comments on proposed regulations to implement the Pay Agent's plan to establish four new locality pay areas; to establish McKinley County, NM, as an area of application to the Albuquerque-Santa Fe-Las Vegas, NM, locality pay area; and to establish San Luis Obispo County, CA, as an area of application to the Los Angeles-Long Beach, CA, locality pay area. (Annual Pay Agent reports on locality pay are posted on the OPM website at *https://www.opm.gov/policy-data-oversight/pay-leave/pay-systems/general-schedule/#url=Pay-Agent-Reports.*) As further discussed below, those changes were tentatively approved, pending appropriate rulemaking, in recent annual reports of the President's Pay Agent. In addition, the proposed regulations would link locality pay area definitions to metropolitan statistical areas (MSAs) and combined statistical areas (CSAs) defined in OMB Bulletin 18–03 and would also make minor clarifying changes to the names of two locality pay areas, the geographic boundaries of which would not change.

Establishing Four New Locality Pay Areas

Locality pay is set by comparing GS and non-Federal pay rates for the same levels of work in each locality pay area. Non-Federal salary survey data used to set locality pay rates are collected by the Bureau of Labor Statistics (BLS). BLS uses a method that permits Occupational Employment Statistics (OES) data to be used for locality pay. OES data are available for MSAs and CSAs throughout the Country and permit evaluation of salary levels in many more locations than could be covered under the prior National Compensation Survey alone.

The Federal Salary Council has been monitoring pay comparisons of GS and non-Federal pay in ''Rest of U.S.'' MSAs and CSAs with 2,500 or more GS employees. Based on its review, the Federal Salary Council has recommended new locality pay areas be established for four metropolitan areas with pay gaps averaging more than 10 percentage points above that for the ''Rest of U.S.'' locality pay area over an extended period. The President's Pay Agent has agreed to issue proposed regulations that would establish the four new locality pay areas by modifying 5 CFR 531.603(b) accordingly. The four new locality pay areas proposed are Birmingham-Hoover-Talladega, AL; Burlington-South Burlington, VT; San Antonio-New Braunfels-Pearsall, TX; and Virginia Beach-Norfolk, VA–NC. (In its December 2016 annual report on locality pay, the Pay Agent announced its plan to establish Burlington, VT, and Virginia Beach, VA, as new locality pay areas. In its December 2017 annual report on locality pay, the Pay Agent announced its plan to establish Birmingham, AL, and San Antonio, TX, as new locality pay areas.) Locality pay rates for the four new locality pay areas would be set by the President at a later date after they would be established by regulation.

Criteria for Areas of Application

Locality pay areas consist of (1) the MSA or CSA comprising the basic locality pay area and, where criteria recommended by the Federal Salary Council and approved by the Pay Agent are met, (2) areas of application. Areas of application are locations that are adjacent to the basic locality pay area

and meet approved criteria for inclusion in the locality pay area.

The Pay Agent's current criteria for evaluating locations adjacent to a basic locality pay area for possible inclusion in the locality pay area as areas of application are as follows: For adjacent CSAs and adjacent multi-county MSAs the criteria are 1,500 or more GS employees and an employment interchange rate of at least 7.5 percent. For adjacent single counties, the criteria are 400 or more GS employees and an employment interchange rate of at least 7.5 percent. The employment interchange rate is defined as the sum of the percentage of employed residents of the area under consideration who work in the basic locality pay area and the percentage of the employment in the area under consideration that is accounted for by workers who reside in the basic locality pay area. (The employment interchange rate is calculated by including all workers in assessed locations, not just Federal employees.)

The Pay Agent also has criteria for evaluating Federal facilities that cross county lines into a separate locality pay area. To be included in an adjacent locality pay area, the whole facility must have at least 500 GS employees, with the majority of those employees in the higher-paying locality pay area, or that portion of a Federal facility outside of a higher-paying locality pay area must have at least 750 GS employees, the duty stations of the majority of those employees must be within 10 miles of the separate locality pay area, and a significant number of those employees must commute to work from the higher-paying locality pay area.

New Commuting Patterns Data

In its December 2016 recommendations, the Federal Salary Council recommended using recently updated commuting patterns data in the locality pay program—*i.e.,* commuting patterns data collected as part of the American Community Survey from 2009 to 2013. In its December 2017 report, the Pay Agent agreed that it would consider using those commuting patterns data. The Pay Agent believes it would be appropriate to use the updated commuting patterns data for evaluating potential areas of application. Areas of application included in the locality pay area definitions in this proposed rule, at 5 CFR 531.603(b), reflect use of the updated commuting patterns data for evaluating potential areas of application.

Using the updated commuting patterns data and applying current criteria for evaluating ''Rest of U.S.'' locations as potential areas of application result in the addition of one location to an existing locality pay area—McKinley County, NM, would be included in the Albuquerque-Santa Fe-Las Vegas, NM, locality pay area. Regarding the four new locality pay areas proposed, using the updated commuting patterns data and applying current criteria for evaluating ''Rest of U.S.'' locations as potential areas of application result in the addition of one location to a proposed new locality pay area—Calhoun County, AL, would be included in the proposed Birmingham-Hoover-Talladega, AL, locality pay area.

San Luis Obispo County, CA

In the Federal Salary Council's December 2016 recommendations, the Council made a special recommendation for San Luis Obispo County, CA. Because practically all of San Luis Obispo County's land boundary is bordered by the Los Angeles-Long Beach, CA, and San Jose-San Francisco-Oakland, CA, locality pay areas, the Council recommended that the county be treated as have other ''Rest of U.S.'' locations entirely bordered by separate locality pay areas—*i.e.,* added to the separate locality pay area with which it has the most commuting. Specifically, the Council recommended that San Luis Obispo County be added to the Los Angeles-Long Beach, CA, locality pay area.

As explained in its December 2017 report, the Pay Agent views the situation regarding San Luis Obispo County as a geographic anomaly. Only a very small amount of the geographic boundary of San Luis Obispo County, CA, in a remote corner of the county, is not adjacent to the Los Angeles-Long Beach, CA, or San Jose-San Francisco-Oakland, CA, locality pay areas. Because practically all of San Luis Obispo County's land boundary is bordered by the Los Angeles-Long Beach, CA, and San Jose-San Francisco-Oakland, CA, locality pay areas, the Pay Agent agrees with the Council that the county should be treated as ''Rest of U.S.'' locations entirely bordered by separate locality pay areas have been treated. Accordingly, the Pay Agent proposes adding San Luis Obispo County to the Los Angeles-Long Beach, CA, locality pay area as an area of application.

Linking Locality Pay Area Boundaries to OMB-Defined Metropolitan Areas

The Pay Agent has used statistical areas defined by OMB as a basis for locality pay area boundaries since locality pay began in 1994. Such OMB-defined statistical areas are called ''metropolitan statistical areas'' (MSAs) and ''combined statistical areas'' (CSAs). On April 10, 2018, OMB issued a minor update to the definitions of MSAs and CSAs in OMB Bulletin 18–03. The proposed regulations would link the definitions of locality pay areas to the most current OMB definitions of MSAs and CSAs—*i.e.,* those in OMB Bulletin 18–03. The geographic boundaries of locality pay areas would not change automatically if OMB issues a new Bulletin to change the definitions of any MSAs or CSAs serving as the basis of the geographic boundaries of locality pay areas. The Pay Agent would instead assess what the impact of a future bulletin would be on locality pay areas before deciding whether to use the new statistical area definitions.

Changing the Names of Two Locality Pay Areas for Clarification

The Pay Agent proposes changing the names of two locality pay areas for clarification. The State abbreviation ''CT'' would be removed from the name of the ''Boston-Worcester-Providence, MA–RI–NH–CT–ME'' locality pay area to clarify that no locations in Connecticut are included in that locality pay area, and the State abbreviation ''MA'' would be added to the name of the ''Albany-Schenectady, NY'' locality pay area to clarify that Berkshire County, MA, is included in that locality pay area. These proposed name changes would not change the geographic boundaries of the two locality pay areas affected.

Impact and Implementation

The proposal to establish 4 new locality pay areas would impact about 62,000 GS employees. Implementing that proposal would not automatically change locality pay rates now applicable in those areas. When locality pay percentages are adjusted, past practice has been to allocate a percent of the total GS payroll for locality pay raises and to have the overall dollar cost for such pay raises be the same, regardless of the number of locality pay areas. If a percent of the total GS payroll is allocated for locality pay increases, the addition of new areas results in a somewhat smaller amount to allocate for locality pay increases in existing areas. Implementing higher locality pay rates in the four new locality pay areas could thus result in relatively lower pay increases for employees in existing locality pay areas than they would otherwise receive.

Establishing McKinley County, NM, as an area of application to the Albuquerque-Santa Fe-Las Vegas, NM,

locality pay area would impact about 1,600 GS employees. Establishing San Luis Obispo County, CA, as an area of application to the Los Angeles-Long Beach, CA, locality pay area would impact about 100 GS employees.

Using the definitions of MSAs and CSAs in OMB Bulletin 18–03 as the basis for locality pay area boundaries would have no effect on the definitions of locality pay areas or on GS employees.

The changes proposed for the names of the Boston-Worcester-Providence, MA–RI–NH–CT–ME and Albany-Schenectady, NY, locality pay areas would have no impact on GS employees because the geographic boundaries of the two locality pay areas affected would remain the same.

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget has reviewed this rule in accordance with E.O. 13563 and E.O. 12866.

Executive Order 13771

This proposed rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is expected to be related to agency organization, management, or personnel.

Due to the narrow scope of this proposed rule, affecting approximately 63,700 GS employees, OPM does not anticipate this proposed rule would substantially impact local economies or have a large ripple effect in local labor markets. However, studies do suggest increasing wages can raise the wages of other workers when employers need to compete for personnel. Future locality pay rulemaking may impact higher volumes of employees in geographical areas and could rise to the level of impacting markets. OPM will address the implications of such impacts in E.O. 13771 designations for future rules as needed.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 531

Government employees, Law enforcement officers, Wages.

Office of Personnel Management.

Jeff T.H. Pon,

Director.

Accordingly, OPM proposes to amend 5 CFR part 531 as follows:

PART 531—PAY UNDER THE GENERAL SCHEDULE

■ 1. The authority citation for part 531 continues to read as follows:

Authority: 5 U.S.C. 5115, 5307, and 5338; sec. 4 of Public Law 103–89, 107 Stat. 981; and E.O. 12748, 56 FR 4521, 3 CFR, 1991 Comp., p. 316; Subpart B also issued under 5 U.S.C. 5303(g), 5305, 5333, 5334(a) and (b), and 7701(b)(2); Subpart D also issued under 5 U.S.C. 5335 and 7701(b)(2); Subpart E also issued under 5 U.S.C. 5336; Subpart F also issued under 5 U.S.C. 5304, 5305, and 5941(a), E.O. 12883, 58 FR 63281, 3 CFR, 1993 Comp., p. 682; and E.O. 13106, 63 FR 68151, 3 CFR, 1998 Comp., p. 224.

Subpart F—Locality-Based Comparability Payments

■ 2. In § 531.602, the definitions of CSA and MSA are revised to read as follows:

§ 531.602 Definitions.

* * * * *

CSA means the geographic scope of a Combined Statistical Area, as defined by the Office of Management and Budget (OMB) in OMB Bulletin No. 18–03.

* * * * *

MSA means the geographic scope of a Metropolitan Statistical Area, as defined by the Office of Management and Budget (OMB) in OMB Bulletin No. 18–03.

* * * * *

■ 3. In § 531.603, paragraph (b) is revised to read as follows:

§ 531.603 Locality pay areas.

* * * * *

(b) The following are locality pay areas for the purposes of this subpart:

(1) Alaska—consisting of the State of Alaska;

(2) Albany-Schenectady, NY-MA—consisting of the Albany-Schenectady, NY CSA and also including Berkshire County, MA;

(3) Albuquerque-Santa Fe-Las Vegas, NM—consisting of the Albuquerque-Santa Fe-Las Vegas, NM CSA and also including McKinley County, NM;

(4) Atlanta—Athens-Clarke County—Sandy Springs, GA-AL—consisting of the Atlanta—Athens-Clarke County—Sandy Springs, GA CSA and also including Chambers County, AL;

(5) Austin-Round Rock, TX—consisting of the Austin-Round Rock, TX MSA;

(6) Birmingham-Hoover-Talladega, AL—consisting of the Birmingham-Hoover-Talladega, AL CSA and also including Calhoun County, AL;

(7) Boston-Worcester-Providence, MA-RI-NH-ME—consisting of the Boston-Worcester-Providence, MA-RI-NH-CT CSA, except for Windham County, CT, and also including Androscoggin County, ME, Cumberland County, ME, Sagadahoc County, ME, and York County, ME;

(8) Buffalo-Cheektowaga, NY—consisting of the Buffalo-Cheektowaga, NY CSA;

(9) Burlington-South Burlington, VT—consisting of the Burlington-South Burlington, VT MSA;

(10) Charlotte-Concord, NC-SC—consisting of the Charlotte-Concord, NC-SC CSA;

(11) Chicago-Naperville, IL-IN-WI—consisting of the Chicago-Naperville, IL-IN-WI CSA;

(12) Cincinnati-Wilmington-Maysville, OH-KY-IN—consisting of the Cincinnati-Wilmington-Maysville, OH-KY-IN CSA and also including Franklin County, IN;

(13) Cleveland-Akron-Canton, OH—consisting of the Cleveland-Akron-Canton, OH CSA and also including Harrison County, OH;

(14) Colorado Springs, CO—consisting of the Colorado Springs, CO MSA and also including Fremont County, CO, and Pueblo County, CO;

(15) Columbus-Marion-Zanesville, OH—consisting of the Columbus-Marion-Zanesville, OH CSA;

(16) Dallas-Fort Worth, TX-OK—consisting of the Dallas-Fort Worth, TX-OK CSA and also including Delta County, TX;

(17) Davenport-Moline, IA-IL—consisting of the Davenport-Moline, IA-IL CSA;

(18) Dayton-Springfield-Sidney, OH—consisting of the Dayton-Springfield-Sidney, OH CSA and also including Preble County, OH;

(19) Denver-Aurora, CO—consisting of the Denver-Aurora, CO CSA and also including Larimer County, CO;

(20) Detroit-Warren-Ann Arbor, MI—consisting of the Detroit-Warren-Ann Arbor, MI CSA;

(21) Harrisburg-Lebanon, PA—consisting of the Harrisburg-York-Lebanon, PA CSA, except for Adams County, PA, and York County, PA, and also including Lancaster County, PA;

(22) Hartford-West Hartford, CT-MA—consisting of the Hartford-West Hartford, CT CSA and also including Windham County, CT, Franklin County, MA, Hampden County, MA, and Hampshire County, MA;

(23) Hawaii—consisting of the State of Hawaii;

(24) Houston-The Woodlands, TX—consisting of the Houston-The Woodlands, TX CSA and also including San Jacinto County, TX;

(25) Huntsville-Decatur-Albertville, AL—consisting of the Huntsville-Decatur-Albertville, AL CSA;

(26) Indianapolis-Carmel-Muncie, IN—consisting of the Indianapolis-Carmel-Muncie, IN CSA and also including Grant County, IN;

(27) Kansas City-Overland Park-Kansas City, MO-KS—consisting of the Kansas City-Overland Park-Kansas City, MO-KS CSA and also including Jackson County, KS, Jefferson County, KS, Osage County, KS, Shawnee County, KS, and Wabaunsee County, KS;

(28) Laredo, TX—consisting of the Laredo, TX MSA;

(29) Las Vegas-Henderson, NV-AZ—consisting of the Las Vegas-Henderson, NV-AZ CSA;

(30) Los Angeles-Long Beach, CA—consisting of the Los Angeles-Long Beach, CA CSA and also including Kern County, CA, San Luis Obispo County, CA, and Santa Barbara County, CA;

(31) Miami-Fort Lauderdale-Port St. Lucie, FL—consisting of the Miami-Fort Lauderdale-Port St. Lucie, FL CSA and also including Monroe County, FL;

(32) Milwaukee-Racine-Waukesha, WI—consisting of the Milwaukee-Racine-Waukesha, WI CSA;

(33) Minneapolis-St. Paul, MN-WI—consisting of the Minneapolis-St. Paul, MN-WI CSA;

(34) New York-Newark, NY-NJ-CT-PA—consisting of the New York-Newark, NY-NJ-CT-PA CSA and also including all of Joint Base McGuire-Dix-Lakehurst;

(35) Palm Bay-Melbourne-Titusville, FL—consisting of the Palm Bay-Melbourne-Titusville, FL MSA;

(36) Philadelphia-Reading-Camden, PA-NJ-DE-MD—consisting of the Philadelphia-Reading-Camden, PA-NJ-DE-MD CSA, except for Joint Base McGuire-Dix-Lakehurst;

(37) Phoenix-Mesa-Scottsdale, AZ—consisting of the Phoenix-Mesa-Scottsdale, AZ MSA;

(38) Pittsburgh-New Castle-Weirton, PA-OH-WV—consisting of the Pittsburgh-New Castle-Weirton, PA-OH-WV CSA;

(39) Portland-Vancouver-Salem, OR-WA—consisting of the Portland-Vancouver-Salem, OR-WA CSA;

(40) Raleigh-Durham-Chapel Hill, NC—consisting of the Raleigh-Durham-Chapel Hill, NC CSA and also including Cumberland County, NC, Hoke County, NC, Robeson County, NC, Scotland County, NC, and Wayne County, NC;

(41) Richmond, VA—consisting of the Richmond, VA MSA and also including Cumberland County, VA, King and Queen County, VA, and Louisa County, VA;

(42) Sacramento-Roseville, CA-NV—consisting of the Sacramento-Roseville, CA CSA and also including Carson City, NV, and Douglas County, NV;

(43) San Antonio-New Braunfels-Pearsall, TX—consisting of the San Antonio-New Braunfels-Pearsall, TX CSA;

(44) San Diego-Carlsbad, CA—consisting of the San Diego-Carlsbad, CA MSA;

(45) San Jose-San Francisco-Oakland, CA—consisting of the San Jose-San Francisco-Oakland, CA CSA and also including Monterey County, CA;

(46) Seattle-Tacoma, WA—consisting of the Seattle-Tacoma, WA CSA and also including Whatcom County, WA;

(47) St. Louis-St. Charles-Farmington, MO-IL—consisting of the St. Louis-St. Charles-Farmington, MO-IL CSA;

(48) Tucson-Nogales, AZ—consisting of the Tucson-Nogales, AZ CSA and also including Cochise County, AZ;

(49) Virginia Beach-Norfolk, VA-NC—consisting of the Virginia Beach-Norfolk, VA-NC CSA;

(50) Washington-Baltimore-Arlington, DC-MD-VA-WV-PA—consisting of the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA CSA and also including Kent County, MD, Adams County, PA, York County, PA, King George County, VA, and Morgan County, WV; and

(51) Rest of U.S.—consisting of those portions of the United States and its territories and possessions as listed in 5 CFR 591.205 not located within another locality pay area.

[FR Doc. 2018–14542 Filed 7–6–18; 8:45 am]

BILLING CODE 6325–39–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 357

[Docket No. APHIS–2013–0055]

RIN 0579–AD44

Lacey Act Implementation Plan: De Minimis Exception

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirement of the Lacey Act became effective on December 15, 2008, and enforcement of that requirement is being phased in. We are proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials. This action would relieve the burden on importers while continuing to ensure that the declaration requirement fulfills the purposes of the Lacey Act. We are also proposing that all Lacey Act declarations be submitted within 3 business days of importation.

DATES: We will consider all comments that we receive on or before September 7, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0055*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0055, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0055* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Parul Patel, Senior Agriculturalist, Permitting and Compliance Coordination, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1231; (301) 851–2351.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

Need for the Regulatory Action

Section 3 of the Lacey Act makes it unlawful to import certain plants, including plant products, without an import declaration. The import declaration serves as a tool for combatting the illegal trade in timber and timber products by ensuring importers provide required information. Through the declaration requirement, the importer maintains accountability for exercising reasonable care regarding the content of the shipment before it arrives in the United States. Information from the declaration is also used to monitor implementation of Lacey Act requirements. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. However, the Act does not explicitly address whether the declaration

requirement is intended to apply to imported products that contain minimal plant material. This proposed rule would establish limited exceptions to the declaration requirement for entries of products containing minimal plant material. This action would relieve the burden on importers while ensuring that the declaration requirement continues to fulfill the purposes of the Lacey Act.

Legal Authority for the Regulatory Action

The Food, Conservation, and Energy Act of 2008 amended the Lacey Act by expanding its protections to a broader range of plants and plant products than was previously provided by the Act. The requirement that importers of plants and plant products file a declaration upon importation is set forth in 16 U.S.C. 3372(f). In 16 U.S.C. 3376(a)(1), the statute further provides rulemaking authority to the Secretary of Agriculture with respect to the declaration requirement: ''the Secretary, after consultation with the Secretary of the Treasury, is authorized to issue such regulations . . . as may be necessary to carry out the provisions of Section[s] 3372(f) of this title.''

Summary of Major Provisions of the Regulatory Action

This proposed rule would establish certain exceptions from the requirement that a declaration be filed when importing certain plants and plant products. Specifically, it would establish an exception to the declaration requirement for products with minimal amounts of plant material. The proposed rule would also establish a new section to specify the conditions under which a plant import declaration must be filed and what information it must include. These conditions reflect the provisions of the Act and would provide additional context for the proposed exceptions.

Costs and Benefits

To the extent that the proposed rule would provide exceptions from the provisions of the Act, it would benefit U.S. importers. Establishing a de minimis exception from the declaration requirement for products with minimal amounts of plant material would relieve importers of the burden of identifying very small amounts of plant material, while continuing to ensure that the declaration requirement fulfills the purposes of the Lacey Act.

II. Background

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats trafficking in illegally taken wildlife, fish, or plants. The Food, Conservation and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices). The Lacey Act now makes it unlawful to, among other things, ''import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant,'' with some limited exceptions, ''taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law,'' or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant.

In addition, Section 3 of the Lacey Act, as amended, made it unlawful, beginning December 15, 2008, to import certain plants, including plant products, without an import declaration. The import declaration serves as a tool for combatting the illegal trade in timber and timber products by ensuring importers provide required information. Through the declaration requirement, the importer maintains accountability for exercising reasonable care regarding the content of the shipment before it arrives in the United States. Information from the declaration is also used to monitor implementation of Lacey Act requirements. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested.

On June 30, 2011, we published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (76 FR 38330, Docket No. APHIS–2010–0129),[1] soliciting public comment on several regulatory options to address certain issues that have arisen with the implementation of the declaration requirement. These options included establishing certain exceptions to the declaration requirement for products with minimal amounts of plant material and for products containing composite plant materials. We solicited comments on these options for 60 days ending on August 29, 2011, and received 37 comments by that date. The comments received were from academics, environmental groups, importers and exporters, industry associations, a trade union, representatives of foreign governments, and private citizens. We discuss the comments received on the approaches for composite plant materials in a new ANPR published today in the **Federal Register**, in which we invite comment on additional questions regarding implementation of the declaration requirement for these products.

Most of the commenters on the 2011 ANPR supported establishing exceptions to the declaration requirement for products with minimal amounts of plant material and suggested a range of possible levels at which the threshold for exceptions could be set. We took those comments into consideration when developing this proposed rule. We are proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials. We are also proposing that all Lacey Act declarations be submitted within 3 business days of importation.

Purpose and Scope

As a result of the changes proposed in this document, it is necessary to amend the statement of purpose and scope in 7 CFR 357.1. At the time this section was established, part 357 contained only definitions. However, because this proposed rule would add more sections to the regulations, containing provisions that address the declaration requirement of the Act, we would amend the statement to remove the third sentence, which references the declaration requirement, and add a new final sentence that acknowledges that the regulations in part 357 address the declaration requirement of the Act.

Definitions

We are proposing to define the terms *import* and *person,* and to amend the definition for *plant* so that all three definitions in the regulations conform to the definitions in the statute. We would define *import* as meaning to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States. We would define *person* as any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States. These definitions are the same as those in the Act and will

[1] To view the advance notice of proposed rulemaking and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0129.*

help ensure that the declaration requirement continues to fulfill the purposes of the Lacey Act without unduly burdening commerce.

For the same reason we are proposing to amend the definition of *plant* to include the exception provision of the statute. The definition currently in the regulations, while consistent with the definition in the Act, does not include the exclusions for common cultivars and common food crops, scientific specimens, and plants for planting that are included in the definition in the Act. The definition currently in the regulations also does not include the exceptions to the application of exclusions for plants that are listed in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 27 UST 1087; TIAS 8249), or as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), or pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction. We are proposing to amend the definition in the regulations to add the exclusions for common cultivars, common food crops, scientific specimens used only for laboratory or field research, and any plant that is to remain planted or to be planted or replanted, and also to add the exceptions to the application of those exclusions so that the proposed definition conforms with the statutory definition.

Declaration Requirement

We are proposing to add a new § 357.3, ''Declaration Requirement,'' to specify the conditions under which a plant import declaration must be filed and what information it must include. These conditions reflect the provisions of the Act and would provide additional context for the proposed exceptions.

Exception From Declaration Requirement for Entries Containing Minimal Plant Materials

The requirement that importers of plants and plant products file a declaration upon importation is set forth in 16 U.S.C. 3372(f). The Lacey Act does not explicitly address whether the declaration requirement is intended to apply to products containing minimal amounts of plant materials, but it is questionable whether the regulatory objectives of the Lacey Act are furthered by applying this requirement to minimal amounts of non-listed (*i.e.,* not of conservation concern) plant materials contained in an otherwise non-plant product. We believe that this issue would be efficiently addressed by establishing a level at which the declaration requirement does not apply.

We seek public comment on two options with respect to a de minimis exception to the declaration requirement. Under the first option, we propose to adopt an exception from the declaration requirement for products containing plant material that represents no more than 5 percent of the total weight of the individual product unit, provided that the total weight of the plant material in an entry of such products (at the entry line level) does not exceed 2.9 kilograms. Alternatively, as a second option, we propose an exception from the declaration requirement for products containing plant material that represents no more than 5 percent of the total weight of the individual product unit, provided that the total weight of the plant material in an individual product unit does not exceed some amount of plant material by weight or board feet. Under this second option, we invite comment on what would be an appropriate maximum amount allowable by weight or board feet under the de minimis exception. The figure of 2.9 kilograms in the first option was selected based on the weight of a board-foot of lignum vitae (*Guaiacum officinale* and *Guaiacum sanctum*) as an appropriately minimal amount of plant material. A board-foot (that is, 12 x 12 x 1 inches or 30.48 x 30.48 x 2.54 centimeters) is a common unit of volume in the timber industry, and the woods of these species are among the densest known, weighing 1.23 grams per cubic centimeter.

In the event that the weight of the plant material in an individual product unit cannot be determined, then we propose an exception from the declaration requirement for products containing plant material that represents no more than 10 percent of the declared value of the individual product unit, provided that the total quantity of the plant material in an entry of such products (at the entry line level) has a volume of less than 1 board-foot. Alternatively, as a second option in the event that the weight of the plant material in an individual product unit cannot be determined, we propose an exception from the declaration requirement for products containing plant material that represents no more than 10 percent of the declared value of the individual product unit, provided that the total quantity of the plant material in an individual product unit does not exceed some amount of plant material by weight or board feet. Under this second option, we invite comment on what would be an appropriate maximum amount allowable by value or board feet under the de minimis exception. In either case, the exception would not apply to products containing plant material from species of conservation concern that are listed in an appendix to CITES; as an endangered or threatened species under the Endangered Species Act of 1973; or pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction. All other requirements of the Lacey Act would still apply to entries or persons claiming this exception.

We invite comment on the method of determining de minimis content. Specifically, we would appreciate information on whether it is feasible to set the threshold for the maximum amount of plant material at the entry line level, and invite comment on the thresholds that are proposed, including 2.9 kilograms in total weight or volume of less than 1 board foot per entry line level of the plant product.

We also seek comment on whether the de minimis threshold should be calculated on a per product unit basis, at least for certain products, and if so what would be an appropriate amount of plant material on a per product basis, by weight or by board foot.

We also invite comment on whether the 5 percent threshold should be higher or lower, and why. For example, a number of commenters on the ANPR suggested setting the threshold at 10 percent. Additional data from commenters in support of either the 5 percent threshold or an alternative threshold would be useful for the rulemaking process. We also solicit comment on whether the 5 percent threshold or any alternative threshold proposed by commenters is appropriate as a de minimis exception and consistent with the statute.

Time Limit for Submission of Declarations

While the majority of importers submit their Lacey Act declarations at the time of formal customs entry, there has been some confusion about the time frame in which declarations should be submitted, with some importers submitting declarations up to a year after importation. While the declarations are required pursuant to the language of the statute ''upon importation,'' that is, upon landing in United States jurisdiction, we are proposing to allow importers to file Lacey Act declarations within 3 business days of importation without facing any enforcement action or penalty for late filing. This would

accommodate the needs of industry while ensuring that declarations are submitted in a timely manner for the purposes of the statute.

Executive Orders 12866 and 13771 and Regulatory Flexibility Act

This proposed rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget. This proposed rule, if finalized as proposed, is expected to be an Executive Order 13771 deregulatory action. Assessment of the costs and cost savings may be found in the accompanying economic analysis.

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

The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirement of the Lacey Act became effective on December 15, 2008, and enforcement of that requirement is being phased in. We are proposing to establish an exception to the declaration requirement for products containing a minimal amount of plant materials. We are also proposing that all Lacey Act declarations be submitted within 3 business days upon importation.

The proposed rule would benefit some U.S. importers, large or small. The provisions of this proposed rule would relieve importers of the burden of identifying very small amounts of plant material incorporated into a product for which obtaining declaration information may be difficult, while continuing to ensure that the declaration requirement fulfills the purposes of the Lacey Act.

The Lacey Act amendments included in the 2008 Farm Bill were effective as of May 22, 2008. As a practical matter, this means that enforcement actions may be taken for any violations committed on or after that date. The requirement to provide a declaration under the amended Act went into effect May 1, 2009. Declarations serve several purposes including but not limited to data acquisition and accountability, and they assist regulatory and enforcement authorities in monitoring implementation of the Lacey Act's prohibitions on importing illegally harvested plants. Enforcement of the declaration requirement is being phased in. The phase-in schedule is largely based on the degree of processing and complexity of composition of the affected products. The requirement that importers file a declaration upon importation for products in parts of the Harmonized Tariff Schedule of the United States (HTS) Chapters 44, 66, 82, 92, 93, 94, 95, 96 and 97, is currently being enforced. We are currently considering products for inclusion in the next phase of implementation.

If this proposed rule is finalized, some importers of products containing a minimal amount of plant material who are currently required to file declarations upon importation of their products would be excepted from that requirement. The cost savings from not having to file those declarations is one measure of the expected benefits of this proposed rule. From July 2015 through mid-June 2017, there were about 715 weekly shipments of commodities currently requiring declarations and containing amounts of plant material that potentially would have been eligible for de minimis status under the proposed rule. Based on information available on those shipments, we estimate that between 10 and 20 percent of those commodities would have met the proposed definitions for de minimis exception. Had those commodity shipments not needed to be accompanied by declarations, we estimate the annual cost savings for affected producers would have ranged in total from a low of about $56,700 to a high of about $407,900 annually, with annual government processing savings of between about $1,000 and $1,900. In accordance with guidance on complying with Executive Order 13771, the primary estimate of the annual private sector cost savings for this rule is $232,300. This value is the mid-point estimate of cost savings annualized in perpetuity using a 7 percent discount rate.

The total cost of compliance with the declaration requirement of the Act as currently enforced is estimated to be between $11.6 million and $50.3 million. The estimated reduction in compliance costs of about $56,700 to $407,900 would represent a cost savings of between 0.1 and 3.5 percent.

Both the declaration costs and the cost savings expected with this proposed rule are small when compared to the value of the commodities imported. In 2016, the value of U.S. imports of products currently requiring a declaration totaled about $20.4 billion, and the value of U.S. imports of such commodities as umbrellas, walking sticks, and handguns that may include small amounts of plant material was $2.7 billion.

The full schedule for enforcement of the declaration requirement has not yet been determined. Because enforcement of the declaration requirement in the Act is being phased in, some products that would meet the de minimis criteria do not currently require a declaration; their importation would not be initially affected. For example, apparel articles such as shirts with wood buttons may be considered to have minimal plant material, but the declaration requirement for products in that HTS code are not part of the current enforcement schedule. While the volume of imported commodities for which the exceptions would be applicable could be large, the cost savings for affected importers are expected to be small relative to the value of the commodities.

We are also proposing to require that Lacey Act declarations be submitted within 3 business days of importation. This change should have little impact on importers. Over 90 percent of current declarations are already submitted at the time of arrival and there is no reason to believe that the burden associated with submitting a declaration within 3 business days would be significantly greater than the burden associated with submitting a declaration more than 3 business days of importation. An importer reasonably knows the contents of a shipment before it arrives in the United States, and the information necessary for submitting a declaration should be available easily within 3 business days upon importation.

This action would result in some cost savings for importing businesses, most of which are small entities. Based on our review of available information, APHIS does not expect the proposed rule to have a significant economic impact on small entities. We have

prepared an initial regulatory flexibility analysis because the information used in this analysis may not address all possible economic effects of this proposed rule on small entities. The savings are likely to represent a very small share of the overall value of the imported goods, and are not expected to significantly affect most importers of goods covered by the Lacey Act, whether large or small.

Average annual receipts of small, potentially affected entities under the proposed thresholds range from $843,000 to $1.4 million. We estimate that the average cost savings for an affected entity from not needing to file a single declaration may range between about $15 and $55. For the cost savings to equal 5 percent of average annual receipts and thereby reasonably be considered a significant effect would require that an affected entity have from about 770 to nearly 4,600 exempted declarations in a year, a range that is highly unlikely.

APHIS has considered alternative thresholds for determining the criteria for a de minimis exception from the declaration requirement, including the specific percentage of total weight of an individual product unit that is plant material in an entry, the maximum total weight of that plant material, and the maximum total volume of that plant material. We are inviting comment on the specific threshold levels in this proposal, alternative thresholds, and their impact. To the extent that alternative thresholds result in broader or narrower de minimis criteria, the cost savings associated with such de minimis designation would be expanded or constrained. However, regardless the number of exemptions for which an entity qualifies, they would be beneficial and small entities would not be disadvantaged.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 13175

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

APHIS has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have Tribal implications that require Tribal consultation under E.O. 13175. If a Tribe requests consultation, APHIS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified herein are not expressly mandated by Congress.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the reporting requirements included in this proposed rule have been approved under Office of Management and Budget control number 0579–0349.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

List of Subjects in 7 CFR Part 357

Endangered and threatened species, Plants (Agriculture).

Accordingly, we propose to amend 7 CFR part 357 as follows:

PART 357—CONTROL OF ILLEGALLY TAKEN PLANTS

■ 1. The authority citation for part 357 continues to read as follows:

Authority: 16 U.S.C. 3371 *et seq.;* 7 CFR 2.22, 2.80, and 371.2(d).

■ 2. Section 357.1 is revised to read as follows:

§ 357.1 Purpose and scope.

The Lacey Act, as amended (16 U.S.C. 3371 *et seq.*), makes it unlawful to, among other things, import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported or sold in violation of any Federal or Tribal law, or in violation of a State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant covered by the Act. Common cultivars (except trees) and common food crops are among the categorical exclusions to the provisions of the Act. The Act does not define the terms ''common cultivar'' and ''common food crop'' but instead authorizes the U.S. Department of Agriculture and the U.S. Department of the Interior to define these terms by regulation. The regulations in this part provide the required definitions. Additionally, the regulations in this part address the declaration requirement of the Act.

■ 3. Section 357.2 is amended as follows:

■ a. By adding definitions for *Import* and *Person* in alphabetical order; and

■ b. By revising the definition for *Plant.*

The additions and revision read as follows:

§ 357.2 Definitions.

* * * * *

Import. To land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

Person. Any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

Plant. Any wild member of the plant kingdom, including roots, seeds, parts or products thereof, and including trees from either natural or planted forest stands. The term *plant* excludes:

(1) Common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

(2) A scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

(3) Any plant that is to remain planted or to be planted or replanted.

(4) A plant is not eligible for these exclusions if it is listed:

(i) In an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(ii) As an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); or

(iii) Pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

* * * * *

■ 4. Section 357.3 is added to read as follows:

§ 357.3 Declaration requirement.

(a) Any person importing any plant shall file upon importation a declaration that contains:

(1) The scientific name of any plant (including the genus and species of the plant) contained in the importation;

(2) A description of the value of the importation and the quantity, including the unit of measure, of the plant; and

(3) The name of the country from which the plant was taken.

(b) The declaration relating to a plant product shall also contain:

(1) If the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, the name of each species of plant that may have been used to produce the plant product;

(2) If the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, the name of each country from which the plant may have been taken; and

(3) If a paper or paperboard plant product includes recycled plant product, the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this section.

(Approved by the Office of Management and Budget under control number 0579–0349)

■ 5. Section 357.4 is added to read as follows:

§ 357.4 Exceptions from the declaration requirement.

Plants and products containing plant materials are excepted from the declaration requirement if:

(a) The plant is used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported; or

(b) The plant material in a product represents no more than 5 percent of the total weight of the individual product unit, provided that the total weight of the plant material in [an entry of such products][a product unit] does not exceed [2.9 kilograms] [or other amount]; or, if the weight cannot be determined, the value of the plant material in the individual product unit represents no more than 10 percent of the declared value of the product, provided that the total quantity of plant material in [an entry of such products][a product unit] has a volume of less than [1 board foot (that is, 12 x 12 x 1 inches or 30.48 x 30.48 x 2.54 centimeters)] [or other amount].

(c) A product will not be eligible for an exception under paragraph (b) of this section if it contains plant material listed:

(1) In an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(2) As an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); or

(3) Pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

■ 6. Section 357.5 is added to read as follows:

§ 357.5 Time limit for submission of plant declarations.

In the case of commodities for which a plant declaration is required, the declaration must be submitted within 3 business days of importation.

Done in Washington, DC, this 3rd day of July 2018.

Greg Ibach,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2018–14630 Filed 7–6–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 357

[Docket No. APHIS–2018–0017]

RIN 0579–AE36

Lacey Act Implementation Plan: Composite Plant Materials

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking and request for comments.

SUMMARY: The Food, Conservation and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. The declaration requirements of the Lacey Act became effective on December 15, 2008, and enforcement of those requirements is being phased in. We are soliciting public comment on regulatory options that could address certain issues that have arisen with the implementation of the declaration requirement for composite plant materials.

DATES: We will consider all comments that we receive on or before September 7, 2018.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0017*.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0017, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0017* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Ms. Parul Patel, Senior Agriculturalist, Permitting and Compliance Coordination, PPQ, APHIS, 4700 River Road, Unit 60, Riverdale, MD 20737–1231; (301) 851–2351.

SUPPLEMENTARY INFORMATION:

Background

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats, among other things, trafficking in illegally taken wildlife, fish, or plants. The Food, Conservation and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products than were previously covered. (Section 8204, Prevention of Illegal Logging Practices). The Lacey Act now makes it unlawful to import, export, transport, sell, receive, acquire, or

purchase in interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of any law of the United States or an Indian tribe, or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant.

In addition, Section 3 of the Lacey Act, as amended, makes it unlawful, as of December 15, 2008, to import certain plants, including plant products, without an import declaration. The import declaration serves as a tool for combatting the illegal trade in timber and timber products by ensuring importers provide required information. Through the declaration requirement, the importer maintains accountability for exercising reasonable care regarding the content of the shipment before it arrives in the United States. Information from the declaration is also used to monitor implementation of Lacey Act requirements. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested.

On June 30, 2011, the Animal and Plant Health Inspection Serviced (APHIS) published an advance notice of proposed rulemaking (ANPR) in the **Federal Register** (76 FR 38330, Docket No. APHIS–2010–0129),[1] soliciting public comment on several regulatory options to address certain issues that have arisen with the implementation of the declaration requirement. These options included establishing certain exceptions to the declaration requirement. We solicited comments on these options for 60 days ending on August 29, 2011, and received 37 comments by that date. The comments received were from academics, environmental groups, importers and exporters, industry associations, a trade union, representatives of foreign governments, and private citizens.

The first regulatory option we discussed in the 2011 ANPR was the possibility of establishing a limited exception to the plant declaration requirement for imported products containing minimal amounts of plant material. The Lacey Act does not explicitly address whether the declaration requirement is intended to apply to such products, but it is questionable whether the regulatory objectives of the Lacey Act are furthered by applying this requirement to minimal amounts of non-listed (*i.e.,* not of conservation concern) plant materials contained in an otherwise non-plant product. In a separate document published today in the **Federal Register**, we are proposing to establish an exception to the Lacey Act plant declaration requirement for such products.

This notice addresses the second regulatory option that was discussed in the 2011 ANPR that related to a separate de minimis exception that related to composite plant products. This exception would cover composite plant materials that are not otherwise considered de minimis quantities under the first regulatory option. Many composite plant materials are currently manufactured in a manner that makes identification of the genus, species, and country of harvest of all of the plant content difficult and perhaps expensive. While provisions in the Lacey Act's declaration requirement address how to complete a declaration in situations in which the species or country of harvest of plant material used in an imported product varies (16 U.S.C. 3372(f)(2)(A) and (B)), these provisions may not relieve the difficulties and expense faced by importers of some composite plant materials. In the 2011 ANPR, we solicited comments on defining the term *composite plant materials* and on two possible approaches to incorporating such a definition into a separate de minimis exception from the declaration requirement specifically for such composite plant materials.

Specifically, we invited comment on the possibility of defining *composite plant materials* as plant products and plant-based components of products where the original plant material is mechanically or chemically broken down and subsequently re-composed or used as an extract in a manufacturing process. Such a definition would need to be broad enough to include various complex composite materials (*e.g.,* pulp, paper, paperboard, medium density fiberboard, high density fiberboard, and particleboard), and also need to include exceptions for species listed in an appendix to the Convention on International Trade in Endangered Species; as an endangered or threatened species under the Endangered Species Act of 1973; or pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

Of the 37 commenters on the ANPR, 16 specifically addressed the potential approaches for composite plant materials. Most of those commenters supported defining the term *composite plant materials* because such a definition would provide additional guidance to importers. Several commenters requested that the definition be written in a way to exclude certain products, such as plant-derived perfume components and seaweed products. One commenter expressed concern that, under the definition we suggested in the ANPR, any wood product other than a log or piece of sawn timber that has not been subsequently attached somehow to other wood material could be defined as composite. Another commenter opposed the definition as contrary to the spirit and letter of the Lacey Act but did not address any specific aspects of the definition.

We also invited comments on two possible approaches to incorporating such a definition into a de minimis exception from the declaration requirement for composite plant materials. In the first approach, if the plant product being imported is composed in whole or in part of a composite plant material, importers would be exempted from identifying the genus, species, and country of harvest of up to a given percentage of the composite plant material content, measured on the basis of either weight or volume.

In the second approach, where the plant product being imported is composed in whole or in part of a composite plant material, the declaration would have to contain the average percent composite plant content, measured on the basis of either weight or volume, without regard for the species or country of harvest of the plant, in addition to information as to genus, species, and country of harvest for any non-composite plant content.

Many of the commenters preferred the second approach to incorporating the definition into a de minimis exception to the plant declaration as the easiest to implement and least burdensome on importers. However, two commenters opposed omitting species and harvest location from the declaration for composite plant materials because they believed that omission would permanently exclude those products from the declaration requirement and would therefore be contrary to the intent of the Lacey Act. One of these commenters stated that while small amounts of diverse plant material may enter production streams unknowingly, the bulk of wood fiber used to make fiberboard, medium-density fiberboard, high-density fiberboard, and similar materials is purposefully processed into

[1] To view the advance notice of proposed rulemaking and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2010-0129.*

wood chips with the direct intent of producing a composite product. The commenter further stated that in order for this process to be economically feasible, the majority of the raw materials are sourced within close proximity of the mill or plant. The commenter stated that this practice greatly limits the number of species that could be included in the product.

We have decided to publish another ANPR to solicit comments addressing the following questions:

• Is the scope of the proposed definition for *composite plant materials* appropriate, and if not, how could it be revised?

• What would be an appropriate threshold for a de minimis exception from the declaration requirement for composite plant materials under the first approach identified above? We especially invite comment on the feasibility of providing importers an exemption from identifying in a declaration the genus, species, and country of harvest for up to 5 percent of the composite plant material in a product being imported so long as it does not include material from plants of conservation concern that are listed in an appendix to the Convention on International Trade in Endangered Species; as an endangered or threatened species under the Endangered Species Act of 1973; or pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction. We also invite comment on whether that percentage should be higher or lower, and why. Additional data on why commenters support either the 5 percent threshold or an alternative threshold would be useful for the rulemaking process. We note that where a paper or paperboard plant product includes recycled plant product the statute only requires that the importer identify an average percent of recycled content without regard for the species or country of harvest of a recycled product, in addition to the information otherwise required for the non-recycled plant content.

• Would the second approach discussed above, in which the declaration would have to contain the average percent composite plant content, measured on the basis of either weight or volume (in addition to information as to genus, species, and country of harvest for any non-composite plant content) be appropriate as a de minimis exception to the Lacey Act declaration requirement and consistent with the statute? Would such an approach affect U.S. manufacturers who export finished products to Europe and other market nations that may require their traders to authenticate the source of wood or wood products?

• Would an alternative approach to either of those described above concerning the import declaration requirement be appropriate in the case of composite products, and why?

• What specific activities would affected entities (including importers and their suppliers) need to engage in in order to identify the species and country of harvest of plants in composite plant materials and thereby comply with the declaration requirement for products containing such plant materials?

• How would those specific activities be affected by various levels of a de minimis exception to the declaration requirement products containing composite plant materials?

• In commenting on any of the approaches described above or proposing an alternative threshold, comments should take into consideration that a de minimis exception to a statutory requirement is being proposed, which means that the exception should be appropriately limited and consistent with the statute.

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

Authority: 16 U.S.C. 3371 *et seq.;* 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 3rd day of July 2018.

Greg Ibach,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 2018–14625 Filed 7–6–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 431

[EERE–2017–BT–TP–0029]

Energy Conservation Program: Test Procedure for Water-Source Heat Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period.

SUMMARY: On June 22, 2018, the U.S. Department of Energy (''DOE'') published in the **Federal Register** a request for information (RFI) to consider whether to amend DOE's test procedure for commercial water-source heat pumps (''WSHPs''). This notice announces an extension of the public comment period for submitting comments on the RFI or any other subject within the scope of the RFI. The comment period is extended to September 21, 2018.

DATES: The comment period for the RFI published on June 22, 2018 (83 FR 29048) is extended. Written comments and information are requested and will be accepted on or before September 21, 2018.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0029, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Email:* to *WSHP2017TP0029@ee.doe.gov.* Include the docket number EERE–2017–BT–TP–0029 in the subject line of the message.

• *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Office, Mailstop EE–5B, Test Procedure RFI for Water-Source Heat Pumps, Docket No. EERE–2017–BT–TP–0029, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 287–1445. 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, 6th Floor, Washington, DC 20024. Telephone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket for this activity, 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/docketBrowser?rpp=25&po=0&D=EERE-2017-BT-TP-0029.* The docket web page contains instructions on how to access

all documents, including public comments, in the docket.

FOR FURTHER INFORMATION CONTACT:

Mr. Antonio Bouza, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121. Telephone: (202) 586–4563. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Mr. Eric Stas, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585. Telephone: (202) 586–9507. Email: *Eric.Stas@hq.doe.gov.*

For further information on how to submit a comment, or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287–1445 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: On June 22, 2018, the U.S. Department of Energy (''DOE'') published in the **Federal Register** a request for information (RFI) to consider whether to amend DOE's test procedure for commercial water-source heat pumps (''WSHPs''). 83 FR 29048. The document provided for submitting written comments and information by July 23, 2018. DOE has received a request from the Air-Conditioning, Heating, and Refrigeration Institute (AHRI), dated June 23, 2018, to provide an additional 60 days to submit comments pertaining to the RFI for WSHP test procedures. This request can be found at *https://www.regulations.gov/document?D=EERE-2017-BT-TP-0029-0002.*

An extension of the comment period would allow additional time for AHRI and other interested parties to consider the issues presented in the RFI, gather any additional data and information, and submit comments to DOE. The RFI can be found at *https://www.regulations.gov/document?D=EERE-2017-BT-TP-0029-0001.* In view of the request from AHRI, DOE has determined that a 60-day extension of the public comment period is appropriate. The comment period is extended to September 21, 2018.

Issued in Washington, DC, on June 28, 2018.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2018–14606 Filed 7–6–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0587; Product Identifier 2018–NM–054–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–22–10, which applies to certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2012–22–10 requires repetitive inspections to determine that cotter pins are installed at affected wing-to-fuselage attachment joints and replacement if necessary. Since we issued AD 2012–22–10, we determined that additional nuts of the forward keel beam attachment joint should be inspected, and that repetitive inspections of certain wing-to-fuselage attachment joints are not necessary. This proposed AD would retain the initial inspection of the wing-to-fuselage attachment joints, and remove the repetitive inspections of all but the forward keel beam attachment joint. This proposed AD would also change the repetitive inspection interval for the forward keel beam attachment joint. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by August 23, 2018.

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

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

For service information identified in this NPRM, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 514–855–5000; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0587; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0587; Product Identifier 2018–NM–054–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2012–22–10, Amendment 39–17246 (77 FR 67267, November 9, 2012) (''AD 2012–22–10''), for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701,

& 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. AD 2012–22–10 requires repetitive inspections to determine that cotter pins are installed at affected wing-to-fuselage attachment joints and replacement if necessary. AD 2012–22–10 resulted from a report that certain wing-to-fuselage attachment nuts do not conform to the certification design requirements for dual locking features. We issued AD 2012–22–10 to prevent loss of wing-to-fuselage attachment joints, which could result in the loss of the wing.

Actions Since AD 2012–22–10 Was Issued

Since we issued AD 2012–22–10, we determined that additional nuts of the forward keel beam attachment joint should be inspected, and that repetitive inspections of certain wing-to-fuselage attachment joints are not necessary.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, issued Canadian AD CF–2012–10R1, dated January 22, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, Model CL–600–2D15 (Regional Jet Series 705) airplanes, Model CL–600–2D24 (Regional Jet Series 900) airplanes, and Model CL–600–2E25 (Regional Jet Series 1000) airplanes. The MCAI states:

> The manufacturer has determined that wing-to-fuselage attachment nuts, part number (P/N) SH670–35635–1, SH670–35440–951, SH670–35440–3, SH670–35635–1, and 95136D–2412, installed at six attachment joint locations, do not conform to the certification design requirements for dual locking features. The nuts are not of the self-locking type as required and do not provide the frictional thread interference required to prevent the nut from backing off the bolt. As a result, only a single locking device, the cotter pin, is provided at these critical joints. In the case where a nut becomes loose, in combination with a missing or broken cotter pin, the attachment bolt at the wing-to-fuselage joint could migrate and fall out. Loss of two attachment joints could potentially result in the loss of the wing.
>
> The original version of this [Canadian] AD [which corresponds to FAA AD 2012–22–10] mandated initial and repeat detailed visual inspections (DVIs) of each affected wing-to-fuselage attachment joint to ensure that a cotter pin was installed.
>
> Design review and analysis of the inspection findings since the original issue of this [Canadian] AD have led us to determine that additional nuts at the forward keel beam joint should also be included in the inspection and that the repetitive inspection of some wing-to-fuselage attachment joints is not required. This [Canadian] AD maintains the initial inspection requirements [for missing or failed (. . .) cotter pins] for six attachment joint locations, and removes the repetitive inspection requirements for all but the forward keel beam attachment joint. This [Canadian] AD also requires a different repetitive inspection interval, and the [Canadian] AD applicability has been changed for the initial inspection to account for changes made in production.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc. has issued Service Bulletin 670BA–53–042, Revision B, dated October 20, 2017. This service information describes procedures for detailed inspections of the wing-to-fuselage attachment joints, and of the attachment nuts at the forward keel beam attachment joint for missing or failed cotter pins. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 274 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
11 work-hours × $85 per hour = $935	$100	$1,035	$283,590

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD. We have no way of determining the number of aircraft that may need these actions.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2012–22–10, Amendment 39–17246 (77 FR 67267, November 9, 2012), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2018–0587; Product Identifier 2018–NM–054–AD.

(a) Comments Due Date

We must receive comments by August 23, 2018.

(b) Affected ADs

This AD replaces AD 2012–22–10, Amendment 39–17246 (77 FR 67267, November 9, 2012) (''AD 2012–22–10'').

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1), (c)(2), and (c)(3) of this AD, certificated in any category.

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 and subsequent.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 and subsequent.

(3) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 and subsequent.

(d) Subject

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

(e) Reason

This AD was prompted by a report that certain wing-to-fuselage attachment nuts do not conform to the certification design requirements for dual locking features, and a determination that additional nuts of the forward keel beam attachment joint should be inspected, and that repetitive inspections of certain wing-to-fuselage attachment joints are not necessary. We are issuing this AD to address loss of the wing-to-fuselage attachment joints, which could result in loss of the wing, and consequent reduced, or complete loss of, controllability of the airplane.

(f) Compliance

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

(g) Initial Inspection of the Wing-to-Fuselage Attachment Joint

For airplanes identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD: Within 3,000 flight hours or 18 months, whichever occurs first after December 14, 2012 (the effective date of AD 2012–22–10), perform a detailed inspection for missing or failed cotter pins at each affected wing-to-fuselage attachment joint, in accordance with Part A through Part C of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–53–042, Revision B, dated October 20, 2017.

(1) Bombardier, Inc., Model CL–600–2C10 (Regional Jet Series 700, 701, & 702) airplanes, serial numbers 10002 through 10337 inclusive.

(2) Bombardier, Inc., Model CL–600–2D15 (Regional Jet Series 705) airplanes and Model CL–600–2D24 (Regional Jet Series 900) airplanes, serial numbers 15001 through 15299 inclusive.

(3) Bombardier, Inc., Model CL–600–2E25 (Regional Jet Series 1000) airplanes, serial numbers 19001 through 19037 inclusive.

(h) Initial and Repetitive Inspections of the Attachment Nuts at the Forward Keel Beam Attachment Joint

Within the compliance time specified in figure 1 to paragraph (h) of this AD: Perform a detailed inspection of the attachment nuts at the forward keel beam attachment joint for missing or failed cotter pins, in accordance with Part D of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–53–042, Revision B, dated October 20, 2017. Repeat the inspection thereafter at intervals not to exceed 8,800 flight hours, in accordance with Part E of the Accomplishment Instructions of Bombardier Service Bulletin 670BA–53–042, Revision B, dated October 20, 2017.

Figure 1 to Paragraph (h) of this AD –

Compliance Time for Initial Inspection of Attachment Nuts at Forward Keel Beam Attachment Joint

Airplane Model and Serial Numbers (S/Ns)	Compliance Time
Model CL-600-2C10 S/Ns 10002 through 10337 inclusive	Within 3,000 flight hours or 18 months, whichever occurs first after December 14, 2012 (the effective date of AD 2012-22-10)
Model CL-600-2C10 S/Ns 10338 and subsequent	Within 8,800 flight hours after the effective date of this AD
Model CL-600-2D15 and CL-600-2D24 S/Ns 15001 and subsequent	
Model CL-600-2E25 S/Ns 19001 and subsequent	

(i) Corrective Action

If any cotter pin is found missing or failed during any inspection required by this AD: Before further flight, replace the cotter pin using a method approved by the Manager, New York ACO Branch FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Credit for Previous Actions

(1) This paragraph provides credit for the initial inspections required by paragraphs (g) and (h) of this AD, if the inspection was performed before the effective date of this AD, using Bombardier Service Bulletin 670BA–53–042, dated December 21, 2011; or Bombardier Service Bulletin 670BA–53–042, Revision A, dated April 27, 2012.

(2) For Model CL–600–2C10 airplanes, S/Ns 10002 through 10337 inclusive: This paragraph provides credit for the initial inspection required by paragraph (h) of this AD, if the inspection was performed before the effective date of this AD, using Bombardier Service Bulletin 670BA–53–042, dated December 21, 2011; or Bombardier Service Bulletin 670BA–53–042, Revision A, dated April 27, 2012.

(k) Other FAA AD Provisions

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone: 516–228–7300; fax: 516–794–5531.

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

(ii) AMOCs approved previously for AD 2012–22–10, are approved as AMOCs for the corresponding provisions in paragraphs (g) and (h) of this AD.

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

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2012–10R1, dated January 22, 2018, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0587.

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

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 514–855–5000; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* internet *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–14506 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0500; Airspace Docket No. 18–AGL–14]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Hillsdale, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Hillsdale Municipal Airport, Hillsdale, MI. The FAA is proposing this action as a result of an airspace review caused by the decommissioning of the Jackson and Litchfield VHF omnidirectional range (VOR) navigation aids, which provided navigation information for the instrument procedures at this airport, as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

DATES: Comments must be received on or before August 23, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2018–0500; Airspace Docket No. 18–AGL–14, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal-register/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: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Hillsdale Municipal Airport, Hillsdale, MI, to support instrument flight rules operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0500; Airspace Docket No. 18–AGL–14.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.5-mile radius (increased from a 6.4-mile radius) at Hillsdale Municipal Airport, Hillsdale, MI. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database.

This action is necessary due to an airspace review caused by the decommissioning of the Jackson and Litchfield VORs, which provided navigation information to the instrument procedures at this airport, as part of the VOR MON Program.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AGL MI E5 Hillsdale, MI [Amended]

Hillsdale Municipal Airport, MI
(Lat. 41°55′17″ N, long. 84°35′12″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hillsdale Municipal Airport.

Issued in Fort Worth, Texas, on June 28, 2018.

Walter Tweedy,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–14528 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 70, 71, 72, 75, and 90

[Docket No. MSHA 2018–0014]

RIN 1219–AB90

Retrospective Study of Respirable Coal Mine Dust Rule

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for information; close of comment period.

SUMMARY: On May 1, 2014, the Mine Safety and Health Administration (MSHA) published a final rule, ''Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors'' (Dust rule). In the preamble to the Dust rule, MSHA stated its intent to take the lead in conducting a retrospective study beginning February 1, 2017. In this Request for Information (RFI), MSHA is soliciting stakeholder comments, data, and information to assist the Agency in developing the framework for this study to assess the impact of the Dust rule on lowering coal miners' exposures to respirable coal mine dust to improve miners' health. In addition, as part of the Agency's ongoing effort to provide compliance and technical assistance to mine operators and miners, MSHA is soliciting information and data on engineering controls and best practices that lower miners' exposure to respirable coal mine dust.

DATES: Comments must be received or postmarked by midnight Eastern Standard Time (EST) on July 9, 2019.

ADDRESSES: Submit comments and informational materials, identified by RIN 1219–AB90 or Docket No. MSHA 2018–0014, by one of the following methods:

- *Federal E-Rulemaking Portal: https://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Email: zzMSHA-OSRVRegulatoryReform@dol.gov.*
- *Mail:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.
- *Hand Delivery or Courier:* 201 12th Street South, Suite 4E401, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th floor East, Suite 4E401.
- *Fax:* 202–693–9441.

Instructions: All submissions must include RIN 1219–AB90 or Docket No. MSHA 2018–0014. Do not include personal information that you do not want publicly disclosed.

Email Notification: To subscribe to receive email notification when MSHA publishes rulemaking documents in the **Federal Register**, go to *https://www.msha.gov/subscriptions.*

FOR FURTHER INFORMATION CONTACT: Sheila A. McConnell, Director, Office of Standards, Regulations, and Variances, MSHA, at *mcconnell.sheila.a@dol.gov* (email), 202–693–9440 (voice), or 202–693–9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Availability of Information

MSHA will post all comments without change, including any personal information provided. Access comments and information electronically at *https://www.regulations.gov,* or *https://www.msha.gov/currentcomments.asp.* Review comments in person at MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Arlington, Virginia, between 9:00 a.m. and 5:00 p.m. EST Monday through Friday, except Federal holidays. Sign in at the receptionist's desk on the 4th floor East, Suite 4E401. To read background documents on the final rule, ''Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors'' (79 FR 24814), go to *https://www.regulations.gov,* and search under RIN 1219–AB64 or Docket No. MSHA–2010–0007.

I. Background

On May 1, 2014, MSHA published a final rule, ''Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors'' (79 FR 24814). The purpose of the rule is to reduce occupational lung diseases in coal miners. Chronic exposures to respirable coal mine dust cause lung diseases that can lead to permanent disability and death. The Dust rule improves health protection for coal miners by reducing their occupational exposure to respirable coal mine dust and by lowering the risk that they will suffer material impairment of health or functional capacity over their working lives. Several provisions specifically lower coal miners' exposure to respirable coal mine dust by lowering exposure limits; basing noncompliance determinations on MSHA's inspectors' single-shift samples; and changing the definition of normal production shift. Other provisions reduce respirable coal mine dust levels and further protect miners by requiring full-shift sampling to account for occupational exposures greater than eight hours per shift and requiring more frequent sampling of selected occupations and locations using the Continuous Personal Dust Monitor (CPDM). All of the phased Dust rule requirements were effective as of August 1, 2016.

II. Study To Assess Effects of Dust Rule

As MSHA noted in the preamble to the Dust rule, the health effects from occupational exposure to respirable coal

mine dust consist of interstitial and obstructive pulmonary diseases (79 FR 24819). Interstitial lung diseases, like coal workers' pneumoconiosis (CWP) and silicosis, have a significant latency period between exposure and disease. The health effects from exposure to respirable coal mine dust may not be realized for a decade or more until the disease becomes clinically apparent. In addition, the chronic effects of interstitial lung diseases, such as CWP and silicosis, may progress or worsen even after miners are no longer exposed to respirable coal mine dust. Thus, miners' exposure to respirable coal mine dust before final implementation of the Dust rule on August 1, 2016, may continue to contribute to the development of lung diseases in coal miners. New miners hired after August 1, 2016, are the only cohort of coal miners who are unaffected by exposures that occurred before full implementation of the Dust rule.

In the preamble to the Dust rule, MSHA stated its intent to take the lead in conducting a retrospective study beginning February 1, 2017 (79 FR 24867), with an unspecified completion date. Since the Dust rule went into effect, MSHA has analyzed more than 250,000 respirable dust samples taken by mine operators who use the CPDM and by MSHA inspectors who use the gravimetric sampler. MSHA's analysis shows that more than 99 percent of the samples were in compliance with the MSHA respirable coal mine dust standards.

The sample data allow MSHA to evaluate the effectiveness of dust controls in mines and whether the rule results in reduced levels of respirable coal dust. However, due to the latency between exposure and disease, MSHA likely will not be able to evaluate fully the health effects of the rule for a decade or more.

While the Agency continues to evaluate the respirable dust samples, MSHA also is seeking comments, data, and information from stakeholders to assist the Agency in developing a framework to assess the health effects of the Dust rule and its impact on the health protections provided to coal miners going forward. With respect to suggested elements for a framework, commenters should be specific and include detailed rationales and supporting documentation, if any. Throughout the comment period, MSHA will continue to consult with interested parties and the Department of Health and Human Services' National Institute for Occupational Safety and Health (NIOSH), as it collects and evaluates all available information, comments in response to this RFI, respirable coal mine dust sampling data, and compliance rates for controlling exposure to coal mine dust.

III. Engineering Controls and Best Practices

As mentioned, since the Dust rule's publication and implementation, MSHA has continually evaluated respirable dust controls and best practices for compliance with the rule's requirements. The Agency has met with mine operators and miners to provide mine-specific compliance and technical assistance. MSHA also held a MSHA/NIOSH-sponsored meeting on engineering controls and best practices on December 6, 2016. Technical assistance materials and other materials from the meeting are available on MSHA's website at *https://www.msha.gov.*

MSHA intends to continue its consultations and will continue to offer technical assistance on best practices for controlling coal mine dust and quartz exposures. MSHA is interested in the engineering controls and best practices that mine operators find most effective to achieve and maintain the required respirable coal mine dust and quartz levels—particularly those practices that can be replicated throughout coal mines nationwide to achieve similar results.

IV. Data Request

The purpose of this RFI is to solicit comments, data, and information from industry, labor, NIOSH, and other stakeholders to assist MSHA in developing the framework for a study to assess the health effects of the Dust rule. Commenters should be specific about any recommendations they offer, including detailed rationales and supporting documentation.

V. National Academy of Sciences Study

MSHA notes that in the Explanatory Statement to the 2016 Consolidated Appropriations Act (Pub. L. 114–113), Congress directed NIOSH to charter a National Academy of Sciences (NAS) study to examine and describe: Current monitoring and sampling protocols and requirements to understand miners' occupational exposure to respirable coal mine dust in the United States and other industrialized countries; coal mine dust composition and application procedures, including the impact of new rock dust mixtures and regulatory requirements; monitoring and sampling technologies, along with sampling protocols and frequency; and the efficacy of those technologies and protocols in aiding decisions regarding the control of respirable coal mine dust and mine worker exposure. Congress directed MSHA to provide assistance and necessary data to NAS for its study, which the Agency has done and continues to do when requested. MSHA will evaluate the results of the NAS study after the report is final.

David G. Zatezalo,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2018–14536 Filed 7–6–18; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

Exclusion of Gender Alterations From the Medical Benefits Package

AGENCY: Department of Veterans Affairs.

ACTION: Petition for Rulemaking and request for comments.

SUMMARY: On May 9, 2016, the Department of Veterans Affairs (VA) received a Petition for Rulemaking petitioning VA to amend its medical regulations by removing a provision that excludes ''gender alterations'' from its medical benefits package. The effect of the amendment sought by the petitioners would be to authorize gender alteration surgery as part of VA care when medically necessary. VA seeks comments on the petition to assist in determining whether to amend the medical benefits package and eliminate the exclusion of gender alteration from VA's medical benefits package.

DATES: Comments must be received/submitted on or before September 7, 2018.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov;* or by mail or hand delivery to Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1063B, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''Notice of Petition for Rulemaking and request for comments—Exclusion of Gender Alterations from the Medical Benefits Package.'' 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.) During the comment period, comments may

also be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Shores, Director, Office of Regulation Policy and Management, Office of the Secretary, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington DC, 20420; (202) 461–4921.

SUPPLEMENTARY INFORMATION: Section 1710 of title 38 United States Code (U.S.C.) requires VA to ''furnish hospital care and medical services which the Secretary determines to be needed'' for eligible veterans. In 1999, VA promulgated 38 CFR 17.38, establishing the Department's medical benefits package for veterans enrolled in VA's health care system. 64 FR 54207 (Oct. 6, 1999). The regulation describes the types of medical care and services available for such veterans. Care referred to in the medical benefits package is provided to individuals only if it is determined by appropriate healthcare professionals that the care is needed to promote, preserve, or restore the health of the individual and is in accord with generally accepted standards of medical practice. 38 CFR 17.38(b). Paragraph (c) of that section provides a list of medical services the medical benefits package does not include. Paragraph (c)(4) explicitly excludes ''gender alterations'' from the medical benefits package.

On May 9, 2016, VA received a Petition for Rulemaking petitioning VA to amend its medical regulations by removing the exclusion of ''gender alterations'' from its medical benefits package. The petition asks VA to remove 38 CFR 17.38(c)(4), allowing VA to provide gender alteration surgeries.

As part of its ongoing consideration of the petition, VA now seeks public comment on the petition and on whether ''gender alterations'' should be included in the medical benefits package. On February 22, 2018, the Department of Defense issued a report that considered the efficacy of gender alteration surgery as treatment for gender dysphoria. That report noted considerable scientific uncertainty and overall lack of high quality scientific evidence demonstrating the extent to which transition-related treatments such as sex reassignment surgery remedy the multifaceted mental health problems associated with gender dysphoria.

Commenters are specifically invited to address the following questions:

What evidence is available about the safety and effectiveness of gender alterations for the treatment of gender dysphoria and how reliable is that evidence?

Given the challenge of the high rates of Veteran suicide, what does the evidence, including peer-reviewed evidence, suggest about the impact of gender alterations on the rates of suicide and suicide ideation among those suffering from gender dysphoria?

Given that any addition to the medical benefits package will have an associated cost and burden on existing specialists, especially urological and vascular surgeons and other highly trained specialists who are already in shorty supply nationwide, what is the potential impact of adding ''gender alterations'' on Veterans' access to care, particularly for Veterans facing life-threatening medical conditions waiting to see surgical specialists?

We are providing a 60-day period from the date of publication of this **Federal Register** Notice for the public to submit comments on this subject. VA will consider the comments received, and then determine whether to propose a regulatory change in response to the Petition for Rulemaking. VA will announce any action it takes in the **Federal Register**.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jacquelyn Hayes-Byrd, Acting Chief of Staff, Department of Veterans Affairs, approved this document on June 19, 2018, for publication.

Michael Shores,

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

[FR Doc. 2018–14629 Filed 7–6–18; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

New Mailing Standards for Mailpieces Containing Liquids

AGENCY: Postal Service™.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) section 601.3.4 to provide for more rigorous packaging requirements for mailpieces containing liquids.

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

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

FOR FURTHER INFORMATION CONTACT: Direct questions to Wm. Kevin Gunther at *wkgunther@uspis.gov* or phone at (202) 268–7208, or Michelle Lassiter at *michelle.d.lassiter@usps.gov* or phone at (202) 268–2914.

SUPPLEMENTARY INFORMATION: The Postal Service and United States Postal Inspection Service (USPIS) have observed an increased frequency of incidents involving containers of liquids rupturing while in Postal Service networks. A typical result of these incidents is damage to surrounding mailpieces and to Postal Service equipment.

When responding to incidents involving liquid spills, Postal Service employees frequently note that mailpieces containing liquids are often not marked on the outer mailing container as required by DMM 601.3.4. Many of these leaking mailpieces contain plastic primary receptacles. Mailers often do not consider plastic primary receptacles to be breakable, and therefore do not cushion these primary receptacles with absorbent material or include secondary containers, as specified by DMM 601.3.4.

The Postal Service and USPIS have also observed that spills of non-hazardous materials in relatively small quantities can result in damage to surrounding mailpieces and cause temporary equipment shutdowns. This is especially true with viscous or oily substances, such as oils and lotions. These materials are often mailed by First-Class Package Service®. When ruptured, they will frequently leak onto other lightweight mailpieces containing photographs and documents.

This proposed revision would require mailers of all liquids in nonmetal containers, regardless of volume, to provide triple packaging, including

absorbent cushioning materials, sealed secondary packaging, and a strong outer mailing container. The Postal Service is also adding language to encourage the use of locking rings when mailing metal containers with friction-top closures (push-down tops).

The Postal Service believes these new mailing standards will prevent spills in general and reduce the frequency of incidents in which ruptured containers of liquid cause significant damage to surrounding mailpieces. The Postal Service anticipates that this proposed revision will result in decreased cost and time related to spill response, mail decontamination, site cleanup, and provide for an improved customer experience.

If this proposed rule is adopted, the Postal Service will revise and align the language referencing the packaging of nonhazardous liquids located in DMM 601.3.4 and add clarifying language regarding the use of orientation arrows. The Postal Service will also publish an appropriate amendment to 39 CFR part 111 to reflect these changes. Finally, if the proposed rule is adopted, the Postal Service will also make corresponding revisions to Publication 52, *Hazardous, Restricted, and Perishable Mail,* section 451 to align both publications with regard to the packaging of liquids in its networks.

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

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Incorporation by reference, Postal Service.

Accordingly, for the reasons stated in the preamble, the Postal Service proposes that 39 CFR parts 111 and 113 be amended as follows:

PART 111—[AMENDED]

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

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

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

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

* * * * *

600 Basic Standards for All Mailing Services

601 Mailability

* * * * *

3.0 Packaging

* * * * *

3.4 Liquids

[Revise the introductory paragraph of 3.4 to read as follows:]

Mailers must mark the outer container of a mailpiece containing liquid to indicate the nature of the contents, and include orientation arrows in accordance with Publication 52, section 226. Mailers must package and mail liquids under the following conditions:

[Revise 601.3.4a to read as follows:]

a. Use screw-on caps with a minimum of one and one-half turns, soldering, clips, or similar means to close primary containers containing liquids. Do not use containers with friction-top closures (push-down tops) except as provided in 3.4d.

[Renumber the current 601.3.4b through 601.3.4d as the new 601.3.4c through 601.3.4e and add a new 601.3.4b to read as follows:]

b. The use of locking rings or similar devices is encouraged when mailing containers with friction-top closures (push-down tops).

* * * * *

[Revise renumbered 601.3.4d to read as follows:]

d. All nonmetal containers of liquids, including plastic containers, and metal containers with friction top closures, without regard to volume, must be triple-packaged according to the following requirements:

1. Cushion the primary container(s) with absorbent material capable of absorbing all of the liquid in the container(s) in case of breakage;

2. Place the primary container inside another sealed, leakproof container (secondary container), such as a watertight can or plastic bag; and

3. Use a strong and securely sealed outer mailing container durable enough to protect the contents and durable enough to withstand normal processing in Postal Service networks.

* * * * *

Ruth Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2018–14382 Filed 7–6–18; 8:45 am]

BILLING CODE 7710–12–P

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2018–9; Order No. 4692]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

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

DATES: *Comments are due:* August 15, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

On June 26, 2018, the Postal Service filed a petition pursuant to 39 CFR 3050.11, requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.[1] The Petition identifies the

[1] Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), June 26, 2018 (Petition). The Postal Service filed a non-public library reference with Proposal Six. Library Reference USPS–RM2018–9/NP1, Nonpublic Material Relating to Proposal Six, June 26, 2018; Notice of Filing of USPS–RM2018–9/NP1 and Application for Nonpublic Treatment, June 26, 2018.

proposed analytical changes filed in this docket as Proposal Six.

II. Proposal Six

Background. The Postal Service indicates that Proposal Six addresses two issues regarding the treatment of international indemnity payments. Petition, Proposal Six at 1. First, the Postal Service states this proposal ''addresses the issue of assigning claims for Priority Mail International (PMI) service to Outbound International Insurance, rather than to the PMI product.'' [2]

Second, the Postal Service states that Proposal Six responds to a directive in the FY 2017 Annual Compliance Determination report (ACD). *Id.* In the FY 2017 ACD, the Commission directed the Postal Service to file a report on its ''evaluation of Outbound International Insurance cost reporting'' within 90 days of the FY 2017 ACD, including a determination of ''whether a change in analytical principles is warranted.'' [3]

Proposal. The Postal Service states that Proposal Six will ''expand the distribution of the attributable costs for International Indemnity payments to include International Inbound Indemnity payments.'' Petition, Proposal Six at 2. The proposal separates Outbound International Insurance indemnities from Inbound International Insurance indemnities, and ''develop[s] separate decision rules for treating the costs relating to Outbound International indemnities and Inbound International indemnities.'' *Id.* Specifically, the Postal Service proposes for Outbound International Insurance indemnities ''1) when additional insurance is not purchased, the indemnity cost will be assigned to the base parent product, and 2) when additional insurance is purchased, the indemnity cost will be assigned to the Outbound International Insurance product.'' *Id.* at 4. For Inbound International Insurance, the Postal Service proposes to split these indemnities from Outbound International indemnities and distribute the costs to their respective inbound products. *Id.* at 5–6.

Rationale and impact. The Postal Service states that the current cost reporting requires ''refinements'' which ''may not rise to the level of a change in analytical principles.'' *Id.* at 2. It explains that the proposed methodology will correct the prior method of distributing international indemnity payments. *Id.* The Postal Service identifies the likely effects of Proposal Six on the development of the International Cost and Revenue Analysis (ICRA) report in non-public Library Reference USPS–RM2018–9/NP1. *Id.* at 2–3. The Petition indicates the proposal shifts costs from Outbound International Insurance to Inbound International Insurance, resulting in an improvement in contribution for Outbound products and a decline in contribution for Inbound products, and provides cell-by-cell differences between the proposed methodology and the data provided in the ICRA as part of the Postal Service's annual compliance report for FY 2017. *Id.* at 2–6. The Postal Service anticipates the overall net impact would not result in a negative contribution by any product that previously had a positive contribution, but also would not result in a positive contribution by any product that currently has a negative contribution. *Id.* at 3.

III. Notice and Comment

The Commission establishes Docket No. RM2018–9 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission's website at *http://www.prc.gov.* Interested persons may submit comments on the Petition and Proposal Six no later than August 15, 2018. Pursuant to 39 U.S.C. 505, Kenneth R. Moeller is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2018–9 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Six), filed June 26, 2018.

2. Comments by interested persons in this proceeding are due no later than August 15, 2018.

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

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

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–14621 Filed 7–6–18; 8:45 am]

BILLING CODE 7710–FW–P

[2] *Id.* (citing Docket No. ACR2017, United States Postal Service *Annual Compliance Report,* December 29, 2017, at 71 (FY 2017 ACR)).

[3] *Id.; see Annual Compliance Determination Report,* Fiscal Year 2017, March 29, 2018, at 88 (FY 2017 ACD).

Notices

Federal Register
Vol. 83, No. 131
Monday, July 9, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

July 3, 2018.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by August 8, 2018. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Agricultural Marketing Service

Title: Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers Under the Authority of the United States Grain Standards Act.

OMB Control Number: 0581–0306.

Summary of Collection: The United States Grain Standards Act, as amended (7 U.S.C. 71–87) (USGSA), with few exceptions, requires that all grain shipped from the United States must be officially inspected and weighed. Section 7 CFR 800.18 of the regulations waives the mandatory inspection and weighing requirements of the USGSA for high quality specialty grain exported in containers. The Federal Grain Inspection Service (FGIS) established this waiver to facilitate the marketing of high quality specialty grain exported in containers.

Need and Use of the Information: To comply with the waiver of the mandatory inspection and weighing requirements, FGIS is asking exporters of high quality specialty grain transported in containers to maintain records generated during the normal course of business that pertain to these shipments and make these documents available to FGIS upon request for review or copying purposes. These records are maintained for a period of 3 years. This requirement is essential to ensure that exporters who ship high quality specialty grain in containers comply with the waiver requirements.

Description of Respondents: Business or other for-profit.

Number of Respondents: 40.

Frequency of Responses: Recordkeeping.

Total Burden Hours: 240.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–14593 Filed 7–6–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection: Comment Request—Background Investigation Request for Contractor Employees—FNS–775

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on the proposed information collection. This is an update of a currently approved collection. The purpose of this information collection request is to continue the use of the electronic form FNS–775, titled ''Background Investigation Request for Contractor Employees.'' This form will continue to provide for the collection of Personal Identification Information required in the conduct of a background investigation which is a pre-requisite for the contractor employees to be granted a security clearance for employment at all FNS locations.

DATES: Written comments must be received on or before September 7, 2018.

ADDRESSES: 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 shall 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 that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments may be sent to: Joseph Binns, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 317, Alexandria, VA 22302. Comments may also be submitted via email to *Joseph.Binns@fns.usda.gov*. Comments will also be

accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Joseph Binns at 703–605–1181.

SUPPLEMENTARY INFORMATION:

Title: Background Investigation Request for Contractor Employees Form.

Form Number: FNS–775.

OMB Number: 0584–NEW.

Expiration Date: Not yet determined.

Type of Request: Update of a currently approved collection.

Abstract: Form FNS–775 is designed to collect user information required to conduct background investigations for contractor employees required in order to grant security clearances for contractor employees.

Affected Public: Contractors, FNS.

Estimated Number of Respondents: 750.

The respondents are contractor employees at all FNS locations across the nation, inclusive of the FNS Headquarters in Alexandria, VA and at the seven (7) FNS regional offices across the USA. The estimated annual number of respondents who will be required to complete the FNS–775 for requisite background investigation requests for contract employees is 750.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 750.

Estimated Time per Response: 0.167 of an hour. Each respondent takes approximately 0.167 of an hour, or 10 minutes, to complete the required information on the online form.

Estimated Total Annual Burden on Respondents: 125 hours. See the table below for estimated total annual burden for each type of respondent.

ESTIMATED TOTAL ANNUAL BURDEN ON RESPONDENTS

Affected public	Form number	Number of respondents	Number of responses annually per respondent	Total annual responses	Estimate of burden hours per response	Total annual burden hours
Contractors	FNS–775	750	1	750	0.16667 (10 minutes)	125
Annualized Totals		750	1	750	10 minutes	125

Dated: June 19, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–14539 Filed 7–6–18; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities; Comment Request: Assessment of Mandatory Supplemental Nutrition Assistance Program Employment & Training (E&T) Programs

AGENCY: Food and Nutrition Service (FNS), USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on this proposed information collection for the Assessment of Mandatory Supplemental Nutrition Assistance Program (SNAP) Employment &Training (E&T) Programs. This collection is a new information collection.

This study will help identify how specific E&T processes and services affect a participant's likelihood of participating or being sanctioned, with particular attention to potential leakage points, such as initial referral, intake, and orientation. This study also will describe what data exists on how well mandatory programs help SNAP participants gain skills, certificates and credentials and gain stable, well-paying employment.

DATES: Written comments must be received on or before September 7, 2018.

ADDRESSES: Comments may be sent to: Jordan Younes, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1024, Alexandria, VA 22302. Comments may also be submitted via fax to the attention of Jordan Younes at 703–305–2576 or via email to *jordan.younes@fns.usda.gov.* Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov,* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this information collection should be directed to Jordan Younes at 703–305–2935.

SUPPLEMENTARY INFORMATION: 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 shall 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 that were used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title: Assessment of Mandatory Employment and Training (E&T) Programs.

Form Number: N/A.

OMB Number: 0584–XXXX.

Expiration Date: Not Yet Determined.

Type of Request: New collection.

Abstract: Section 17 [7 U.S.C. 2026] (a)(1) of the Food and Nutrition Act of 2008, as amended, provides general legislative authority for the planned data collection. It authorizes the Secretary of Agriculture to enter into contracts with private institutions to undertake research that will help to improve the administration and effectiveness of the Supplemental Nutrition Assistance Program (SNAP) in delivering nutrition-related benefits.

The U.S. Department of Agriculture's Food and Nutrition Service (FNS) has funded the Assessment of Mandatory E&T Programs to examine program features and administrative practices of mandatory State SNAP E&T programs

and assess how those features and practices may affect E&T participation, sanctions, and outcomes for mandatory E&T participants. While the intent of the mandatory E&T program is to assist SNAP participants in ''gaining skills, trainings, or experience that will increase their ability to obtain regular employment,'' little is known about whether or how specific E&T processes and services affect a participant's likelihood of participating or being sanctioned. In particular, little is known on whether complex intake or referral processes, rather than a lack of interest in participating in E&T, may negatively impact participation in mandatory programs. This study also seeks to understand what data exists on how well mandatory programs help SNAP participants gain skills, certificates, and credentials as well as stable, good-paying jobs. The findings from this study will identify lessons learned and best practices for operating mandatory E&T programs.

To address these issues, FNS is conducting a study to accomplish three objectives:

1. Understand the process for screening and notifying participants and enrolling them in mandatory E&T programs.

2. Determine the main reasons why mandatory E&T participants are sanctioned, with particular attention to program drop-off points that result in sanctions.

3. Assess how well mandatory programs help SNAP E&T participants gain skills, certificates, and credentials; gain stable, well-paying employment; and move toward economic self-sufficiency.

The study will gather data through site visits to six States operating mandatory E&T programs and from administrative caseload data. Data will be collected in each of the six study States through: (1) Interviews with the State SNAP director and E&T manager; (2) in-person interviews, process-mapping group discussions, and observations at two local SNAP offices; and (3) in-person interviews and observations at three local E&T providers. These data will provide information on overall State policies, client flow through the process, and staff perspectives on the effects of different practices on participation and sanctions. SNAP administrative caseload data will also be requested from the six study States, and if available, from E&T providers to obtain quantitative data to complement the interviews. Administrative data will be used to examine the characteristics of mandatory E&T participants in each State and to assess the E&T services, sanctions, case closures, and other outcomes associated with their E&T participation.

Affected Public: (1) State, Local and Tribal Governments; (2) Business or Other For-Profit; and (3) Not-For-Profit.

Respondent groups identified include:

1. *State, Local, and Tribal Government:* State SNAP directors, State E&T managers, State database administrators, and State E&T provider staff and database administrators in six study States [1]; and Local SNAP office staff in six study States;

2. *Business or Other For-Profit:* Business E&T provider staff and database administrators in six study States;

3. *Not-For-Profit:* Not-For-Profit E&T provider staff and database administrators in six study States

Note that the E&T providers are assumed to be a mix of State, Business or Other For-Profit, and Not-For-Profit organizations (*i.e.,* 1 State, 1 For-Profit, and 1 Not-For-Profit E&T provider per State).

Estimated Number of Respondents: The total estimated number of respondents is 147 (includes 101 State and Local Government staff, 23 Business or Other For-Profit staff, and 23 Not-For-Profit staff). Out of the 147 contacted, 138 are estimated to be responsive and 9 are estimated to be nonresponsive. The breakout is as follows:

1. 101 State and Local Government staff: (out of 12 State SNAP staff contacted, 12 are estimated to be responsive; out of 6 State database administrators contacted, 6 are estimated to be responsive; out of 23 State E&T provider staff contacted, 20 are estimated to be responsive; out of 60 Local office staff contacted, 60 are estimated to be responsive.)

2. 23 Business or Other For-Profit staff: (out of 23 Business E&T provider staff contacted, 20 are estimated to be responsive.)

3. 23 Not-For-Profit staff: (out of 23 Not-For-Profit E&T provider staff contacted, 20 are estimated to be responsive.)

Estimated Number of Responses per Respondent: 1.5714 (based on 231 total annual responses (222 responsive and 9 nonresponsive) made by the 147 respondents (138 responsive and 9 nonresponsive). See table below for the estimated number of responses per respondent for each type of respondent.

The breakout is as follows:

1. *State SNAP Staff:* The estimated number of responses per State SNAP staff is 1.5:

- 6 State SNAP directors will respond to advance materials and scheduling; the same 6 State SNAP directors plus 6 additional State E&T managers will take part in an interview.

2. *State Database Administrators:* The estimated number of responses per State Database Administrator is two:

- 6 State SNAP database administrators will respond to advance materials and scheduling; the same 6 State SNAP database administrators will submit an administrative data file.

3. *State E&T Provider Staff:* The estimated number of responses per State E&T provider staff is 1.4:

- 6 State E&T provider staff will respond to advance materials and scheduling, the same 6 E&T provider staff plus 12 additional E&T provider staff will take part in an interview (3 other State E&T provider staff will not respond).
- 2 State E&T provider database administrators will respond to advance materials and scheduling; the same 2 State SNAP database administrators will submit an administrative data file.

4. *Local SNAP Office Staff:* The estimated number of responses per Local SNAP office staff is 1.8:

- 12 Local SNAP office staff will respond to advance materials and scheduling, the same 12 Local SNAP office staff plus 24 additional Local SNAP office staff will take part in an interview; 36 of the Local SNAP office staff plus 24 additional Local SNAP office staff will take part in a group mapping exercise.

5. *Business E&T Provider Staff:* The estimated number of responses per Business E&T provider staff is 1.4:

- 6 Business E&T provider staff will respond to advance materials and scheduling, the same 6 Business E&T provider staff plus 12 additional Business E&T provider staff will take part in an interview (3 other Business E&T provider staff will not respond).
- 2 Business E&T provider database administrators will respond to advance materials and scheduling; the same 2

[1] The study assumes information will be collected from 6 States. Information will be collected from 1 State SNAP agency per State for a total of 6 State offices; 2 local SNAP offices per State for a total of 12 local offices; and 3 E&T providers per State for a total of 18 E&T provider organizations. The 3 E&T providers are assumed to be a mix of State, Business or Other For-Profit, and Not-For-Profit organizations (*i.e.,* 1 State, 1 For-Profit, and 1 Not-For-Profit E&T provider per State). Interviews will be conducted with all 3 of the E&T providers in each State (*i.e.,* interviews will be conducted with staff at a total of 18 E&T providers), but only 1 of the 3 E&T providers will provide administrative data in each State (*i.e.,* data files will be obtained from a total of 6 E&T providers comprised of 2 State, 2 Business, and 2 Not-For-Profit E&T providers). The 3 E&T providers in each State will indicate which 1 will provide administrative data in the initial contact with the E&T provider.

Business SNAP database administrators will submit an administrative data file.

6. *Not-For-Profit E&T Provider Staff:* The estimated number of responses per Not-For-Profit E&T provider staff is 1.4:

- 6 Not-For-Profit E&T provider staff will respond to advance materials and scheduling, the same 6 Not-For-Profit E&T provider staff plus 12 additional Not-For-Profit E&T provider staff will take part in an interview (3 other Not-For-Profit E&T provider staff will not respond).
- 2 Not-For-Profit E&T provider database administrators will respond to advance materials and scheduling; the same 2 Not-For-Profit SNAP database administrators will submit an administrative data file.

Estimated Total Annual Responses: 230.9958 (222 annual responses for responsive participants and 9 annual responses for nonresponsive participants).

Estimated Time per Response: 1.33047619 hours (1.38239 hours for responsive participants and 0.45 hours for nonresponsive participants). The estimated time of response varies from 0.05 hours to 8.7 hours depending on respondent group and activity, as shown in the table below.

Estimated Total Annual Burden on Respondents: 307.34 hours (306.89 hours for responsive participants, and 0.45 hours for nonresponsive participants). See the table below for estimated total annual burden for each type of respondent.

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Respondent Category	Type of respondents	Instruments and Activities	Sample Size	Responsive					Non-Responsive					Grand Total Annual Burden Estimate (hours)
				Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	
State, Local, and Tribal government														
State Government	State SNAP Staff	Advance materials and preparation	6.0	6.0	1.0	6.0	0.7	4.4	0.0	0.0	0.0	0.0	0.0	4.4
	State SNAP Staff	In-person semi-structured interviews with SNAP Directors and E&T Managers	12.0	12.0	1.0	12.0	1.0	12.0	0.0	0.0	0.0	0.0	0.0	12.0
	Subtotal for State SNAP Staff		12.0	12.0	1.5	18.0	0.9	16.4	0.0	0.0	0.0	0.0	0.0	16.4
	State Database administrator	Advance materials and preparation	6.0	6.0	1.0	6.0	3.0	18.0	0.0	0.0	0.0	0.0	0.0	18.0
	State Database Administrator	Submit administrative data file	6.0	6.0	1.0	6.0	8.7	52.0	0.0	0.0	0.0	0.0	0.0	52.0
	Subtotal for State Database Administrator		6.0	6.0	2.0	12.0	5.8	70.0	0.0	0.0	0.0	0.0	0.0	70.0
	State E&T Provider	Advance materials and preparation	9.0	6.0	1.0	6.0	0.05	0.3	3.0	1.0	3.0	0.05	0.2	0.5
	State E&T Provider	In-person semi-structured interviews with 3 E&T provider staff in 6 States	18.0	18.0	1.0	18.0	1.0	18.0	0.0	0.0	0.0	0.0	0.0	18.0
	State E&T Provider Database administrator	Advance materials and preparation	2.0	2.0	1.0	2.0	2.0	4.0	0.0	0.0	0.0	0.0	0.0	4.0
	State E&T Provider Database administrator	Submit administrative data file	2.0	2.0	1.0	2.0	4.5	9.0	0.0	0.0	0.0	0.0	0.0	9.0

Respondent Category	Type of respondents	Instruments and Activities	Sample Size	Responsive					Non-Responsive					Grand Total Annual Burden Estimate (hours)
				Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	
	Subtotal for State E&T Provider		23.0	20.0	1.4	28.0	1.1	31.3	3.0	1.0	3.0	0.05	0.2	31.5
Local Government	Local SNAP Office Staff	Advance materials and preparation	12.0	12.0	1.0	12.0	0.05	0.6	0.0	0.0	0.0	0.0	0.0	0.6
	Local SNAP Office staff	In-person semi-structured interviews with 3 staff in 2 sites over 6 States	36.0	36.0	1.0	36.0	1.0	36.0	0.0	0.0	0.0	0.0	0.0	36.0
	Local SNAP Office staff	Group mapping exercise with 5 local staff in 2 sites over 6 States	60.0	60.0	1.0	60.0	1.5	90.0	0.0	0.0	0.0	0.0	0.0	90.0
	Subtotal for Local office		60.0	60.0	1.8	108.0	1.2	126.6	0.0	0.0	0.0	0.0	0.0	126.6
State/Local/Tribal Government Sub-Total			101.0	98.0	1.7	166.0	1.5	244.3	3.0	1.0	3.0	0.0	0.2	244.4
Business or Other For-Profit														
Business or Other For-Profit	E&T Provider	Advance materials and preparation	9.0	6.0	1.0	6.0	0.05	0.3	3.0	1.0	3.0	0.05	0.2	0.5
	E&T Provider	In-person semi-structured interviews with 3 E&T provider staff	18.0	18.0	1.0	18.0	1.0	18.0	0.0	0.0	0.0	0.0	0.0	18.0
	Business E&T Provider Database administrator	Advance materials and preparation	2.0	2.0	1.0	2.0	2.0	4.0	0.0	0.0	0.0	0.0	0.0	4.0
	Business E&T Provider Database administrator	Submit administrative data file	2.0	2.0	1.0	2.0	4.5	9.0	0.0	0.0	0.0	0.0	0.0	9.0
Business or Other For-Profit Sub-Total			23.0	20.0	1.4	28.0	1.1	31.3	3.0	1.0	3.0	0.05	0.2	31.5

Respondent Category	Type of respondents	Instruments and Activities	Sample Size	Responsive					Non-Responsive					Grand Total Annual Burden Estimate (hours)
				Number of respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	Number of Non-respondents	Frequency of response	Total Annual responses	Hours per response	Annual burden (hours)	
Not-For-Profit														
Not-For-Profit	E&T Provider	Advance materials and preparation	9.0	6.0	1.0	6.0	0.05	0.3	3.0	1.0	3.0	0.05	0.2	0.5
	E&T Provider	In-person semi-structured interviews with 3 E&T provider staff	18.0	18.0	1.0	18.0	1.0	18.0	0.0	0.0	0.0	0.0	0.0	18.0
	Not-For-Profit E&T Provider Database administrator	Advance materials and preparation	2.0	2.0	1.0	2.0	2.0	4.0	0.0	0.0	0.0	0.0	0.0	4.0
	Not-For-Profit E&T Provider Database administrator	Submit administrative data file	2.0	2.0	1.0	2.0	4.5	9.0	0.0	0.0	0.0	0.0	0.0	9.0
Not-For-Profit Sub-Total			23.0	20.0	1.4	28.0	1.1	31.3	3.0	1.0	3.0	0.05	0.2	31.5
GRAND TOTAL			**147.0**	**138.0**	**1.6**	**222.0**	**1.38239**	**306.89**	**9.0**	**1.0**	**9.0**	**0.45**	**0.5**	**307.3**

Dated: June 28, 2018.

Brandon Lipps,

Administrator, Food and Nutrition Service.

[FR Doc. 2018–14538 Filed 7–6–18; 8:45 am]

BILLING CODE 3410–30–C

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta-Trinity National Forest; California; I–5 Corridor Fuels Reduction Project

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of Notice of Intent to prepare an Environmental Impact Statement.

SUMMARY: The Shasta-Trinity National Forest is withdrawing its Notice of Intent issued on April 22, 2011, for preparation of an Environmental Impact Statement (EIS) for the I–5 Corridor Fuels Reduction Project. No significant issues were identified during this scoping period or any other opportunity to comment. Upon further evaluation, it also appears that there are no potential significant impacts to the human environment associated with the project. As a result, the Forest is withdrawing its intent to prepare an EIS and is now preparing an Environmental Assessment (EA). All comments previously received regarding this project will be retained and considered in the development of the EA. If it is determined that the project may have significant impacts, the EIS process will be reinitiated and a notice of intent will be published.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice and requests to be added to the project mailing list should be directed to Andrew Spain, Shasta Lake Ranger District, Shasta-Trinity National Forest, 14225 Holiday Road, Redding, CA 96003. Telephone: (530) 242–5548. Email: *aspain@fs.fed.us.* Individuals who have previously submitted comments on this project will remain on the project mailing list and do not need to contact the Forest.

Dated: June 8, 2018.

Chris French,

Associate Deputy Chief, National Forest System .

[FR Doc. 2018–14578 Filed 7–6–18; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Minnesota Advisory Committee

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 (FACA) that a meeting of the Minnesota Advisory Committee (Committee) to the Commission will be held from 3:00–4:00 p.m. CDT Monday August 6, 2018 to discuss civil rights concerns in the State.

DATES: The meeting will be held on Monday August 6, 2018, from 3:00–4:00 p.m. CDT.

Public Call Information: Dial: 888–500–6973; Conference ID: 9083856.

FOR FURTHER INFORMATION CONTACT: Carolyn Allen at *callen@usccr.gov* or (312) 353–8311.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the above toll-free call-in number. Any interested member of the public may call this number and listen to the meeting. 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 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the U.S. Commission on Civil Rights, Regional Programs Unit, 230 S. Dearborn, Suite 2120, Chicago, IL 60604. They may be faxed to the Commission at (312) 353–8324, or emailed Carolyn Allen at *callen@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://facadatabase.gov/committee/meetings.aspx?cid=256.* Please click on the ''Meeting Details'' and ''Documents'' links to download. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. 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 at the above email or street address.

Agenda

I. Welcome
II. Approval of Minutes
III. Discussion: Civil Rights Concerns in Minnesota
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: July 2, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–14589 Filed 7–6–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Hawai'i Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA) that a meeting of the Hawai'i Advisory Committee to the Commission will convene by conference call at 11:00 a.m. (HDT) on: Monday, July 9, 2018. The purpose of the meeting is for the Committee to approve a list of speakers, and to approve a date for the briefing.

DATES: Monday, July 9, 2018 at 11:00 a.m. HDT.

PUBLIC CALL-IN INFORMATION: Conference call-in number: 888–724–9513 and conference ID# 1067565.

FOR FURTHER INFORMATION CONTACT: David Barreras, at *dbarreras@usccr.gov* or by phone at 312–353–8311.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–724–9513 and conference ID# 1067565. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be

notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–977–8339.

Members of the public are invited to make statements during the open comment period of the meetings or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 N Los Angeles Street, Suite 2010, Los Angeles, CA 90012, faxed to (213) 894–0508, or emailed to David Barreras at *dbarreras@usccr.gov.* Persons who desire additional information may contact the Western Regional Office at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/committee.aspx?cid=244* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Western Regional Office at the above phone number, email or street address.

Agenda: Monday, July 9

- Welcome—Roll Call
- Approval of the April 4, 2018 minutes
- Approve list of speakers
- Approve date for the briefing
- Open Comment
- Adjourn

EXCEPTIONAL CIRCUMSTANCE:

Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of staffing limitations that require immediate action.

Dated: July 2, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–14588 Filed 7–6–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meetings of the South Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of briefing meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that briefing meetings of the South Dakota Advisory Committee to the Commission will convene at 10:00 a.m. (CDT) on Tuesday, July 24, 2018 in Pine Ridge, South Dakota and at 10:00 a.m. (CDT) on Wednesday, July 25, 2018 in Pierre, SD. The purpose of the briefings is to hear from government officials, advocates, and others on Subtle Racism in South Dakota.

DATES: Tuesday, July 24, 2018 and Wednesday, July 25, 2018.

Time: Both days will begin at 10:00 a.m.

ADDRESSES: Pine Ridge Briefing: Tuesday, July 24, 2018 at the Prairie Wind Casino and Hotel, 26 Casino Drive, Oglala SD 57764.

Pierre Briefing: Wednesday, July 25, 2018 at the Pierre Chamber of Commerce, 800 West Dakota Avenue, Pierre SD 57501.

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

SUPPLEMENTARY INFORMATION: If other persons who plan to attend the briefings require other accommodations, please contact Evelyn Bohor at *ebohor@usccr.gov* at the Rocky Mountain Regional Office at least ten (10) working days before the scheduled date of the briefings.

Time will be set aside at the end of each briefing so that members of the public may address the Committee after the formal presentations have been completed. Persons interested in the issue are also invited to submit written comments; the comments must be received in the regional office by August 25, 2018. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1050, or emailed to Evelyn Bohor at *ebohor@usccr.gov.* Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the briefings will be available for public viewing as they become available at *https://facadatabase.gov/committee/meetings.aspx?cid=274* and clicking on the ''Meeting Details'' and ''Documents'' links. Records generated from these briefings may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the briefings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone number, email or street address.

Tentative Agendas

Tuesday, July 24 and Wednesday, July 25, 2018; 10 a.m.

I. Welcome and Introductions
II. Briefings
III. Open Session
IV. Adjournment

Dated: July 3, 2018

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–14605 Filed 7–6–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Institute of Standards and Technology.

Title: NIST Center for Neutron Research (NCNR) Information Management System Collection.

OMB Control Number: 0693–XXXX.

Form Number(s): None (new submission).

Type of Request: Regular.

Number of Respondents: 2,000.

Average Hours per Response: 1 hour.

Burden Hours: 2,000.

Needs and Uses: Registration of NCNR users; Collection of scientific experiment proposals; Regularly scheduled peer review of said proposals; Merit-based award of available experimental resources; Experiment date scheduling for selected projects (instrument scheduling); Collection and management of data required by the NCNR site access protocol; Managing the Health Physics training of arriving scientists; Coordination of administrative data; Collection of data in support of related

activities such as NCNR Summer School for facility users; Management of the research results such as collected data, and subsequent publications; Numerous reporting functions used to evaluate and manage the NCNR activities.

Affected Public: Scientific personnel using NCNR facility.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–14590 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–44–2018]

Foreign-Trade Zone 116—Port Arthur, Texas; Expansion of Subzone 116A; Motiva Enterprises LLC; Jefferson and Hardin Counties, Texas

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Foreign-Trade Zone of Southeast Texas, Inc., grantee of FTZ 116, requesting an expansion of Subzone 116A on behalf of Motiva Enterprises LLC. 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 July 2, 2018.

Subzone 116A was approved on December 21, 1993 (Board Order 668, 59 FR 61, January 3, 1994), and expanded on May 9, 2018 (Board Order 2051, 83 FR 22441–22442, May 15, 2018). The subzone currently consists of eight sites located in Jefferson and Hardin Counties: *Site 1* (3,036 acres)—Port Arthur refinery complex, Jefferson County, adjacent to the City of Port Arthur; *Site 2* (402 acres)—crude storage and asphalt production facility, Jefferson County, adjacent to the City of Port Neches; *Site 3* (126 acres)—terminal and docking facility, Jefferson County, 2 miles south of Port Arthur; *Site 4* (37 acres)—LPG underground storage facility, Hardin County, 1 mile northwest of the City of Sour Lake; *Site 5* (63 acres)—Seventh Street storage facility, Jefferson County, south of Port Arthur; *Site 6* (97 acres)—National Station storage facility, Jefferson County, adjacent to Site 1; *Site 7* (12.7 acres)—Sun Pipe Line Company crude oil petroleum terminal located on State Highway 347 North in Nederland and a pipeline that connects to Site 1; and, *Site 8* (2 acres)—Port of Port Arthur, 100 W. Lakeshore Drive (Berth 3), Port Arthur and a pipeline that links the berth to Site 5.

The applicant is requesting authority to expand the subzone to include an additional site: *Proposed Site 9* (137 acres)—800 Dorsey Road, Port Arthur. The proposed site would include several pipelines. No additional authorization for production activity has been requested at this time.

In accordance with the FTZ Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make 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: July 2, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–14612 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–96–2018]

Foreign-Trade Zone 76—Bridgeport, Connecticut; Application for Expansion of Subzone 76A; ASML US, LLC; Wilton and Bethel, Connecticut

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Bridgeport Port Authority, grantee of FTZ 76, requesting an expansion of Subzone 76A on behalf of ASML US, LLC, located in Wilton and Newtown, Connecticut. 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 July 2, 2018.

Subzone 76A was approved on July 24, 2014 (79 FR 44389, July 31, 2014) and consists of the following sites: *Site 1* (29.23 acres) 71, 73 & 77 Danbury Road, Wilton; and, *Site 2* (3.65 acres) 7 Edmund Road, Newtown.

The applicant is requesting authority to expand the subzone to include additional sites as follows: *Proposed Site 3* (11.78 acres) 59 Danbury Road, Wilton; and, *Proposed Site 4* (2.68 acres) 7 Francis Clarke Circle, Bethel. No additional authorization for production activity has been requested at this time. The existing subzone and the proposed sites would be subject to the existing activation limit of FTZ 76.

In accordance with the FTZ Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

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 Kathleen Boyce at *Kathleen.Boyce@trade.gov* or (202) 482–1346.

Dated: July 3, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–14618 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–17–2018]

Foreign-Trade Zone (FTZ) 21—Charleston, South Carolina; Authorization of Production Activity; AGRU America Charleston, LLC; (High Density Polyethylene Pipe); North Charleston, South Carolina

On March 5, 2018, AGRU America Charleston, LLC (AGRU America) submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 21—Site 38,[1] in North Charleston, South Carolina.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (83 FR 10657, March 12, 2018). On July 3, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: July 3, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–14619 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–43–2018]

Foreign-Trade Zone (FTZ) 21—Charleston, South Carolina; Notification of Proposed Production Activity; AGRU America Charleston, LLC (Polyethylene Fittings and Floaters); North Charleston, South Carolina

AGRU America Charleston, LLC (AGRU America) submitted a notification of proposed production activity to the FTZ Board for its facility in North Charleston, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on June 27, 2018.

AGRU America already has authority to produce high density polyethylene pipe within Site 38 of FTZ 21. The current request would add two finished products and two foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt AGRU America from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, AGRU America would be able to choose the duty rates during customs entry procedures that apply to polyethylene fittings, and polyethylene floaters (duty rate 5.3%). AGRU America would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include rigid polyethylene pipes and ethylene propylene diene monomers (EPDM) (duty rate ranges from 2.5% to 3.1%).

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

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

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1798.

Dated: July 2, 2018.

Elizabeth Whiteman,

Acting Executive Secretary.

[FR Doc. 2018–14607 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that sales of chlorinated isocyanurates (chlorinated isos) from Spain by Ercros S.A. (Ercros), were not sold at less than normal value during the period of review (POR) June 1, 2016, through May 31, 2017. Interested parties are invited to comment on these preliminary results.

DATES: Applicable July 9, 2018.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2017, Commerce initiated this administrative review on chlorinated isos from Spain covering one company, Ercros.[1] The events that have occurred between initiation and these preliminary results are discussed in the Preliminary Decision Memorandum.[2]

Scope of the Order

The products covered by the order are chlorinated isos, which are derivatives of cyanuric acid, described as chlorinated s-triazine triones.[3] Chlorinated isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes only; the written product

[1] The *Notification of Proposed Production Activity* mistakenly identified the site number as Site 5, instead of Site 38. *See* 83 FR 10657 (March 12, 2018).

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 35749 (August 1, 2017).

[2] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the 2016–2017 Antidumping Duty Administrative Review of Chlorinated Isocyanurates from Spain,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[3] For a complete description of the Scope of the Order, *see* Preliminary Decision Memorandum.

description of the scope of the order is dispositive.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value has been calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we preliminarily determine that, for the period June 1, 2016, through May 31, 2017, the following dumping margin exists:

Manufacturer/exporter	Weight-average dumping margin (percent)
Ercros	0.00

Disclosure and Public Comment

Commerce intends to disclose to the parties to the proceeding any calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[4] Interested parties may submit case briefs to Commerce in response to these preliminary results no later than 30 days after the publication of this notice.[5] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[6] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[7] Case and rebuttal briefs should be filed using ACCESS.[8] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time on the established deadline.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results in this administrative review, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). If Ercro's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer- or customer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the importer/customer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by the respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

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 date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review, except, if the rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), no cash deposit will be required; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 24.83 percent, the all-others rate established in the investigation.[9] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR

[4] *See* 19 CFR 351.224(b).

[5] *See* 19 CFR 351.309(c)(1)(ii).

[6] *See* 19 CFR 351.309(d)(1) and (2).

[7] *See* 19 CFR 351.309(c)(2) and (d)(2).

[8] *See* 19 CFR 351.303.

[9] *See Chlorinated Isocyanurates From Spain: Notice of Final Determination of Sales at Less Than Fair Value,* 70 FR 24506 (May 10, 2005).

351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: July 3, 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.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–14670 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–893]

Certain Frozen Warmwater Shrimp From People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2017–2018

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty (AD) order on certain frozen warmwater shrimp (shrimp) from the People's Republic of China (China) for the period of review (POR) February 1, 2017, through January 31, 2018.

DATES: Applicable July 9, 2018.

FOR FURTHER INFORMATION CONTACT: Trenton Duncan or Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3539 or (202) 482–2593, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2018, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the AD order on shrimp from China for the period February 1, 2017, through January 31, 2018.[1] On February 22, 2018, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Ad Hoc Shrimp Trade Action Committee (the petitioner) timely requested a review of the AD order with respect to 55 companies.[2] On February 27, 2018, the American Shrimp Processors Association (Domestic Processors) requested a review of the AD order with respect 93 companies.[3] On April 16, 2018, in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the AD order on shrimp from China with respect to these companies.[4] On June 4, 2018, the petitioner timely withdrew its request for an administrative review of 55 companies listed in the *Initiation Notice*.[5] On June 5, 2018, Domestic Processors partially withdrew their request for an administrative review with respect to Fuqing Dongwei Aquatic Products Ind.[6] On June 15, 2018, Domestic Processors timely withdrew their request for an administrative review with respect to all of the remaining companies listed in the *Initiation Notice*.[7] No other party requested a review.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 83 FR 4639 (February 1, 2018).

[2] *See* Petitioner's request for administrative review, ''Certain Frozen Warmwater Shrimp from the People's Republic of China: Request for Antidumping Duty Administrative Review,'' dated February 22, 2018 (Petitioner's Review Request).

[3] *See* Domestic Processors' request for administrative review, ''Certain Frozen Warmwater Shrimp from the People's Republic of China: Request for Antidumping Duty Administrative Review,'' dated February 27, 2018 (Domestic Processors' Review Request).

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 16298 (April 16, 2018) (*Initiation Notice*).

[5] *See* Petitioner's withdrawal of administrative review request, ''Certain Frozen Warmwater Shrimp from the People's Republic of China: Domestic Producers' Withdrawal of Review Requests,'' dated June 4, 2018.

[6] See Domestic Processors' partial withdrawal of administrative review request, ''Administrative Review of the Antidumping Duty Order Covering Frozen Warmwater Shrimp from the People's Republic of China (POR 13: 02/01/17–01/31/18): American Shrimp Processors Association's Partial Withdrawal of Review Request—Fuqing Dongwei Aquatic Products Ind.,'' dated June 5, 2018.

[7] *See* Domestic Processors' withdrawal of administrative review request, ''Administrative Review of the Antidumping Duty Order Covering Frozen Warmwater Shrimp from the People's Republic of China (POR 13: 02/01/17–01/31/18): American Shrimp Processors Association's Withdrawal of Review Request in its Entirety,'' dated June 18, 2018.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested review. The petitioner and Domestic Processors withdrew their requests for review within the 90-day deadline. Because Commerce received no other requests for review of the above-referenced companies, and no other requests were made for a review of the AD order on shrimp from China with respect to other companies, we are rescinding the administrative review covering the period February 1, 2017, through January 31, 2018, in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of shrimp from China during the POR at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business

proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: June 29, 2018.

Scot Fullerton,

Director, Office VI, Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–14611 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–836]

Rubber Bands From Thailand: Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are not being provided to producers and exporters of rubber bands from Thailand for the period of investigation of January 1, 2017, through December 31, 2017. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 9, 2018.

FOR FURTHER INFORMATION CONTACT: Emily Halle or Shanah Lee, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone 202–482–0176 or 202–482–6386, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On February 20, 2018, we initiated a countervailing duty (CVD) investigation of rubber bands from Thailand.[1] On April 12, 2018, in accordance with section 703(c)(1)(A) of the Act, we postponed the preliminary determination of this investigation to July 2, 2018.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products subject to this investigation are rubber bands from Thailand. For a complete description of the scope of this investigation, *see* Appendix I.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[4]

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4)(i), we are aligning the final CVD determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of rubber bands based on a request made by the petitioner.[5] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than November 13, 2018, unless postponed.[6]

Preliminary Determination

For this preliminary determination, Commerce calculated *de minimis* estimated countervailable subsidies for all individually examined producers/exporters of the subject merchandise. Consistent with section 703(b)(4)(A) of the Act, Commerce has disregarded the *de minimis* rates. Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Liang Hah Heng International Rubber Co., Ltd.	0.23 (*de minimis*).
U. Yong Industry Co., Ltd.	0.37 (*de minimis*).

Consistent with section 703(d) of the Act, Commerce has not calculated an estimated weighted-average subsidy rate for all other producers/exporters because it has not made an affirmative preliminary determination.

Suspension of Liquidation

Because Commerce preliminarily determines that no countervailable subsidies are being provided to the production or exportation of subject merchandise, Commerce will not direct U.S. Customs and Border Protection to suspend liquidation of any such entries.

[1] *See Rubber Bands from Thailand, the People's Republic of China, and Sri Lanka: Initiation of Countervailing Duty Investigations,* 83 FR 8429 (February 27, 2018) (*Initiation Notice*).

[2] *See Rubber Bands from Thailand and the People's Republic of China: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 83 FR 15789 (April 12, 2018).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Negative Countervailing Duty Determination and Alignment of Final Determination with Final Antidumping Duty Determination of Citric Acid and Certain Citrate Salts from Thailand,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] The petitioner in this investigation is Alliance Rubber Co. *See* Letter from the petitioner, ''Petition for the Imposition of Antidumping and Countervailing Duties on Rubber Bands from Thailand and China—Petitioner's Request for Postponement of the Preliminary Determinations,'' dated March 27, 2018.

[6] The AD preliminary determination was postponed to no later than August 29, 2018, *see Rubber Bands from the People's Republic of China and Thailand: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 83 FR 29748 (June 26, 2018). Therefore, the AD final determination is currently due for signature no later than Monday, November 12, 2018, which is a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (*see Notice of Clarification: Application of* ''*Next Business Day*'' *Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). As such, the AD final determination signature date rolls to Tuesday, November 13, 2018.

Public Comment

Interested parties may submit case and rebuttal briefs, as well as request a hearing. Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] This summary should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice in the **Federal Register** *via* ACCESS. Hearing requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Prior to the date of the hearing, Commerce will contact all parties that submitted case or rebuttal briefs to determine if they wish to participate in the hearing. Commerce will then provide a hearing schedule to the parties prior to the hearing and only those parties listed on the schedule may present issues raised in their briefs. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time,[9] on the due dates established above.

International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, Commerce will make available to the ITC all non-privileged and non-proprietary information relating to this investigation. Commerce will allow the ITC access to all privileged and business proprietary information in the files, provided the ITC confirms that it will not disclose such information, either publicly or under an APO, without the written consent of the Assistant Secretary for Enforcement and Compliance.

Pursuant to section 705(b)(2) of the Act, if Commerce's final determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination, or 45 days after Commerce's final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Dated: July 2, 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.

Appendix I—Scope of the Investigation

The products subject to this investigation are bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than ½ inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (*e.g.,* a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation, vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product. Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 4016.99.3510. Merchandise covered by the scope may also enter under HTSUS subheading 4016.99.6050. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–14634 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR .309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.303(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–070]

Rubber Bands From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Determination

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

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of rubber bands from the People's Republic of China (China) for the period of investigation of January 1, 2017, through December 31, 2017. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable July 9, 2018.

FOR FURTHER INFORMATION CONTACT: Kristen Johnson, 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) 482–4793.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On February 20, 2018, we initiated a countervailing duty (CVD) investigation of rubber bands from China.[1] On April 12, 2018, in accordance with section 703(c)(1)(A) of the Act, we postponed the preliminary determination of this investigation to July 2, 2018.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included in Appendix II of this notice. The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are rubber bands from China. For a complete description of the scope of this investigation, *see* Appendix I.

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[4]

In making these findings, we relied solely on facts available because neither the Government of China nor any of the selected mandatory respondent companies responded to the questionnaire.[5] Further, because these parties did not act to the best of their ability to respond to Commerce's requests for information, we drew an adverse inference in selecting from among the facts otherwise available.[6] For further information, *see* Preliminary Decision Memorandum at ''Use of Facts Otherwise Available and Adverse Inferences.''

Alignment

As noted in the Preliminary Decision Memorandum, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4)(i), we are aligning the final CVD determination in this investigation with the final determination in the companion antidumping duty (AD) investigation of rubber bands based on a request made by the petitioner.[7] Consequently, the final CVD determination will be issued on the same date as the final AD determination, which is currently scheduled to be issued no later than November 13, 2018, unless postponed.[8]

All-Others Rate

Sections 703(d)(1)(A) and 705(c)(5)(A) of the Act provide that Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any zero and *de minimis* rates and any rates based entirely under section 776 of the Act.[9] In this investigation, Commerce preliminarily assigned a rate based entirely on facts available to each of the mandatory respondents. There is no other information on the record with which to determine an all-others rate. As a result, in accordance with section 705(c)(5)(A)(ii) of the Act, we are using ''any reasonable method'' and have established the all-others rate by applying the countervailable subsidy rate assigned to the mandatory respondents.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Graceful Imp. & Exp. Co., Ltd	125.77
Moyoung Trading Co., Ltd	125.77
Ningbo Syloon Imp & Exp Co., Ltd	125.77
All-Others	125.77

Suspension of Liquidation

In accordance with section 703(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 703(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Public Comment

Interested parties may submit case and rebuttal briefs, as well as request a hearing. Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance *via* ACCESS no later than 30 days after the publication of the preliminary determination in the **Federal Register**.[10] Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days

[1] *See Rubber Bands from Thailand, the People's Republic of China, and Sri Lanka: Initiation of Countervailing Duty Investigations,* 83 FR 8429 (February 27, 2018) (*Initiation Notice*).

[2] *See Rubber Bands from Thailand and the People's Republic of China: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 83 FR 15789 (April 12, 2018).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Rubber Bands from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] Because the respondents in this investigation did not provide information requested by Commerce, and Commerce preliminarily determines each of the respondents to be uncooperative, we will not conduct verification.

[6] *See* sections 776(a) and (b) of the Act.

[7] The petitioner in this investigation is Alliance Rubber Co. *See* Letter from the petitioner, ''Petition for the Imposition of Antidumping and Countervailing Duties on Rubber Bands from Thailand and China—Petitioner's Request for Postponement of the Preliminary Determinations,'' dated March 27, 2018.

[8] The AD preliminary determination was postponed to no later than August 29, 2018, *see Rubber Bands from the People's Republic of China and Thailand: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 83 FR 29748 (June 26, 2018). Therefore, the AD final determination is currently due for signature no later than Monday, November 12, 2018, which is a federal holiday. Commerce's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day (*see Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005). As such, the AD final determination signature date rolls to Tuesday, November 13, 2018.

[9] *See* section 705(c)(5)(A)(i) of the Act.

[10] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

after the deadline date for case briefs.[11] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[12] This summary should be limited to five pages total, including footnotes.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days after the date of publication of this notice in the **Federal Register** via ACCESS. Hearing requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and date to be determined. Prior to the date of the hearing, Commerce will contact all parties that submitted case or rebuttal briefs to determine if they wish to participate in the hearing. Commerce will then provide a hearing schedule to the parties prior to the hearing and only those parties listed on the schedule may present issues raised in their briefs. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time,[13] on the due dates established above.

International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, we will notify the ITC of its determination. In addition, Commerce will make available to the ITC all non-privileged and non-proprietary information relating to this investigation. Commerce will allow the ITC access to all privileged and business proprietary information in the files, provided the ITC confirms that it will not disclose such information, either publicly or under an APO, without the written consent of the Assistant Secretary for Enforcement and Compliance.

Pursuant to section 705(b)(2) of the Act, if Commerce's final determination is affirmative, the ITC will make its final determination before the later of 120 days after the date of this preliminary determination, or 45 days after Commerce's final determination.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act and 19 CFR 351.205(c).

Dated: July 2, 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.

Appendix I

Scope of the Investigation

The products subject to this investigation are bands made of vulcanized rubber, with a flat length, as actually measured end-to-end by the band lying flat, no less than ½ inch and no greater than 10 inches; with a width, which measures the dimension perpendicular to the length, actually of at least 3/64 inch and no greater than 2 inches; and a wall thickness actually from 0.020 inch to 0.125 inch. Vulcanized rubber has been chemically processed into a more durable material by the addition of sulfur or other equivalent curatives or accelerators. Subject products are included regardless of color or inclusion of printed material on the rubber band's surface, including but not limited to, rubber bands with printing on them, such as a product name, advertising, or slogan, and printed material (*e.g.,* a tag) fastened to the rubber band by an adhesive or another temporary type of connection. The scope includes vulcanized rubber bands which are contained or otherwise exist in various forms and packages, such as, without limitation, vulcanized rubber bands included within a desk accessory set or other type of set or package, and vulcanized rubber band balls. The scope excludes products that consist of an elastomer loop and durable tag all-in-one, and bands that are being used at the time of import to fasten an imported product. Merchandise covered by this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 4016.99.3510. Merchandise covered by the scope may also enter under HTSUS subheading 4016.99.6050. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–14633 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* 19 CFR 351.309(d)(1).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] *See* 19 CFR 351.303(b)(1).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On March 22, 2018, the United States Court of International Trade (the Court) issued its final judgment in *Itochu Building Products Co., Inc., et al.* v. *United States,* Consol. Court No. 12–00065, sustaining the U.S. Department of Commerce's (Commerce) final remand results in the second administrative review of certain steel nails from the People's Republic of China (China). Commerce is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review, covering the period of review (POR) August 1, 2009, through July 31, 2010, and that Commerce is amending the final results with respect to the dumping margins assigned to Tianjin Jinchi Metal Products Co., Ltd. (Jinchi) and Tianjin Jinghai County Hongli Industry & Business Co. (Hongli). Because Jinchi's and Hongli's margins changed, the margin for those companies not individually examined but receiving a separate rate also changed.

DATES: Applicable April 2, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202.482.0413.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 2012, Commerce issued the *Final Results,* in which it determined a weight-averaged dumping margin of 47.76 percent for Jinchi, 78.27 percent for Hongli, and 19.30 percent

for the separate rate companies.[1] Also, on April 24, 2012, Commerce issued the *Amended Final Results,* however, the weighted-average dumping margins did not change.[2] On June 22, 2017, the Court remanded Commerce's *Final Results* and *Amended Final Results* and instructed Commerce to reconsider each of the following issues: (1) The selection of surrogate values for steel plate and surrogate financial ratios; (2) its application of adverse facts available to Jinchi's missing factors of production; and (3) the Court's questions and Mid-Continent Nail Corporation (the petitioner)'s responses regarding the withdrawal of review requests in this administrative review.[3] The Court also granted Commerce's request for voluntary remand to reconsider its use of a specific financial statement.[4]

On October 20, 2017, Commerce filed the AR2 Remand with the Court.[5] Commerce maintained its selection of financial statements for calculating the surrogate financial ratios and selected, under protest, a different surrogate value for steel plate.[6] Additionally, under protest, Commerce recalculated Jinchi's dumping margin by applying neutral facts available to the missing factors of production for hard-cut masonry nails produced by an unaffiliated supplier.[7] Moreover, Commerce examined the petitioner's responses to the Court's questions.[8] As a result, there are calculation changes due to selecting a different surrogate value for steel plate and applying neutral facts available to the missing factors of production for hard-cut masonry nails in Jinchi's dumping margin. Thus, the resulting antidumping margin for Hongli is 36.23 percent, for Jinchi is 53.47 percent, and for the Separate Rate Applicants [9] is 14.48 percent.[10] There is no change to the dumping margin for The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./ Stanley Fastening Systems, LP (Stanley).[11] On March 22, 2018, the Court sustained the AR2 Remand.[12]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341,[13] as clarified by *Diamond Sawblades,*[14] the Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's March 22, 2018, judgment sustaining the AR2 Remand constitutes a final decision of the Court that is not in harmony with Commerce's *Amended Final Results.* This notice is published in fulfillment of the publication requirement of *Timken.*

Amended Final Results

Because there is now a final court decision, Commerce is amending the *Amended Final Results* with respect to Jinchi, Hongli, and the Separate-Rate Applicants. The revised weighted-average dumping margins for these exporters during the period August 1, 2009, through July 31, 2010, are as follows:

Exporter	Weighted average margin (percent)
(1) The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./Stanley Fastening Systems, LP	3.80
(2) Tianjin Jinghai County Hongli Industry & Business Co	36.23
(3) Tianjin Jinchi Metal Products Co., Ltd	53.47
(4) Dezhou Hualude Hardware Products Co., Ltd	14.48
(5) Hengshui Mingyao Hardware & Mesh Products Co., Ltd	14.48
(6) Huanghua Jinhai Hardware Products Co., Ltd	14.48
(7) Huanghua Xionghua Hardware Products Co., Ltd	14.48
(8) Koram Panagene Co., Ltd	14.48
(9) Qingdao D & L Group Ltd. Co., Ltd	14.48
(10) Romp (Tianjin) Hardware Co., Ltd	14.48
(11) Shandong Dinglong Import & Export Co., Ltd	14.48
(12) Shanghai Curvet Hardware Products Co., Ltd	14.48
(13) Shanghai Jade Shuttle Hardware Tools Co., Ltd	14.48
(14) Shanghai Yueda Nails Industry Co., Ltd	14.48
(15) Shanxi Tianli Industries Co., Ltd	14.48
(16) Tianjin Lianda Group Co., Ltd	14.48
(17) Tianjin Universal Machinery Imp & Exp Corporation	14.48
(18) Tianjin Zhonglian Metals Ware Co., Ltd	14.48

[1] *See Certain Steel Nails from the People's Republic of China: Final Results and Final Partial Rescission of the Second Antidumping Duty Administrative Review,* 77 FR 12556 (March 1, 2012) and accompanying Issues and Decision Memorandum (IDM) (*Final Results*).

[2] *See Certain Steel Nails from the People's Republic of China: Amended Final Results of the Second Antidumping Duty Administrative Review,* 77 FR 24462 (April 24, 2012) (*Amended Final Results*).

[3] *See Itochu Building Products Co., et al* v. *United States,* Slip Op. 17–73 (CIT 2017) at 13–15 and 41 (*Itochu*).

[4] *Id.* at 22.

[5] *See* Final Results of Redetermination Pursuant to Court Remand, Consol. Court No. 12–00065, Slip Op. 17–73 (CIT 2017), dated October 20, 2017, (AR2 Remand) available at *http://enforcement.trade.gov/remands/17-73.pdf.*

[6] *Id.,* at 53.

[7] *Id.*

[8] *Id.*

[9] These companies include: (1) Dezhou Hualude Hardware Products Co., Ltd.; (2) Hengshui Mingyao Hardware & Mesh Products Co., Ltd.; (3) Huanghua Jinhai Hardware Products Co., Ltd.; (4) Huanghua Xionghua Hardware Products Co., Ltd.; (5) Koram Panagene Co., Ltd.; (6) Qingdao D & L Group Ltd. Co., Ltd.; (7) Romp (Tianjin) Hardware Co., Ltd.; (8) Shandong Dinglong Import & Export Co., Ltd.; (9) Shanghai Curvet Hardware Products Co., Ltd.; (10) Shanghai Jade Shuttle Hardware Tools Co., Ltd.; (11) Shanghai Yueda Nails Industry Co., Ltd.; (12) Shanxi Tianli Industries Co., Ltd.; (13) Tianjin Lianda Group Co., Ltd.; (14) Tianjin Universal Machinery Imp & Exp Corporation; and (15) Tianjin Zhonglian Metals Ware Co., Ltd. (collectively, Separate-Rate Applicants).

[10] *Id.*

[11] *Id.,* at 2.

[12] *See Itochu Building Products Co., Inc., et al.* v. *United State*s, Consol. Court No. 12–00065, Slip Op. 18–24 (CIT March 22, 2018).

[13] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*)

[14] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the Court's ruling is not appealed or, if appealed, upheld by the CAFC, Commerce will instruct U.S. Customs and Border Protection to assess antidumping duties on unliquidated entries of subject merchandise exported by Jinchi, Hongli, and the Separate-Rate Applicants using the assessment rate calculated by Commerce in the AR2 Remand and listed above.

Cash Deposit Requirements

Cash deposit rates for the following companies have been superseded by cash deposit rates calculated in intervening administrative reviews of the order, and thus, will not be amended:

The Stanley Works (Langfang) Fastening Systems Co., Ltd. and Stanley Black & Decker, Inc./Stanley Fastening Systems, LP; Tianjin Jinghai County Hongli Industry & Business Co.; Tianjin Jinchi Metal Products Co., Ltd.; Dezhou Hualude Hardware Products Co., Ltd.; Huanghua Jinhai Hardware Products Co., Ltd.; Huanghua Xionghua Hardware Products Co., Ltd.; Qingdao D & L Group Ltd. Co., Ltd.; Shandong Dinglong Import & Export Co., Ltd.; Shanghai Curvet Hardware Products Co., Ltd.; Shanghai Jade Shuttle Hardware Tools Co., Ltd.; Shanghai Yueda Nails Industry Co., Ltd.; Shanxi Tianli Industries Co., Ltd.; Tianjin Lianda Group Co., Ltd.; Tianjin Universal Machinery Imp & Exp Corporation; and Tianjin Zhonglian Metals Ware Co., Ltd.

Accordingly, Commerce will instruct U.S. Customs and Border Protection to require a cash deposit for estimated duties at the rate noted above for entries of subject merchandise, entered or withdrawn from warehouse, for consumption, on or after April 2, 2018, for Hengshui Mingyao Hardware & Mesh Products Co., Ltd.; Koram Panagene Co., Ltd.; and Romp (Tianjin) Hardware Co., Ltd.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: July 2, 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. 2018–14610 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Scope Rulings

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

DATES: Applicable July 9, 2018.

SUMMARY: The Department of Commerce (Commerce) hereby publishes a list of scope rulings and anticircumvention determinations made between April 1, 2017, and June 30, 2017, inclusive. We intend to publish future lists after the close of the next calendar quarter.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce regulations provide that the Secretary will publish in the **Federal Register** a list of scope rulings on a quarterly basis.[1] Our most recent notification of scope rulings was published on (June 6, 2018).[2] This current notice covers all scope rulings and anticircumvention determinations made by Enforcement and Compliance between April 1, 2017, and June 30, 2017, inclusive. Two additional subsequent lists will immediately follow to bring these quarterly notices up to date.

Scope Rulings Made Between April 1, 2017 and June 30, 2017

Mexico

A–201–805: Certain Circular Welded Non-Alloy Steel Pipe From Mexico

Requestor: Sumitomo Corporation of Americas and Nippon Steel & Sumikin Pipe Mexico, S.A. de C.V.; Thirteen types of automotive and cylinder tubes are outside the scope of the order because they are mechanical tubing, which is excluded from the order; May 12, 2017.

Socialist Republic of Vietnam

A–552–818 and C–552–819: Certain Steel Nails From the Socialist Republic of Vietnam

Requestor: Midwest Fastener Corp.; Zinc and nylon anchors which are used to attach wood, metal, shelf brackets, and other items to concrete, brick and other masonry walls, ceilings, and floors are within the scope of the antidumping and countervailing duty orders; May 17, 2017.

People's Republic of China

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Eran Financial Services, LLC.; Eran Finished Light Poles and Light Pole Kits are not covered by the scope of the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they meet the criteria for exclusion as finished merchandise or finished goods kits; April 17, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Ferguson Enterprises Inc.; Ferguson's towel bars, towel rings and toilet paper kits are not subject to the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they qualify for the scope exclusion as finished goods kits; April 20, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Spectrum Brands, Inc.; Spectrum pocket door frame kits are not covered by the scope of the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they meet the criteria for exclusion as finished goods kits; May 9, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Ferguson Enterprises Inc.; Ferguson's Air Duct Registers are not subject to the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because they qualify for the scope exclusion as finished merchandise; May 10, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: VantagePoint Industries LLC; Certain barn door hardware kits are not covered by the scope of antidumping and countervailing orders on aluminum extrusions from the People's Republic of China because they meet the requirements of the finished good kits exclusion; May 19, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Innovative Outdoor Solutions, Inc.; Ten different outdoor products are not covered by the scope of antidumping and countervailing orders on aluminum extrusions from the People's Republic of China because they meet the requirements of the finished good kits exclusion. Two outdoor products are included in the scope of the order because they do not qualify for the scope exclusion for finished merchandise or finished goods kits; June 9, 2017.

[1] *See* 19 CFR 351.225(o).

[2] *See Notice of Scope Rulings,* 83 FR 26257 (June 6, 2018).

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Aluminum Extrusion Fair Trade Committee; Certain aluminum extrusions from the People's Republic of China made of series 6xxx aluminum alloy, which are cut-to-length and welded together in the form of a pallet, regardless of producer or exporter, are included in the scope of the antidumping and countervailing duty orders because they meet the definition of merchandise covered by the scope of the orders and do not qualify to be excluded as ''finished merchandise''; June 13, 2017.

A–570–967 and C–570–968: Aluminum Extrusions From the People's Republic of China

Requestor: Woodard CM–LLC; Woodard dining chair kits are covered by the scope of the antidumping and countervailing duty orders on aluminum extrusions from the People's Republic of China because, as entered, they require further finishing and lack component parts, such that they do not meet the criteria for exclusion as finished merchandise; June 19, 2017.

A–570–018 and C–570–019: Boltless Steel Shelving Units Prepackaged for Sale From the People's Republic of China

Requestor: Grainger International, Inc.; 14 storage cabinet models and 15 quick assembly bookcase models are not covered by the scope of the antidumping duty and/or countervailing duty orders on boltless steel shelving units prepacked for sale from the People's Republic of China because neither product has a horizontal support member upon which a horizontal storage shelf sits, and the structural integrity of both products is provided by the open box design rather than vertical support members as required by the plain language of the scope; April 20, 2017.

A–570–912 and C–570–913: Certain New Pneumatic Off-the-Road Tires From the People's Republic of China

Requestor: Leviathan Corp. (Leviathan); Leviathan requested that Commerce find that its imports of certain mining and construction vehicle tires are excluded from the scope of antidumping order (A–570–912) and countervailing duty order (C–570–913) on off-the road tires from the PRC. We determined that Leviathan's imports of three models of new pneumatic off-the-road tires, 37.5–39 Caterpillar 657E Wheel Tractor-Scraper tires, 45/65–45 Caterpillar 992K Wheel Loader tires, and 27.00–49 Caterpillar 777G Off-Highway Truck tires, are not covered by the scope of the Orders; April 24, 2017.

A–570–910 and C–570–911: Circular Welded Carbon-Quality Steel Pipe From the People's Republic of China

Requestor: Acme Manufacturing Company; Acme's short round tubes are within the scope of the antidumping and countervailing duty orders on circular welded carbon-quality steel pipe from the People's Republic of China because the scope language is not limited to pipes of a certain length, to pipes made to an industry specification, or to pipes with a specific end-use; April 4, 2017.

A–570–891: Hand Trucks and Certain Parts Thereof From the People's Republic of China

Requestor: TreeKeeper LLC (TreeKeeper); TreeKeeper's Adjustable Telescoping OrnamentKeeper is outside the scope of the antidumping duty order on hand trucks because the product is incapable of sliding under a load for the purposes of lifting and moving it; and TreeKeeper's XL Tree Dolly is covered by the scope of the order; April 19, 2017.

A–570–891: Hand Trucks and Certain Parts Thereof From the People's Republic of China

Requestor: Groupe Bugatti Group Inc. (Bugatti); Bugatti's luggage cart, style No. CRT39, is covered by the scope of the order on hand trucks, because it meets the operational requirement of being capable of sliding under a load, and lacks the telescoping frame necessary to meet the luggage cart exclusion; June 30, 2017.

A–570–914 and C–570–915: Light-walled Rectangular Pipe and Tube From the People's Republic of China

Requestor: Acme Manufacturing Company; Black and perforated square tubes are covered by the scope of the antidumping duty and countervailing duty orders on light-walled rectangular pipe and tube from the People's Republic of China because they possess all of the physical characteristics of subject merchandise that are described in the scope; April 26, 2017.

A–570–970 and C–570–971: Multilayered Wood Flooring From the People's Republic of China

Requestor: DunHua SenTai Wood Co., Ltd.; Two-layer wood flooring products are not covered by the scope of the antidumping and countervailing duty orders on multilayered wood flooring from the People's Republic of China because they lack the requisite two or more layers or plies of wood veneer in combination with a core; April 7, 2018.

A–570–875: Non-Malleable Cast Iron Pipe Fittings From the People's Republic of China

Requestor: U.V. International LLC (U.V. International); U.V. International's ductile iron flanges identified by product codes DPF003 and DPF004 are within the scope of the order; May 12, 2017.

A–570–943 and C–570–944: Oil Country Tubular Goods From the People's Republic of China

Requestor: Cameron International Corporation; Unfinished packoff support bushings, unfinished mandrel casing hangers, and unfinished casing head housings (intended for use in an above-ground multibowl wellhead systems) are not covered by the scope of the antidumping and countervailing duty orders; June 30, 2017.

A–570–924: Polyethylene Terephthalate film, sheet and strip From the People's Republic of China

Requestor: UPM Raflatac; The imported glycol-modified polyethylene terephthalate (PETG) shrink film is outside the scope of the antidumping duty order on polyethylene terephthalate film, sheet and strip from the People's Republic of China because it constitutes shrink film that is not bi-axially oriented; May 12, 2017.

A–570–956 and C–570–957: Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From the People's Republic of China

Requestor: Commercial Honing LLC dba Commercial Fluid Power; Ten different seamless pipe products are not covered by the scope of the antidumping and countervailing duty orders on certain seamless steel tubing from the People's Republic of China because the mechanical tubing does not meet the dimensional requirements, *i.e.,* outside diameter and wall thickness, described in the exception to the exclusion, of ASTM A–53, ASTM A–106, or API 5L specifications; May 16, 2017.

Interested parties are invited to comment on the completeness of this list of completed scope inquiries. Any comments should be submitted to the Deputy Assistant Secretary for AD/CVD Operations, Enforcement and Compliance, International Trade Administration, 1401 Constitution Avenue NW, APO/Dockets Unit, Room 18022, Washington, DC 20230.

This notice is published in accordance with 19 CFR 351.225(o).

Dated: June 29, 2018.

Scot Fullerton,

Director, Office VI, Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–14620 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Initiation of Semiannual Antidumping Duty New Shipper Review; 2017–2018

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

SUMMARY: On May 23, 2018, the Department of Commerce (Commerce) received a timely request for a semiannual new shipper review (NSR) from Jinxiang Infang Fruit & Vegetable Co., Ltd (Infang), in accordance with section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended. Commerce has determined that the request for a NSR of the antidumping duty order on Fresh Garlic from the People's Republic of China (China) meets the statutory and regulatory requirements for initiation. The period of review (POR) is November 1, 2017, through May 31, 2018.

DATES: Applicable July 9, 2018.

FOR FURTHER INFORMATION CONTACT: Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and

Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the antidumping duty order on fresh garlic from China in the **Federal Register** on November 16, 1994.[1] On May 23, 2018, Commerce received a timely request for a NSR from Infang.[2] Infang certified that it is the exporter of the fresh garlic upon which the request for a NSR is based. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Infang certified that it did not export fresh garlic for sale to the United States during the period of investigation (POI).[3] Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Infang certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.[4] Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of China.[5] Infang also certified it had no subsequent shipments of subject merchandise.[6]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Infang submitted documentation establishing the following: (1) The date of its first sale to an unaffiliated customer in the United States; (2) the date on which the fresh garlic was first entered; and (3) the volume of that shipment.[7]

Pursuant to 19 CFR 351.214(b)(2)(ii)(B), since Infang is the exporter, but not the producer of the subject merchandise, Infang's producer, Jinxiang Excelink Foodstuffs Co., Ltd. (Excelink) certified: (1) That it did not export subject merchandise to the United States during the period of investigation; (2) that it has never been affiliated with any producer or exporter that did export of subject merchandise to the United States during the POI; and (3) that Excelink produced the subject merchandise exported by Infang in the relevant POR.[8]

Commerce queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by Infang had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which Commerce examined was consistent with that provided by Infang in its request.[9] In particular, the CBP data confirmed the price and quantity reported by Infang for the sale that forms the basis for this NSR request.

Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Secretary will initiate an NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. Infang made the request for an NSR, which included all documents and information required by the statute and regulations, within one year of the date on which its fresh garlic first entered. Its request was filed in May, which is the semiannual anniversary month of the order. Infang also requested that Commerce use the discretion afforded it under 19 CFR 351.214(f)(2)(ii) to alter the POR to capture the entry. As stated by Infang, ''{t}he invoice and export date of the shipment was during the six-month POR, but the shipment entered the United States . . . after this period.'' [10] Based on the information provided by Infang, Commerce finds that extending the POR to capture the entry would not prevent the completion of the review within the time limits set by Commerce's regulations. Therefore, in accordance with 19 CFR 351.214(f)(2)(ii), Commerce is extending the POR by one month. Accordingly, the POR is November 1, 2017, through May 31, 2018.[11]

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, Commerce finds that Infang's request meets the threshold requirements for initiation of a NSR and, therefore, is initiating an NSR of Infang. Commerce intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.[12]

It is Commerce's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.,* a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.[13] Accordingly, Commerce will issue questionnaires to Infang, which will include a section requesting information with regard to its export activities for the purpose of establishing its eligibility for a separate rate. The review will proceed if the responses provide sufficient indication that Infang is not subject to either *de jure* or *de facto* government control with respect to its exports of fresh garlic.

We will conduct this new shipper review in accordance with section 751(a)(2)(B) of the Act, as amended by the Trade Facilitation and Trade Enforcement Act of 2015.[14]

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

[1] *See Antidumping Duty Order: Fresh Garlic from the People's Republic of China,* 59 FR 59209 (November 16, 1994).

[2] *See* Infang's Letter, ''Fresh Garlic from the People's Republic of China: Request for New-Shipper Review,'' dated May 23, 2018 (Infang's NSR Request).

[3] *Id.* at Exhibit 1.

[4] *Id.*

[5] *Id.*

[6] *Id.* at 4.

[7] *Id.* at Exhibit 3.

[8] *Id.* at Exhibit 2.

[9] *See* Memorandum, ''New Shipper Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: U.S. Customs and Border Protection Entry Data,'' dated June 18, 2018.

[10] *See* Infang's NSR Request at 4 (BPI omitted).

[11] *See* 19 CFR 351.214(g)(1)(i)(B).

[12] *See* section 751(a)(2)(B)(iv) of the Act.

[13] *See* Import Administration Policy Bulletin, Number: 05.1. (*http://ia.ita.doc.gov/policy/bull05-1.pdf*).

[14] The Trade Facilitation and Trade Enforcement Act of 2015 removed from section 751(a)(2)(B) of the Act the provision directing Commerce to instruct Customs and Border Protection to allow an importer the option of posting a bond or security in lieu of a cash deposit during the pendency of a new shipper review.

Dated: July 2, 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. 2018–14608 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Broad Agency Announcement 2018

AGENCY: Minority Business Development Agency (MBDA), Commerce.

ACTION: Soliciting applications for technical assistance.

SUMMARY: The Minority Business Development Agency's (MBDA) of the Department of Commerce is soliciting volunteers to serve as panelists to review and provide feedback to the 2018 Broad Agency Announcement. Specifically, the panelists will review applications submitted for 14 various projects and initiatives.

DATES: MBDA will be accepting resumes and bios on a rolling basis to the *2018BAA@mbda.gov* account through July 16, 2018. MBDA will review and approve reviewers on a first-come, first-served basis.

ADDRESSES: All submissions should be directed to *2018BAA@mbda.gov*.

FOR FURTHER INFORMATION CONTACT: Nakita Chambers, Program Manager, MBDA Office of Business Development, telephone: (202) 482–0065. Information about the 2018 Broad Agency Announcement can be obtained electronically via the internet at *www.mbda.gov/2018BAA*.

SUPPLEMENTARY INFORMATION: MBDA, a bureau of the U.S. Department of Commerce, leads Federal Government efforts to promote the growth and global competitiveness of minority business enterprises (MBEs). MBDA has established key priorities designed to overcome the unique challenges faced by minority business enterprises (MBEs). MBDA is now initiating new approaches to serve MBEs that compliment Presidential priorities and U.S. Department of Commerce goals.

The 2018 Broad Agency Announcement is a mechanism to encourage new activities, education, outreach, innovative projects or sponsorships that are not addressed through other MBDA programs. This program is not a method for awarding congressionally directed funds or existing funded awards. MBDA is authorized pursuant to Executive Order 11625 to defray all or part of the costs of pilot or demonstration projects conducted by public or private agencies or organizations which are designed to overcome the special challenges of minority business enterprises. MBDA will provide Federal assistance to support innovative projects seeking to promote and ensure the inclusion and use of minority enterprises in one or more of the following: (1) Access to capital; (2) American Indian, Alaska Native, and Native Hawaiian project; (3) aquaculture; (4) disaster recovery; (5) disaster readiness; (6) Global Minority Women Economic Empowerment Initiative; (7) Historically Black Colleges and Universities (HBCU) Initiative; (8) an entrepreneurship education program for formerly incarcerated persons; (9) inclusive infrastructure initiative; (10) research; (11) space commerce; (12) a sustainable business model; (13) technology transfer and commercialization; and (14) a virtual business center.

MBDA announced the Federal Funding Opportunity for the 2018 Broad Agency Announcement (BAA) on June 11, 2018, and intends to award funds no later than September 1, 2018. MBDA will receive applications until July 11, 2018 for awards under the 2018 BAA. MBDA will conduct merit review panels from July 16, 2018 through July 31, 2018.

As a reviewer, you will play a critical role in the evaluation of the 2018 BAA applications. Your recommendations will be used by MBDA in determining whether to approve the applications for the initiatives listed above. In order to be a reviewer, you must be an individual with expertise and/or experience in state, local, or federal grants management, private sector business development, minority business development, or any of the 14 categories listed above as initiatives.

All potential reviewers must submit a resume or bio with the information below. Potential reviewers should submit this information to the *2018BAA@mbda.gov* email account.

Name.
Residence (city and State).
Email and telephone number.
Last or Current Position (including retired).

Dated: July 3, 2018.

Josephine Arnold,

Chief Counsel, Minority Business Development Agency.

[FR Doc. 2018–14660 Filed 7–6–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG332

Endangered Species; File No. 21858

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS Greater Atlantic Region Fisheries Office (GARFO), 55 Great Republic Drive, Gloucester MA 01930 [Responsible Party: Julie Crocker], has applied in due form for a permit to take Atlantic (*Acipenser oxyrinchus*) and shortnose (*A. brevirostrum*) sturgeon parts for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before August 8, 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. 21858 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. 21858 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 Jennifer Skidmore, (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).

NMFS GARFO is requesting authority to collect, receive, export, transport, and archive 100 dead Atlantic and 50 dead shortnose sturgeon, or parts thereof, annually. The applicant requests authorization to receive and export 3,000 Atlantic and 1,500 shortnose sturgeon parts annually for the NMFS Sturgeon Tissue Repository. In addition, the applicant also requests the one-time transfer of 22,000 Atlantic and 8,100 shortnose sturgeon parts currently archived at the NMFS Sturgeon Tissue Repository under Permit No. 17557. Sturgeon samples would be obtained from individuals authorized to collect them in the course of scientific research, salvage activities, or taken during other authorized activities. Sturgeon parts and samples would be used to support law enforcement actions, research studies (primarily genetics), and incidental education. The permit would be valid for up to ten years from the date of issuance.

Dated: July 3, 2018.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–14677 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG313

Marine Mammals; File No. 21585

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Oregon State University, Marine Mammal Institute, 2030 Southeast Marine Science Drive, Newport, OR 97365 (Responsible Party: Bruce Mate, Ph.D.), has applied in due form for a permit to conduct research on 67 species of marine mammals.

DATES: Written, telefaxed, or email comments must be received on or before August 8, 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. 21585 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 File No. 21585 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: Shasta McClenahan or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

The applicant requests a five-year research permit to: (1) Characterize the spatial and temporal distribution of cetaceans throughout their range, (2) identify migration routes, home ranges, habitats, and core areas of use, (3) characterize foraging behavior, (4) characterize ecological relationships to help explain movement patterns, and (5) opportunistically study pinnipeds encountered during cetacean studies to contribute knowledge of the species and document health concerns including human interactions. Research may occur in U.S. and international waters worldwide. Up to 67 species of marine mammals may be targeted including the following endangered or threatened species and stocks of cetaceans: Blue (*Balaenoptera musculus*), bowhead (*Balaena mysticetes*), Cook Inlet beluga (*Delphinapterus leucas*), fin (*B. physalus*), gray (*Eschrichtius robustus*), humpback (*Megaptera novaeangliae*), Main Hawaiian Islands insular false killer (*Pseudorca crassidens*), North Pacific right (*Eubalaena japonica*), sei (*B. borealis*), Southern Resident killer (*Orcinus orca*), Southern right (*E. australis*), and sperm (*Physeter macrocephalus*) whales. Targeted cetaceans may be taken during vessel and manned aerial surveys for observation, photography, passive acoustic recording, echosounders for prey mapping, biological sampling (sloughed skin or skin and blubber biopsy), and fully-implantable tagging. See the application for complete numbers of animals requested by species and procedure.

The following endangered or threatened species of pinnipeds may be harassed and opportunistically observed and photographed during surveys: Western Steller sea lions (*Eumetopias jubatus*), and bearded (*Erignathus barbatus*), Guadalupe fur (*Arctocephalus townsendi*), Hawaiian monk (*Neomonachus schauinslandi*), ringed (*Phoca hispida*) and spotted (*P. largha*) seals.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: July 3, 2018.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–14676 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG335

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting (webinar).

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) is sponsoring a meeting via webinar to review a new method proposed to improve catch estimation methods in

sparsely sampled mixed stock fisheries. The Methodology Review webinar is a follow-up to a March 28–29, 2018 Methodology Review. The webinar meeting is open to the public.

DATES: The Catch Estimation Methodology Review webinar will be held Tuesday, July 31, 2018, from 8:30 a.m. to 5 p.m. Pacific Daylight Time or until business for the day has been completed.

ADDRESSES: The Catch Estimation Methodology Review meeting will be held by webinar. To attend the webinar, (1) join the meeting by visiting this link *https://www.gotomeeting.com/webinar,* (2) enter the webinar ID: 531–002–459, and (3) enter your name and email address (required). After logging into the webinar, please (1) dial this TOLL number: 1–914–614–3221 (not a toll-free number); (2) enter the attendee phone audio access code: 953–706–939; and (3) then enter your audio phone pin (shown after joining the webinar). *Note:* We have disabled mic/speakers as an option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (see the *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at (503) 820–2280, extension 411 for technical assistance. A public listening station will also be available at the Pacific Council office.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the Catch Estimation Methodology Review meeting is to review and evaluate a new methodology under development by the National Marine Fisheries Service Southwest Fisheries Science Center (SWFSC) for partitioning landings reported as aggregated categories of fish into species-level estimates of landed catch. The review will focus on short-term requests to the SWFSC team from the March Methodology Review panel.

No management actions will be decided by the Methodology Review panel. The Methodology Review panel's role will be development of recommendations and a report for consideration by the Pacific Council's Scientific and Statistical Committee and the Pacific Council at their September meeting in Seattle, WA.

Although nonemergency issues not contained in the meeting agendas may be discussed, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent of the Methodology Review panel to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (503) 820–2411 at least 10 days prior to the meeting date.

Dated: July 3, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–14628 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG312

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Stock Identification Joint Cooperator Technical Review Webinar for Atlantic Cobia (Rachycentron canadum)

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

ACTION: Notice of SEDAR 58 Atlantic Cobia Stock Identification Joint Cooperator Technical Review Webinar.

SUMMARY: The SEDAR 58 assessment(s) of the Atlantic stock(s) of cobia will consist of a series of workshops and webinars: Stock ID Workshop; Stock ID Review Workshop; Stock ID Joint Cooperator Technical Review; Data Workshop; Assessment Workshop and/or Webinars; and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 58 Stock ID Joint Cooperator Technical Review Webinar will be held on July 30, 2018, from 12 p.m. until 2 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is typically a three-step process including: (1) Data Workshop; (2) Assessment Process utilizing workshop and/or webinars; and (3) Review Workshop. The product of the Data Workshop is a data report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Process is a stock assessment report which describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency

representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion at the Stock ID Joint Cooperator Technical Review Webinar are as follows:

1. Participants will review recommendations from the Cobia Stock ID Workshop and Cobia Stock ID Review Workshop;

2. Recommend the Cobia assessment unit stock for SEDAR 58; and

3. Draft an appropriate unit stock Term(s) of Reference.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C.1891 *et seq.*

Dated: July 3, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–14626 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG330

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Ecosystem Committee will meet in Anchorage, AK, in July.

DATES: The meeting will be held on Tuesday July 24, 2018, from 9 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Hilton Hotel in the Chart Room, 500 W 3rd Ave., Anchorage, AK 99501.

Council address: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Steve MacLean, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, July 24, 2018

The meeting agenda includes: Review of the Draft Bering Sea Fishery Ecosystem Plan.

The Agenda is subject to change, and the latest version will be posted at: *https://www.npfmc.org/committees/ecosystem-committee.*

Public Comment

Public comment letters will be accepted and should be submitted either electronically to Steve MacLean, Council staff: *steve.maclean@noaa.gov* or through the mail: North Pacific Fishery Management Council, 605 W 4th Ave., Suite 306, Anchorage, AK 99501–2252. In-person oral public testimony will be accepted at the discretion of the co-chairmen.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: July 3, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–14627 Filed 7–6–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning System and Method for Rapid Dissemination of Image Products

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with applicable laws and regulations, announcement is made of the availability for licensing of the invention set forth in U.S. Patent No. 9,106,715 titled ''System and Method for Rapid Dissemination of Image Products,'' issued on August 11, 2015. The United States Government, as represented by the Secretary of the Army, has rights in this invention.

FOR FURTHER INFORMATION CONTACT: Ms. Joan Gilsdorf, Patent Attorney, SDMC–JA, Bldg. 5220, Von Braun Complex, Redstone Arsenal, AL 35898, email: *christine.j.gilsdorf.civ@mail.mil* (256) 955–3213.

SUPPLEMENTARY INFORMATION: The invention pertains to rapid dissemination of image products. A data consumer display device sends a geospatial request for a map image of a specific area of interest to a rapid image distribution system (RIDS), which forwards the request to a sensor ground station. The sensor ground station processes data received from a sensor platform and sends the processed data to a georectification processor. The georectification processor creates georectified data and sends the georectified data to the RIDS, which further processes the data, exposing it to data consumers using network optimized data services (*e.g.,* KML/KMZ, TMS, GeoRSS, image chipper) based on geographic coordinates provided in the query that is a smaller subset of the sensor data. The RIDS sends the image product to the data consumer display device for display.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–14613 Filed 7–6–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; EnZinc, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to EnZinc, Inc., a revocable, nonassignable, exclusive license to practice in the field of use of a zinc electrode for use in a nickel-zinc battery for two- or three-wheeled electric vehicles; the field of use of a zinc electrode for use in a nickel-zinc battery for micro-grid energy storage; the field of use of a zinc electrode for use in a nickel-zinc battery in a start-stop vehicles; the field of use of a zinc electrode for use in a nickel-zinc battery for hybrid-electric vehicles; and the

field of use of use of a zinc electrode for use in a nickel-zinc battery for electric vehicles having at least four wheels, in the United States, the Government-owned invention described in U.S. Patent Application No. 15/666,724: Zinc Electrodes for Batteries, Navy Case No. 102,137.//U.S. Patent Application No. 15/797,181: Zinc Electrodes for Batteries, Navy Case No. 102,137.//a and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than July 24, 2018.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Amanda Horansky McKinney, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue SW, Washington, DC 20375–5320, telephone 202–767–1644.

Due to U.S. Postal delays, please fax 202–404–7920, email: *techtran@research.nrl.navy.mil* or use courier delivery to expedite response.

(Authority: 35 U.S.C. 207, 37 CFR part 404)

Dated: June 29, 2018.

E.K. Baldini,

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

[FR Doc. 2018–14684 Filed 7–6–18; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2018–ICCD–0073]

Agency Information Collection Activities; Comment Request; Federal Perkins/NDSL Loan Assignment Form

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 7, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0073. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 206–04, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Perkins/NDSL Loan Assignment Form.

OMB Control Number: 1845–0048.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 37,943.

Total Estimated Number of Annual Burden Hours: 18,972.

Abstract: Institutions participating in the Federal Perkins Loan program use the assignment form to assign loans to the Department for collection without recompense, transferring the authority to collect on the loan. This request is for continued approval off the paper based assignment form and the electronic process. The electronic process will allow for batch processing as well as individual processing. The same information is being requested in both processing methods.

Dated: July 3, 2018.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–14603 Filed 7–6–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–185–000]

American Municipal Power, Inc; Notice of Filing

Take notice that on June 28, 2018, American Municipal Power, Inc. submitted a filing of proposed revenue requirement for reactive supply and voltage control from generation or other sources service under Schedule 2 of the PJM Interconnection, L.L.C. Tariff (Willow Island, Hydroelectric Facility).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 19, 2018.

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14561 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–14–000]

Commission Information Collection Activities (FERC–552); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC-552, Annual Report of Natural Gas Transactions.

DATES: Comments on the collection of information are due September 7, 2018.

ADDRESSES: You may submit comments (identified by Docket No. IC18–14–000) by either of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–552, Annual Report of Natural Gas Transactions.

OMB Control No.: 1902–0242.

Type of Request: Three-year extension of the FERC–552 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission uses the information collected in the FERC–552 [1] to provide greater transparency into the size of the physical natural gas market and the types of transactions market participants use to make physical natural gas purchases and sales. The collection includes transactions that contribute to, or may contribute to natural gas price indices. Many market participants rely on indices as a way to reference market prices without taking on the risks of active trading.

FERC–552 had its genesis in the Energy Policy Act of 2005,[2] which added section 23 of the Natural Gas Act (NGA). Section 23 of the NGA, among other things, directs the Commission ''to facilitate price transparency in markets for the sale or transportation of physical natural gas in interstate commerce, having due regard for the public interest, the integrity of those markets, and the protection of consumers.'' [3]

Type of Respondents: Wholesale natural gas market participants.

Estimate of Annual Burden: [4] The Commission estimates the total annual burden and cost [5] for this information collection as follows.

FERC–552—ANNUAL REPORT OF NATURAL GAS TRANSACTIONS

Category	Number of respondents	Annual number of responses per respondent	Total number of responses	Average burden hours and cost per response ($)	Total annual burden hours and cost ($)	Annual cost per respondent ($)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1)
Wholesale natural gas market participants.	675	1	675	20 hrs.;[6] $1,683.60	13,500 hrs.; $1,136,430	$1,683

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14563 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

[1] FERC–552 is prescribed in 18 CFR (Code of Federal Regulations) 260.401.

[2] Public Law 109–58.

[3] 15 U.S.C. 717t–2.

[4] ''Burden'' is the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to Title 5 CFR 1320.3.

[5] Costs (for wages and benefits) are based on wage figures from the Bureau of Labor Statistics (BLS) for May 2017 (at *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits information (for December 2017, issued March 20, 2018, at *https://www.bls.gov/news.release/ecec.nr0.htm*). The staff estimates that 75% of the work is done by a financial analyst (code 13–2051) at an hourly cost of $64.35 (for wages plus benefits), and 25% of the work is done by legal staff members (code 23–0000) at an hourly cost of $143.68 (for wages plus benefits). Therefore the average cost (for wages plus benefits) is rounded to $84.18/hour [or ($64.35/hour * 0.75) + ($143.68/hour * 0.25)].

[6] The staff thinks that the average estimated burden per filing should be 20 hours (rather than the current estimate of 10 hours). There are no changes to the reporting requirements.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Number: PR18–62–000.
Applicants: Rocky Mountain Natural Gas LLC.
Description: Tariff filing per 284.123(b),(e)/: Rocky Mountain Natural Gas LLC SOC Filing to be effective 6/1/2018.
Filed Date: 6/26/18.
Accession Number: 20180626–5073.
Comments/Protests Due: 5 p.m. ET 7/17/18.

Docket Numbers: RP18–909–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Jul 2018 to be effective 7/1/2018.
Filed Date: 6/27/18.
Accession Number: 20180627–5033.
Comments Due: 5 p.m. ET 7/9/18.

Docket Numbers: RP18–910–000.
Applicants: Algonquin Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Negotiated Rate—Boston Gas to BBPC 796772 to be effective 7/1/2018.
Filed Date: 6/27/18.
Accession Number: 20180627–5073.
Comments Due: 5 p.m. ET 7/9/18.

Docket Numbers: RP18–911–000.
Applicants: Texas Eastern Transmission, LP.
Description: § 4(d) Rate Filing: Negotiated Rate—Noble Energy #8951606 eff 7–1–18 to be effective 7/1/2018.
Filed Date: 6/27/18.
Accession Number: 20180627–5114.
Comments Due: 5 p.m. ET 7/9/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14555 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD18–10–000]

City of Englewood, Colorado; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On June 15, 2018, the City Of Englewood, Colorado (Englewood) filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Big Dry Creek Hydropower Station Project would have an installed capacity of 5 kilowatts (kW), and would be located along a diversion pipeline that would route poor-quality water around Englewood's primary municipal water intake facility. The project would be located near the City of Englewood in Arapahoe County, Colorado.

Applicant Contact: Aliina Fowler, ERO Resources Corp., 1842 Clarkson Street, Denver, CO 80218; Phone No. (303)-830–1188; email: *afowler@eroresources.com.*

FERC Contact: Robert Bell, Phone No. (202) 502–6062; Email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A nine-foot, six-inch cylindrical vault containing a single turbine with a total generating capacity of 5 kW; (2) a 20-inch-wide, 900-foot-long pipeline that diverts water from the Big Dry Creek around Englewood's municipal water intake; (3) a 24-inch-wide, 65-foot-long discharge pipeline returning water to the South Platte River; and (4) appurtenant facilities. The proposed project would have an estimated annual generation of 43.8 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination:

The proposed hydroelectric project will not interfere with the primary purpose of the conduit, which is to aid the City of Englewood's municipal water supply system. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a

qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE, Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD18–10) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14553 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2017).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–6–000]

RH energytrans, LLC; Notice of Availability of the Environmental Assessment for the Proposed Risberg Line Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Risberg Line Project proposed by RH energytrans, LLC (RH) in the above-referenced docket. RH requests authorization to construct, modify, own, operate, and maintain natural gas facilities in Pennsylvania and Ohio to provide 55,000 dekatherms per day of firm natural gas transportation service.

The EA assesses the potential environmental effects of the construction and operation of the Risberg Line Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the natural and human environment.

The U.S. Army Corps of Engineers and the Pennsylvania Fish and Boat Commission participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The U.S. Army Corps of Engineers will adopt the EA to fulfill their agency's NEPA obligations and will use the EA and supporting documentation to consider the issuance of Clean Water Act Section 404 and Rivers and Harbors Act Section 10 permits.

The Risberg Line Project would consist of the following actions in Pennsylvania:

- Minor modification at the existing County Line Compressor Station in Erie County;
- installation of compression (approximately 728 horsepower, natural gas-fired), receipt metering, and appurtenant facilities at the existing (currently vacant) Meadville Compressor Station site in Crawford County;
- re-certification and use of an existing 12-inch-diameter pipeline extending 26.6 miles from the Meadville Compressor Station north to an existing valve set in Washington Township, Erie County, including construction of a new launcher/receiver;
- next to the Meadville Compressor Station, construction of a 650-foot lateral within the existing 12-inch-diameter pipeline right-of-way to move gas from the Tennessee Gas Pipeline Company, LLC system to the existing pipeline; and
- re-certification and use of a portion of an existing 8-inch-diameter pipeline extending from the 12-inch valve set west about 5.0 miles to a point in Elk Creek Township, Erie County (Line 10257), including construction of two new launchers/receivers.

In Pennsylvania and Ohio, the project would include:

- Construction of 28.3 miles of new 12-inch-diameter pipeline from the west end of the recertified 8-inch-diameter pipeline to connect with Dominion Energy Ohio facilities located in North Kingsville, Ashtabula County, Ohio (Risberg Pipeline). The pipeline would be constructed in new rights-of-way and include launcher/receiver facilities and mainline valves; and
- construction of a new meter station at the terminus of the new pipeline in North Kingsville, Ashtabula County, Ohio.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's website (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission,

Public Reference Room, 888 First Street NE, Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00pm Eastern Time on July 30, 2018.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP18–6–000) with your submission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. A comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search,'' and enter the docket number in the ''Docket Number'' field, excluding the last three digits (*i.e.,* CP18–6). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14556 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2809–034]

KEI (Maine) Power Management (III) LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the American Tissue Hydroelectric Project, located on Cobbosseecontee Stream, in the Town of Gardiner, Kennebec County, Maine, and has prepared an Environmental Assessment (EA) for the project.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2809–034.

For further information, contact John Baummer at (202) 502–6837 or by email at *john.baummer@ferc.gov.*

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14565 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–507–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on June 19, 2018, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street,

Houston, Texas 77002–2700, filed in Docket No. CP18–507–000 a prior notice request pursuant to sections 157.205, 157.208, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000, to perform installations and activities to enable the in-line inspection, or pigging, of its 12-inch-diameter Line 5 (Line 5 Launcher & Receiver Project: Freedom Way to Meade's Rest). The proposed project installations and activities will include modifications to the existing pipeline at 22 locations (Mod Points) along 22.7 miles of the existing Line 5 right-of-way, and the installation of two bi-directional launching and receiving stations and related appurtenances. The project is located along the Ohio River in Brooke County, West Virginia, and Jefferson and Columbiana counties, Ohio.

Columbia's project proposes to perform installations and modifications to Columbia's existing Line 5 to allow for the internal passage of ILI devices, or pigging, in order to assess the integrity of the pipeline. Columbia states that the project is required to ensure compliance with the Pipeline and Hazardous Materials Safety Administration requirements for inspections of pipeline systems to ensure their safety and reliability.

The project will consist of various modification activities at 22 Mod Points to enable the in-line inspection, or pigging, of Line 5. Specifically, Columbia proposes to (1) install one new 24-inch x 20-inch bi-directional launcher/receiver station, valves, fitting, and pipe at Mod Point 1 in Brooke County, West Virginia; (2) install one new 24-inch x 20-inch bi-directional launcher/receiver at Mod Point 18 in Columbiana County, Ohio; (3) install, replace, or remove appurtenances, including valves, elbows, and pipe, at the remaining 20 Mod Points within Brooke County, West Virginia, and Jefferson and Columbiana Counties, Ohio; and (4) abandon in-place existing pipeline segments at Mod Point 1 in Brooke County, West Virginia, and at Mod Points 3, and 11 in Jefferson County, Ohio, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, by telephone at (832) 320–5685, by facsimile at (832) 320–6685, or by email at *linda_farquhar@transcanada.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters, will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and seven copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14559 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2905–033]

Village of Enosburg Falls, Municipal Water and Light Department; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent to File License Application and Request to Use the Traditional Licensing Process.

b. *Project No.:* 2905–033.

c. *Date Filed:* April 30, 2018.

d. *Submitted by:* Village of Enosburg Falls, Vermont (Enosburg Falls).

e. *Name of Project:* Enosburg Falls Hydroelectric Project.

f. *Location:* On the Missisquoi River in the Village of Enosburg Falls, Franklin County, Vermont. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 and 5.5 of the Commission's regulations.

h. *Potential Applicant Contact:* Paul V. Nolan, Representative of Village of Enosburg Falls, 5515 North 17th Street, Arlington, VA 22205–2722; (703) 534–5509; email at *pvnpvndiver@gmail.com.*

i. *FERC Contact:* John Ramer at (202) 502–8969; or email at *john.ramer@ferc.gov.*

j. Enosburg Falls filed its request to use the Traditional Licensing Process on

April 30, 2018 on behalf of the Village of Enosburg Falls Municipal Water and Light Department, and provided public notice of the request on April 27, 2018. In a letter dated June 28, 2018, the Director of the Division of Hydropower Licensing approved Enosburg Falls' request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the Vermont State Historic Preservation Officer, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Enosburg Falls as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. Enosburg Falls filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission on behalf of the Village of Enosburg Falls Municipal Water and Light Department, pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at 42 Village Drive, Enosburg Falls, VT 05450.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2905. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 2021.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14568 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–506–000]

Portland Natural Gas Transmission System; Notice of Applications

Take notice that on June 19, 2018, Portland Natural Gas Transmission System (Portland Natural Gas), 700 Louisiana Street, Suite 700, Houston, TX 77002–2700, filed an application under section 7(c) and 7(b) of the Natural Gas Act (NGA), 15 U.S.C. Sections 717f(c) and 717f(b), and Parts 157 and 284 of the Commission's rules [1] and regulations for Phase III of the Portland Xpress Project. Portland Natural Gas requests authorization to install one new 6,300 horsepower compressor unit at the existing Eliot Compressor Station located in York County, Maine and modifications to the infrastructure at the existing Westbrook Compressor Station and Dracut Metering and Regulating Station located in Cumberland County, Maine and Middlesex County, Massachusetts respectively. Upon completion, the project will increase the certificated capacity on Portland Natural Gas' wholly-owned north system from Pittsburg, New Hampshire, to Westbrook, Maine, by 24.375 MMcf/d, and increase Portland Natural Gas' certificated capacity on the system it jointly owns with Maritimes & Northeast Pipeline, L.L.C. from Westbrook, Maine, to Dracut, Massachusetts by 22.339 MMcf/d. Additionally, Portland Natural Gas is requesting to abandon the leased capacity previously requested in CP18–479–000 and to acquire a proportionate share of ownership interest in a compressor unit at the Westbrook Compressor Station. Portland Natural Gas estimates the total cost of the project to be $90.3 million, all as more fully described in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Robert Jackson, Manager, Certificates & Regulatory Administration, Portland Natural Gas Transmission System, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, or call (832) 320–5487, or email: *robert_jackson@transcanada.com.*

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the

[1] 18 CFR parts 157 and 284 (2017).

proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: July 19, 2018.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14558 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–47–009; ER12–1540–007; ER12–1541–007; ER12–1542–007; ER12–1544–007; ER14–594–011; ER11–46–012; ER11–41–009; ER12–2343–007; ER13–1896–013; ER16–323–005; ER17–1930–001; ER17–1931–001; ER17–1932–001.

Applicants: Appalachian Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Wheeling Power Company, AEP Texas Inc., Public Service Company of Oklahoma, Southwestern Electric Power Company, Ohio Power Company, AEP Energy Partners, Inc., AEP Retail Energy Partners LLC, AEP Energy, Inc., AEP Generation Resources Inc., Ohio Valley Electric Corporation.

Description: Updated Market Power Analysis in the Southwest Power Pool balancing area authority of the AEP MBR affiliates.

Filed Date: 6/26/18.

Accession Number: 20180626–5244.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER11–1858–007.

Applicants: NorthWestern Corporation.

Description: Triennial Market Power Analysis for the Southwest Power Pool Region of NorthWestern Corporation.

Filed Date: 6/26/18.

Accession Number: 20180626–5246.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1861–000.

Applicants: New England Power Company.

Description: Tariff Cancellation: Notice of Cancellation of Service Agreement with Wheelabrator Millbury, Inc. to be effective 8/27/2018.

Filed Date: 6/27/18.

Accession Number: 20180627–5047.

Comments Due: 5 p.m. ET 7/18/18.

Docket Numbers: ER18–1862–000.

Applicants: Duke Energy Progress, LLC.

Description: § 205(d) Rate Filing: DEP-Five Towns Reimbursement Agreements to be effective 9/1/2018.

Filed Date: 6/27/18.

Accession Number: 20180627–5067.

Comments Due: 5 p.m. ET 7/18/18.

Docket Numbers: ER18–1863–000.

Applicants: Coolidge Solar I, LLC.

Description: Baseline eTariff Filing: Coolidge Solar I, LLC Application for Market-Based Rate Authority to be effective 8/27/2018.

Filed Date: 6/27/18.

Accession Number: 20180627–5129.

Comments Due: 5 p.m. ET 7/18/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14567 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14642–002]

San Diego County Water Authority, City of San Diego; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

(June 28, 2018)

On May 1, 2018, the San Diego County Water Authority and the City of San Diego, California, jointly filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the San Vicente Energy Storage Facility, to be located at San Vicente reservoir, in Lakeside, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of an integration of existing facilities and the construction of new facilities:

The lower reservoir portion of the proposed project would consist of the following: (1) The existing San Vicente reservoir with a storage capacity of 246,000 acre-feet and a surface area of 1,600 acres at a normal maximum operating elevation of 766 feet above mean sea level (msl); (2) the existing 1,430-foot-long, 337-foot-high San Vicente roller compacted concrete (RCC) gravity dam; (3) a lower reservoir inlet/outlet structure equipped with trash racks and either one or two slide gates; (4) a new 230-kilovolt (kV) substation containing step-up transformers, circuit breakers, and disconnect switches; (5) a new switchyard constructed at the point of interconnection at the western edge of San Vicente Reservoir; (6) an approximately 5-mile-long, 230-kV overhead or underground transmission line that would extend from the northern end of San Vicente reservoir to the 230-kV Sycamore substation and interconnect with San Diego Gas and Electric's existing 500-kV Sunrise Powerlink; and (7) appurtenant facilities.

The upper reservoir portion of the proposed project would be constructed near Foster Canyon, approximately one-half mile northwest of the San Vicente reservoir and would consist of: (1) A reservoir with a storage capacity of 7,842 acre-feet and a surface area of 100 acres at a full pond elevation of 1,490 feet msl; (2) five RCC saddle dams impounding the reservoir and measuring, respectively: (i) 1,425 feet long and 230 feet high, (ii) 838 feet long and 80 feet high, (iii) 838 feet long and 80 feet high, (iv) 1,006 feet long and 240 feet high, and (v) 3,100 feet long and 30 feet high; (3) an upper reservoir inlet/outlet structure; (4) a 2,050-foot-long, 22-foot-diameter power tunnel transitioning into two 326-foot-long, steel-lined penstocks extending between the upper reservoir inlet/outlet and the pump/turbines below; (5) a 360-foot-long, 83-foot-wide, 119-foot-tall subsurface powerhouse containing four 125-megawatt vertical Francis variable speed reversible pump/turbine/generator units; (6) a 2,244-foot-long, 25-foot-diameter concrete-lined tailrace tunnel connecting the pump-turbine draft tubes to the lower reservoir inlet/outlet structure; (7) a 2,200-foot-long, 230-kV, underground transmission line extending from the upper reservoir to the northern end of San Vicente reservoir; and (7) appurtenant facilities.

The project would generate an estimated 1,300 gigawatt hours annually.

Applicant Contacts: (1) Mr. Gary Bousquet, Senior Engineering Manager, San Diego County Water Authority, 4677 Overland Avenue, San Diego, California 92123, phone: (858) 522–6823; and (2) Mr. Vic Barnes, Director of Public Utilities, City of San Diego, 9192 Topaz Way, San Diego, California, phone (858) 292–6401.

FERC Contact: John Mudre, phone: (202) 502–8902.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14642–002.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14642) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14569 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–184–000]

Meldahl, LLC; Notice of Filing

Take notice that on June 27, 2018, Meldahl, LLC submitted a filing of proposed revenue requirement for reactive supply and voltage control from generation or other sources service under Schedule 2 of the PJM Interconnection, L.L.C. Tariff (Meldahl, Hydroelectric Facility).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on July 18, 2018.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14560 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–27–000]

Enterprise Crude Pipeline LLC; Notice of Petition for Declaratory Order

Take notice that on June 27, 2018, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and

Procedure, 18 CFR 385.207(a)(2) (2017), Enterprise Crude Pipeline LLC (ECPL), filed a petition for a declaratory order seeking approval of the specific rate structures, terms of service, and prorationing methodology for a newly constructed and expanded pipeline system that ECPL is developing to transport additional volumes of crude oil from multiple origin points in New Mexico to ECPL's crude oil terminal, pumping station, and tank farm facility in Midland, Texas, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on July 27, 2018.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14564 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–1863–000]

Coolidge Solar I, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Coolidge Solar I, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is July 18, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14562 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–505–000]

Texas Eastern Transmission, LP; Notice of Application

Take notice that on June 18, 2018, Texas Eastern Transmission, LP (Texas Eastern), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP18–505–000, an application pursuant to section 7(b) of the Natural Gas Act and Part 157 of the Commission's regulations, to abandon certain onshore and offshore facilities comprising the Cameron System, located onshore in the state of Louisiana and offshore in the federal waters in the Gulf of Mexico near Louisiana. Specifically, Texas Eastern proposes to abandon in place and by removal in total approximately 212.35 miles of various 30-inch diameter pipelines and abandon all related appurtenant facilities. Texas Eastern states that the facilities proposed for abandonment are not required to meet current firm service obligations, all as more fully set forth in the application, which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this Application should be directed to Lisa A. Connolly, Director, Rates & Certificates, Texas Eastern Transmission, LP, P.O. Box 1642, Houston, Texas 77251, or telephone (713) 627–4102, or fax (713) 627–5947 or by email *lisa.connolly@enbridge.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for

Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: July 20, 2018.

Dated: June 29, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14557 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2684–010]

Flambeau Hydro, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a subsequent license for the Arpin Dam Project, located on the Chippewa River in Sawyer County, Wisconsin, and has prepared an Environmental Assessment (EA) for the project.

The EA contains staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov/* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2684–010.

For further information, contact Amy Chang at (202) 502–8250.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14566 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1967–010.

Applicants: Meyersdale Windpower LLC.

Description: Notice of Change in Status of Meyersdale Windpower, LLC.

Filed Date: 6/28/18.

Accession Number: 20180628–5092.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER10–2434–007; ER10–2436–007; ER10–2467–007; ER17–1666–003.

Applicants: Fenton Power Partners I, LLC, Hoosier Wind Project, LLC, Red Pine Wind Project, LLC, Wapsipinicon Wind Project LLC.

Description: Triennial Market Power Update for the Central Region of the EDFR Sellers.

Filed Date: 6/27/18.

Accession Number: 20180627–5170.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER17–1442–001.

Applicants: Axiall, LLC.

Description: Updated Market Power Analysis for Central Region of Axiall, LLC.

Filed Date: 6/28/18.

Accession Number: 20180628–5091.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1609–001.

Applicants: Public Service Company of New Mexico.

Description: Compliance filing: Correction to Order No. 842 Compliance Filing to be effective 5/15/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5110.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1780–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1977R11 Nemaha-Marshall Electric Cooperative NITSA NOA—Amended Filing to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5020.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1865–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2198R25 Kansas Power Pool NITSA NOA to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5001.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1866–000.

Applicants: New England Power Company.

Description: Notice of cancellation of Firm Local Generation Delivery Service Agreement (No. 122) of New England Power Company.

Filed Date: 6/27/18.

Accession Number: 20180627–5160.

Comments Due: 5 p.m. ET 7/18/18.

Docket Numbers: ER18–1867–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1266R11 Kansas Municipal Energy Agency NITSA and NOA to be effective 6/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5005.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1868–000.

Applicants: Wisconsin Public Service Corporation.

Description: Market-Based Triennial Review Filing: Central Region Triennial for Wisconsin Public Service Corp. to be effective 6/29/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5024.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1869–000.

Applicants: Wisconsin River Power Company.

Description: Market-Based Triennial Review Filing: Central Region Triennial of Wisconsin River Power Co. to be effective 6/29/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5026.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1870–000.

Applicants: Wisconsin Electric Power Company.

Description: Market-Based Triennial Review Filing: Central Region Triennial of Wisconsin Electric Power Co. to be effective 5/1/2017.

Filed Date: 6/28/18.

Accession Number: 20180628–5028.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1871–000.

Applicants: WPS Power Development, LLC.

Description: Market-Based Triennial Review Filing: Central Region Triennial of WPS Power Development to be effective 6/29/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5031.

Comments Due: 5 p.m. ET 8/27/18.

Docket Numbers: ER18–1872–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1636R21 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5035.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1872–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: 1636R21 Kansas Electric Power Cooperative, Inc. NITSA and NOA to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5118.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1873–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: PSCo–TSGT–SPGCY–WAPA-Intercon-Phs II–III–440-Agrmt to be effective 8/28/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5036.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1874–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2881R5 City of Chanute, KS NITSA NOA to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5037.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1875–000.

Applicants: Tilton Energy LLC.

Description: § 205(d) Rate Filing: Request for Category 1 Seller Status in the Central Region to be effective 6/29/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5038.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1876–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: 2018–06–28_SA 3130/3131 Ameren Illinois-SWEC WCA/UCA/Proj Specs No. 1&2 to be effective 6/4/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5064.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1877–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 366—LCWCD to be effective 6/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5070.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1878–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2415R11 Kansas Municipal Energy Agency NITSA and NOA to be effective 9/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5101.

Comments Due: 5 p.m. ET 7/19/18.

Docket Numbers: ER18–1879–000.

Applicants: Arizona Public Service Company.

Description: § 205(d) Rate Filing: Service Agreement No. 216—Amendment No. 4 to be effective 6/1/2018.

Filed Date: 6/28/18.

Accession Number: 20180628–5135.

Comments Due: 5 p.m. ET 7/19/18.

Take notice that the Commission received the following foreign utility company status filings:

Docket Numbers: FC18–7–000.

Applicants: Glicinia Instalaciones Fotovoltaicas, S.L.U

Description: Notification of Self-Certification of Foreign Utility Company Status of the Glicinia Solar Companies and Arce Solar Companies.

Filed Date: 6/28/18.

Accession Number: 20180628–5100.

Comments Due: 5 p.m. ET 7/19/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: June 28, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–14554 Filed 7–6–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9980–24–OA]

Request for Nominations of Candidates to the EPA's Science Advisory Board (SAB) and SAB Standing Committees

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations of scientific experts from a diverse range of disciplines to be considered for appointment to the EPA Science Advisory Board (SAB) and four SAB committees described in this document. Appointments will be announced by the Administrator and are anticipated to be filled by the start of Fiscal Year 2019 (October 2018).

DATES: Nominations should be submitted in time to arrive no later than August 8, 2018.

Background: The SAB is a chartered Federal Advisory Committee, established in 1978 under the authority of the Environmental Research, Development and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical peer review, consultation, advice and recommendations to the EPA Administrator on the scientific bases for EPA's actions and programs. Members of the SAB constitute distinguished bodies of non-EPA scientists, engineers, economists, and behavioral and social scientists who are nationally and internationally recognized experts in their respective fields. Members are appointed by the EPA Administrator for a three-year term and serve as Special Government Employees who provide independent expert advice to the agency. Additional information about the SAB is available at *http://www.epa.gov/sab.*

Expertise Sought for the SAB: The chartered SAB provides strategic advice to the EPA Administrator on a variety of EPA science and research programs. All the work of SAB committees and panels is conducted under the auspices of the chartered SAB. The chartered SAB reviews all SAB committee and panel draft reports and determines whether they are appropriate to send to the EPA Administrator. The SAB Staff Office invites the nomination of experts to serve on the chartered SAB in the following scientific disciplines as they relate to human health and the environment: *Analytical chemistry; benefit-cost analysis; causal inference; complex systems; ecological sciences and ecological assessment; economics; engineering; geochemistry; health sciences; hydrology; hydrogeology; medicine; microbiology; modeling; pediatrics; public health; risk assessment; social, behavioral and decision sciences; statistics; toxicology; and uncertainty analysis.*

The SAB Staff Office is especially interested in scientists in the disciplines described above who have knowledge and experience in *air quality; agricultural sciences; atmospheric sciences; benefit-cost analysis; complex systems; drinking water; energy and the environment; epidemiological risk analyses; water quality; water quantity and reuse; ecosystem services; community environmental health; sustainability; chemical safety; green chemistry; homeland security; and waste management.* For further information about the chartered SAB membership appointment process and schedule, please contact Mr. Thomas Carpenter, DFO, by telephone at (202) 564–4885 or by email at *carpenter.thomas@epa.gov.*

The SAB Staff Office is also seeking nominations of experts for possible vacancies on four SAB committees: The Agricultural Science Committee, the Chemical Assessment Advisory Committee; the Drinking Water Committee; and the Radiation Advisory Committee.

(1) The SAB Agricultural Science Committee provides advice to the chartered SAB on matters that have been determined to have a significant direct impact on farming and agriculture-related industries. The SAB Staff Office invites the nomination of scientists with expertise in one or more of the following disciplines: *Agricultural science, including agricultural economics and valuation of ecosystem goods and services; agricultural chemistry; agricultural engineering; agronomy and soil science; animal science; aquaculture science; biofuel engineering; biotechnology; crop science and phytopathology; environmental chemistry; forestry; and hydrology.* For further information about the ASC membership appointment process and schedule, please contact Dr. Shaunta Hill-Hammond, DFO, by telephone at (202) 564–3343 or by email at *hill-hammond.shaunta@epa.gov.*

(2) The SAB Chemical Assessment Advisory Committee (CAAC) provides advice through the chartered SAB regarding selected toxicological reviews of environmental chemicals. The SAB Staff Office invites the nomination of scientists with experience in chemical assessments and expertise in one or more of the following disciplines: *Toxicology, including, developmental/reproductive toxicology, and inhalation toxicology; carcinogenesis; biostatistics; uncertainty analysis; epidemiology and risk assessment.* For further information about the CAAC membership appointment process and schedule, please contact Dr. Suhair Shallal, DFO, by telephone at (202) 564–2057 or by email at *shallal.suhair@epa.gov.*

(3) The SAB Drinking Water Committee (DWC) provides advice on the scientific and technical aspects of EPA's national drinking water program. The SAB Staff Office is seeking nominations of experts with experience on drinking water issues. Members should have expertise in one or more of the following disciplines: *Environmental engineering; epidemiology; microbiology; public health; toxicology; uncertainty analysis; and risk assessment.* For further information about the DWC membership appointment process and schedule, please contact Dr. Thomas Armitage, DFO, by telephone at (202) 564–2155 or by email at *armitage.thomas@epa.gov.*

(4) The Radiation Advisory Committee (RAC) provides advice on radiation protection, radiation science, and radiation risk assessment. The SAB Staff Office invites the nomination of experts to serve on the RAC with demonstrated expertise in the following disciplines: *Radiation carcinogenesis; radiochemistry; radiation dosimetry; radiation epidemiology; radiation exposure; radiation health and safety; radiological risk assessment; uncertainty analysis; and radionuclide fate and transport.* For further information about the RAC membership appointment process and schedule, please contact Dr. Diana Wong, DFO, by telephone at (202) 564–2049 or by email at *wong.diana-m@epa.gov.*

Selection Criteria for the SAB and the SAB Committees Includes

—Demonstrated scientific credentials and disciplinary expertise in relevant fields;
—Willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees;
—Background and experiences that would help members contribute to the diversity of perspectives on the committee, *e.g.,* geographical, economic, social, cultural, educational backgrounds, professional affiliations; and other considerations; and
—For the committee as a whole, the collective breadth and depth of scientific expertise is considered, as well as, a balance of scientific perspectives.

As these committees undertake specific advisory activities, the SAB Staff Office will consider two additional criteria for each new activity: absence of financial conflicts of interest and absence of an appearance of a loss of impartiality.

How to Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to these advisory committees. Individuals may self-nominate. Nominations should be submitted in electronic format (preferred) using the online nomination form under the ''Nomination of Experts'' category at the bottom of the SAB home page at *http://www.epa.gov/sab.* To be considered, all nominations should include the information requested below. EPA values and welcomes diversity. All qualified candidates are encouraged to apply regardless of gender, race, disability or ethnicity.

Nominators are asked to identify the specific committee for which nominees are to be considered. The following information should be provided on the nomination form: Contact information for the person making the nomination; contact information for the nominee; the disciplinary and specific areas of expertise of the nominee; the nominee's *curriculum vitae;* and a biographical sketch of the nominee indicating current position, educational background; research activities; sources of research funding for the last two years; and recent service on other national advisory committees or national professional organizations. To help the agency evaluate the effectiveness of its outreach efforts, please indicate how you learned of this nomination opportunity. Persons having questions about the nomination process or the public comment process described below, or who are unable to submit nominations through the SAB website, should contact the DFO for the committee, as identified above. The DFO will acknowledge receipt of nominations and in that acknowledgement, will invite the nominee to provide any additional information that the nominee feels would be useful in considering the nomination, such as availability to participate as a member of the committee; how the nominee's background, skills and experience would contribute to the diversity of the committee; and any questions the nominee has regarding membership. The names and biosketches of qualified nominees identified by respondents to this **Federal Register** document, and additional experts identified by the SAB Staff Office, will be posted in a List of Candidates on the SAB website at *http://www.epa.gov/sab.* Public comments on each List of Candidates will be accepted for 21 days from the date the list is posted. The public will be requested to provide relevant information or other documentation on nominees that the SAB Staff Office should consider in evaluating candidates.

Candidates invited to serve will be asked to submit the ''Confidential Financial Disclosure Form for Special Government Employees Serving on Federal Advisory Committees at the U.S. Environmental Protection Agency'' (EPA Form 3110–48). This confidential form allows EPA to determine whether there is a statutory conflict between that person's public responsibilities as a Special Government Employee and private interests and activities, or the appearance of a loss of impartiality, as defined by Federal regulation. The form may be viewed and downloaded through the ''Ethics Requirements for Advisors'' link on the SAB home page at *http://www.epa.gov/sab.* This form should not be submitted as part of a nomination.

Dated: June 12, 2018.

Khanna Johnston,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2018–14680 Filed 7–6–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2018–0396; FRL–9980–46–OAR]

Notice of Intent To Hold a Workshop for a Study on the Impacts of Compliance With the ECA Fuel Sulfur Limits on U.S. Coastal Shipping

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of workshop.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a stakeholder workshop to be held in Washington, DC, on July 30, 2018. This workshop will engage individuals and companies involved in U.S. coastal shipping as transportation providers or users, as well as states, local communities, and interested citizens, in the development of a study of the impacts on that sector of the North American Emission Control Area (ECA) fuel sulfur limits for ships. The Agency will provide background on the study, describe the proposed analytic methodology, and solicit stakeholder input regarding the selection of transportation routes to be studied and data inputs.

DATES: The workshop will be held on July 30, 2018 at the location noted below under **ADDRESSES**. The workshop will begin at 10:00 a.m. EST and end at 3:00 p.m. EST. Parties wishing to attend the workshop should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by July 23, 2018. Additional information regarding the workshop appears below under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The workshop will be held at the following location: Room 1153, William Jefferson Clinton East, 1200 Pennsylvania Avenue NW, Washington, DC 20460. Additional information related to the workshop will be posted on the EPA website at: *https://www.epa.gov/regulations-emissions-vehicles-and-engines/designation-north-american-emission-control-area-marine.* Interested parties should check the website for any updated information.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: 734–214–4131; email address: *macallister.julia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. How can I get copies of this document and other related information?

A. Docket

EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2018–0396. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the EPA Docket Center, (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center 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.

B. Electronic Access

You may access this **Federal Register** document electronically from the Government Printing Office under the ''**Federal Register**'' listings at FDSys (*http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR*).

II. Overview

The North American Emission Control Area (ECA) was designated in 2010 by amendment to Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL).[1] Beginning January 1, 2015, the sulfur content of fuel used by ships operating in the ECA may not exceed 1,000 ppm. By the year 2030, this program is expected to reduce annual emissions of NO_X, SO_X, and $PM_{2.5}$ by 1.2 million, 1.3 million, and 143,000 tons, respectively. The magnitude of these reductions would continue well beyond 2030, and are estimated to annually prevent between 12,000 and 30,000 PM-related premature deaths; between 210 and 920 ozone-related premature deaths; 1,400,000 work days lost; and 9,600,000 minor restricted-activity days. The estimated annual monetized health benefits of the North American Emission Control Area in 2030 would be between $110 and $270 billion, assuming a 3 percent discount rate (or between $99 and $240 billion assuming a 7 percent discount rate). The annual cost of the overall program in 2030 would be significantly less, at approximately $3.1 billion. This cost includes $2.5 billion in fuel costs, $0.6 billion in NO_X control operating costs (*e.g.,* urea consumption), and $0.05 billion in variable costs.[2]

In Senate Report 114–281 (June 16, 2016),[3] Members of the Senate Committee on Appropriations indicated that while they support efforts to reduce pollution from marine vessels, ''the Committee is concerned the mandate for fuel with a sulfur content of 0.1% in the North American Emission Control Area is having a disproportionately negative impact on vessels which have engines that generate less than 32,000 horsepower [and] this impact may cause some shippers to shift from marine based transport to less efficient, higher emitting modes.'' As a result, ''to avoid negative environmental consequences and modal shifting, the Committee directs the Agency to consider exempting vessels with engines that generate less than 32,000 horsepower and operate more than 50 miles from the coastline.'' [4] In response to the Committee's concerns, EPA intends to perform a study of the economic impacts of compliance with the North American ECA fuel sulfur limits on coastal shipping.[5] The study will be based on the approach the Agency used for a similar study carried out in 2012 examining the impacts of the application of the ECA fuel sulfur limits on the Great Lakes shipping industry.[6] That study used a combination of geospatial transportation route modeling and cost modeling to examine the impacts of the ECA fuel sulfur requirements for a specific set of transportation routes identified by stakeholders as being at risk for transportation mode shift.

Input from coastal transportation industry stakeholders and other industries involved in alternative transportation modes will be essential to identify the transportation routes to be studied: Those routes that may be at risk of transportation mode shift as a result of increased operating costs due to the use of ECA fuel. Stakeholder input also will be important for essential data, including ship characteristics.

To facilitate stakeholder participation, EPA will conduct a workshop on July 30, 2018, at the location noted above under **ADDRESSES**. At this meeting, the Agency will explain the purpose of this economic impact study, describe the methodology that was used for a similar study of the impacts of ECA compliance on the Great Lakes, and explain the methodology that will be applied to this study of the economic impacts of the ECA fuel sulfur requirements on the U.S. coastal marine transportation. EPA will also describe the data needs of the study, how interested stakeholders can help EPA obtain that data, and EPA's procedures to ensure the protection of confidential business information.

EPA invites and encourages participation by all manner of coastal shipping stakeholders: Shipping companies, both those with ships that are capable of operating on heavy fuel oil and those with ships that are designed to operate solely on distillate diesel fuel; companies that provide alternative land-based transportation (rail and highway truck); companies that utilize coastal marine transportation; state and local governments; environmental and community groups; and others who are interested in or who have information that may be useful for this study.

A draft agenda for the workshop can be found at: *https://www.epa.gov/regulations-emissions-vehicles-and-engines/designation-north-american-emission-control-area-marine.* EPA also plans to place relevant materials in that docket as they become available.

Dated: June 27, 2018.

Christopher Grundler,

Director, Office of Transportation and Air Quality.

[FR Doc. 2018–14681 Filed 7–6–18; 8:45 am]

BILLING CODE 6560–50–P

[1] See: *https://www.epa.gov/regulations-emissions-vehicles-and-engines/designation-north-american-emission-control-area-marine.*

[2] For analysis of the 2030 benefits and costs of the North American ECA, see Final Rule, Control of Emissions From New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder; this rule is available at *https://www.gpo.gov/fdsys/pkg/FR-2010-04-30/pdf/2010-2534.pdf.*

[3] Committee Report [To accompany S. 3068]; this report is available at *https://www.congress.gov/114/crpt/srpt281/CRPT-114srpt281.pdf.* The Joint Explanatory Statement accompanying the Consolidated Appropriations Act, 2017 (Pub. L. 115–31), refers to Senate Report 114–281 as carrying the same emphasis in regard to the administration of programs.

[4] Ships that generate less than 32,000 horsepower represent about 85 percent of all ships that visit U.S. ports.

[5] Coastal shipping, also called coastwise or short sea shipping, generally means marine transportation along a coast without crossing an ocean. For the purpose of this study, coastal shipping means the transportation of goods or materials by ship from an originating port located in North America, Mexico, or Central America to a United States destination port located on the Pacific, Atlantic, or Gulf coasts, or vice versa, but excludes shipping between Great Lakes ports.

[6] See *https://www.regulations.gov/document?D=EPA-HQ-OAR-2007-0121-0586* and *https://nepis.epa.gov/Exe/ZyPDF.cgi/P100E7EW.PDF?Dockey=P100E7EW.PDF.*

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9980–40–OA]

Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee (CASAC) Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur to peer review: (1) EPA's *Integrated Science Assessment (ISA) for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter—Ecological Criteria (Second External Review Draft),* and (2) *Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter: Risk and Exposure Assessment Planning Document.*

DATES: The public meeting of the CASAC Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur will be held on Wednesday, September 5, 2018, from 9:00 a.m. to 5:15 p.m. (Eastern Time) and Thursday, September 6, 2018, from 8:00 a.m. to 3:30 p.m. (Eastern Time).

ADDRESSES: The public meeting will be held at the Hilton Durham Hotel Near Duke University, 3800 Hillsborough Road, Durham, North Carolina, 27705.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Dr. Thomas Armitage, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; by telephone at (202) 564–2155 or at *armitage.thomas@epa.gov.* General information about the CASAC, as well as any updates concerning the meetings announced in this notice, may be found on the CASAC web page at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and National Ambient Air Quality Standards (NAAQS) and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including oxides of nitrogen, oxides of sulfur, and particulate matter (PM). EPA is currently reviewing the secondary (welfare-based) ambient air quality standards for oxides of nitrogen, oxides of sulfur, and PM.

Pursuant to FACA and EPA policy, notice is hereby given that the CASAC Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur will hold a public face-to-face meeting to review EPA's *Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter—Ecological Criteria (Second External Review Draft),* and *Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter: Risk and Exposure Assessment Planning Document.* The CASAC Secondary National Ambient Air Quality Standards Review Panel for Oxides of Nitrogen and Sulfur will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies. The Panel will provide advice to the EPA Administrator through the chartered CASAC.

Technical Contacts: Any technical questions concerning the *Integrated Science Assessment for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter—Ecological Criteria (Second External Review Draft)* should be directed to Dr. Tara Greaver (*greaver.tara@epa.gov*), EPA Office of Research and Development. Any technical questions concerning the *Review of the Secondary National Ambient Air Quality Standards for Ecological Effects of Oxides of Nitrogen, Oxides of Sulfur and Particulate Matter: Risk and Exposure Assessment Planning Document* should be directed to Ms. Karen Wesson (*wesson.karen@epa.gov*), EPA Office of Air and Radiation.

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be available on the CASAC web page at *http://www.epa.gov/casac/.*

Procedures for Providing Public Input: Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office.

Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the panel and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Dr. Thomas Armitage, DFO, in writing (preferably via email) at the contact information noted above by August 29, 2018, to be placed on the list of public speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by August 29, 2018. It is the SAB Staff Office general policy to post written comments on the web page for the advisory meeting or teleconference. Members of the public should be aware that their personal contact information (including signatures), if included in any written comments, may be posted to the CASAC website. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Thomas Armitage at (202) 564–2155 or *armitage.thomas@epa.gov.* To request accommodation of a disability, please contact Dr. Armitage preferably at least ten days prior to the meeting to give EPA as much time as possible to process your request.

Dated: June 21, 2018.

Khanna Johnston,

Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2018–14685 Filed 7–6–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9980–38–OW]

Notice of Open Meeting of the Environmental Financial Advisory Board (EFAB)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: The EPA's Environmental Financial Advisory Board (EFAB) will hold a public meeting on August 21–22, 2018 in Chicago, Illinois. The EFAB is an EPA advisory committee chartered under the Federal Advisory Committee Act to provide advice and recommendations to EPA on creative approaches to funding environmental programs, projects, and activities.

The purpose of this meeting is to hear from informed speakers on environmental finance issues and EPA priorities; to discuss activities, progress, and preliminary recommendations with regards to current EFAB work projects; and to consider requests for assistance from EPA program offices. Environmental finance discussions and presentations are expected on, but not limited to, the following topics: alternative project delivery pre-development practices; pre-disaster resiliency investment and finance; water system regionalization financing strategies; water quality restoration in the Chesapeake Bay Watershed; Rural Alaska Waste Backhaul Service Program; and Water Infrastructure and Resiliency Finance Center activities. The meeting is open to the public; however, seating is limited and attendees must be processed through security. All members of the public who wish to attend the meeting must register, in advance, no later than Friday, August 3, 2018.

DATES: The full board meeting will be held Tuesday, August 21, 2018 from 8:30 a.m.–4:30 p.m. and Wednesday, August 22, 2018 from 9:00 a.m.–12:30 p.m.

ADDRESSES: U. S. Environmental Protection Agency (EPA), Region 5 Office, Lake Huron Conference Room, 12th Floor, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: For information on access or services for individuals with disabilities, or to request accommodations for a disability, please contact Alecia Crichlow at (202) 564–5188 or *crichlow.alecia@epa.gov* at least 14 days prior to the meeting to allow as much time as possible to process your request.

Dated: June 22, 2018.

Andrew Sawyers,

Director, Office of Wastewater Management, Office of Water.

[FR Doc. 2018–14682 Filed 7–6–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9979–37]

Receipt of Information Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of information submitted pursuant to a rule, order, or consent agreement issued under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which information has been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the information received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: John Schaeffer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–8173; email address: *schaeffer.john@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Chemical Substances and/or Mixtures

Information received about the following chemical substance(s) and/or mixture(s) is provided in Unit IV.: *Acetaldehyde, reaction products with formaldehyde, by-products from (CASRN 68442–60–4).*

II. Authority

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of information submitted pursuant to a rule, order, or consent agreement promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document, which announces the receipt of the information. Upon EPA's completion of its quality assurance review, the information received will be added to the docket identified in Unit IV., which represents the docket used for the TSCA section 4 rule, order, and/or consent agreement. In addition, once completed, EPA reviews of the information received will be added to the same docket. Use the docket ID number provided in Unit IV. to access the information received and any available EPA review.

EPA's dockets are available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Information Received

As specified by TSCA section 4(d), this unit identifies the information received by EPA: *Acetaldehyde, reaction products with formaldehyde, by-products from (CASRN 68442–60–4).*

1. *Chemical use(s):* Acetaldehyde, reaction products with formaldehyde, by-products from, is a chemical intermediate used in processing as a reactant in the construction industrial sector.

2. *Applicable rule, Order, or Consent agreement:* Chemical testing requirements for third group of high production volume chemicals (HPV3), 40 CFR 799.5089.

3. *Information received:* EPA received the following information:

- Letter of Intent to Conduct Testing.

The docket ID number assigned to this information is EPA–HQ–OPPT–2009–0112.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: June 22, 2018.

Lynn Vendinello,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–14674 Filed 7–6–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Termination of Receiverships

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for each of the following insured depository institutions, was charged with the duty of winding up the affairs of the former institutions and liquidating all related assets. The Receiver has fulfilled its obligations and made all dividend distributions required by law.

NOTICE OF TERMINATION OF RECEIVERSHIPS

Fund	Receivership name	City	State	Termination date
10051	Great Basin Bank of Nevada	Elko	NV	7/1/2018
10080	Bank of Wyoming	Thermopolis	WY	7/1/2018
10081	BankFirst	Sioux Falls	SD	7/1/2018
10127	American United Bank	Lawrenceville	GA	7/1/2018
10172	Evergreen Bank	Seattle	WA	7/1/2018
10432	Fidelity Bank	Dearborn	MI	7/1/2018
10457	First Commercial Bank	Bloomington	MN	7/1/2018
10495	Millennium Bank, National Association	Sterling	VA	7/1/2018
10516	The Bank of Georgia	Peachtree City	GA	7/1/2018

The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary, including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective on the termination dates listed above, the Receiverships have been terminated, the Receiver has been discharged, and the Receiverships have ceased to exist as legal entities.

Dated at Washington, DC, on July 3, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–14591 Filed 7–6–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request (OMB No. 3064–0179)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection, as required by the Paperwork Reduction Act of 1995 (PRA). On April 13, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

DATES: Comments must be submitted on or before August 8, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *https://www.FDIC.gov/regulations/laws/federal.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Jennifer Jones (202–898–6768), Counsel, MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jennifer Jones, Counsel, 202–898–6768, *jennjones@fdic.gov,* MB–3105, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

On April 13, 2018, the FDIC requested comment for 60 days on a proposal to renew the information collection described below. No comments were received. The FDIC hereby gives notice of its plan to submit to OMB a request to approve the renewal of this collection, and again invites comment on this renewal.

Proposal to renew the following currently approved collection of information:

1. *Title:* Assessment Rate Adjustment Guidelines for Large and Highly Complex Institutions.

OMB Number: 3064–0179.

Form Number: None.

Affected Public: Large and highly complex depository institutions.

Burden Estimate:

SUMMARY OF ANNUAL BURDEN

	Type of burden	Obligation to respond	Estimated number of respondents	Estimated frequency per respondent	Estimated time per response	Frequency of response	Total annual estimated burden hours
Assessment Rate Adjustment Guidelines for Large and Highly Complex Institutions.	Reporting	Required to Obtain or Retain Benefits.	1	1	80.00	On Occasion ..	80
Total Hourly Burden.	.....	.....	.....	.....	.....	.....	80

General Description of Collection: These guidelines established a process through which large and highly complex depository institutions could request a deposit insurance assessment rate adjustment from the FDIC.

There is no change in the method or substance of the collection. The overall reduction in burden hours is the result of economic fluctuation. In particular, the number of respondents has decreased while the hours per response and frequency of responses have remained the same.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, on July 2, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–14540 Filed 7–6–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of Intent To Terminate Receivership

Notice is hereby given that the Federal Deposit Insurance Corporation (FDIC or Receiver) as Receiver for the institution listed below intends to terminate its receivership for said institution.

Fund	Receivership name	City	State	Date of appointment of receiver
10165	Peoples First Community Bank	Panama	FL	12/18/2009

The liquidation of the assets for the receivership has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing, identify the receivership to which the comment pertains, and sent within thirty days of the date of this notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 34.6, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, on July 3, 2018.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2018–14592 Filed 7–6–18; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 30, 2018.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice

President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *American Heartland Bancshares, Inc., Sugar Grove, Illinois;* to acquire 100 percent of the voting shares of Community Holdings Corporation and thereby indirectly acquire First Secure Bank and Trust Company, both of Palos Hills, Illinois.

Board of Governors of the Federal Reserve System, July 3, 2018.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2018–14641 Filed 7–6–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–1895]

Indications and Usage Section of Labeling for Human Prescription Drug and Biological Products—Content and Format; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Indications and Usage Section of Labeling for Human Prescription Drug and Biological Products—Content and Format.'' This guidance is intended to assist applicants in writing the Indications and Usage section of labeling. The recommendations in this draft guidance are intended to help ensure that the labeling is clear, concise, useful, and informative and, to the extent possible, consistent in content and format within and across drug and therapeutic classes.

DATES: Submit either electronic or written comments on the draft guidance by September 7, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–1895 for ''Indications and Usage Section of Labeling for Human Prescription Drug and Biological Products—Content and Format; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Iris Masucci, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Silver Spring, MD 20993–0002, 301–796–2500; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled

''Indications and Usage Section of Labeling for Human Prescription Drug and Biological Products—Content and Format.'' This guidance provides recommendations on the general principles to consider when drafting an indication and how to write, organize, and format the information in the Indications and Usage section of the labeling. The draft guidance provides recommendations on what information to include in the indication and when limitations of use should be considered for the Indications and Usage section.

The Indications and Usage section must state that the drug is indicated for the treatment, prevention, mitigation, cure, or diagnosis of a recognized disease or condition, or of a manifestation of a recognized disease or condition, or for the relief of symptoms associated with a recognized disease or condition.[1] The draft guidance describes how to clearly convey such information and addresses circumstances where other information in addition to the identification of the disease or condition may be warranted.

The draft guidance describes circumstances in which an indication may be broader than the specific parameters of the clinical studies supporting approval, as well as those where a narrower indication may be appropriate, and explains that the Indications and Usage section needs to make clear the scope of the indication. The draft guidance also describes circumstances in which an indication in an age group broader than the population that was studied may be considered for an adult population. However, this approach is generally not appropriate across pediatric populations or between adult and pediatric populations because of the statutory requirements related to pediatric assessments and the unique clinical considerations for pediatric patients. For example, pediatric patients may metabolize drugs differently from adults (in an age-related manner), are susceptible to different safety risks, and often require different dosing regimens, even after correction for weight. For these reasons, FDA recommends that age groups should be included in indications. An indication should state that a drug is approved, for example, ''in adults,'' ''in pediatric patients X years of age and older,'' or ''in adults and pediatric patients X years of age and older.'' FDA is interested in obtaining information and public comment on this recommendation and the implications of routinely including age groups in indications.

[1] See 21 CFR 201.57(c)(2).

This guidance is one in a series of guidances FDA is developing or has developed to assist applicants with the content and format of labeling for human prescription drug and biological products. In the **Federal Register** of January 24, 2006 (71 FR 3922), FDA published a final rule on labeling for human prescription drug and biological products. The final rule and additional guidances on labeling can be accessed at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/LawsActsandRules/ucm084159.htm.* The labeling requirements and these guidances are intended to make information in prescription drug labeling easier for health care practitioners to access, read, and use.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on the content and format of the Indications and Usage section of labeling for human prescription drug and biological products. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 201.56 and 201.57 have been approved under OMB control number 0910–0572; the collections of information in 21 CFR 312.41 have been approved under OMB control number 0910–0014; the collections of information in 21 CFR 314.126(c) and 314.70 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR 601.12 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm,* or *https://www.regulations.gov.*

Dated: June 29, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–14535 Filed 7–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–0545]

Revised Recommendations for Reducing the Risk of Zika Virus Transmission by Blood and Blood Components; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled ''Revised Recommendations for Reducing the Risk of Zika Virus Transmission by Blood and Blood Components; Guidance for Industry.'' The guidance document provides blood establishments that collect Whole Blood and blood components with revised recommendations to reduce the risk of transmission of Zika virus (ZIKV) by blood and blood components. The guidance does not apply to the collection of Source Plasma. The guidance announced in this notice supersedes the document of the same title dated August 2016 (August 2016 Guidance).

DATES: The announcement of the guidance is published in the **Federal Register** on July 9, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted,

such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–D–0545 for ''Revised Recommendations for Reducing the Risk of Zika Virus Transmission by Blood and Blood Components; Guidance for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a document entitled ''Revised Recommendations for Reducing the Risk of Zika Virus Transmission by Blood and Blood Components; Guidance for Industry.'' The guidance provides blood establishments that collect Whole Blood and blood components with revised recommendations to reduce the risk of transmission of ZIKV by blood and blood components. The guidance does not apply to the collection of Source Plasma. This guidance supersedes the August 2016 Guidance.

In the August 2016 Guidance, FDA recognized ZIKV as a relevant transfusion-transmitted infection under 21 CFR 630.3(h) and recommended universal individual donation nucleic acid testing (ID NAT) for ZIKV or the use of an FDA-approved pathogen reduction device. Since 2016, the number of ZIKV disease cases in the U.S. States and territories has decreased considerably. In addition, FDA has licensed a nucleic acid screening test(s) for the detection of ZIKV in individual or pooled samples. Considering the changing epidemiology of ZIKV in the United States and the availability of licensed screening tests, FDA is revising the recommendations contained in the August 2016 Guidance. In this guidance FDA explains that, in order to comply with the testing requirements in 21 CFR 610.40(a)(3), blood establishments must test all donations collected in the United States and its territories with a licensed nucleic acid test for ZIKV, using either ID NAT or minipool (MP) NAT. The guidance explains the basis for FDA's determination that universal MP NAT screening, with certain conditions identified to trigger ID NAT when local mosquito-borne ZIKV transmission is presumed in a collection area, provides an adequate and appropriate safeguard against the current and future risk of ZIKV transmission through blood transfusion. Alternatively, blood establishments can use an FDA-approved pathogen reduction device. The revised recommendations are less burdensome for blood establishments because fewer tests will be performed when donations are tested by MP NAT compared to ID NAT. However, the recommendations are consistent with public health considering the changing course of the ZIKV epidemic in the United States and the sensitivity of the licensed test(s) to detect ZIKV in blood donation.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). FDA is issuing this guidance for immediate implementation in accordance with 21 CFR 10.115(g)(2) without initially seeking prior comment because the Agency has determined that prior public participation is not feasible or appropriate. Specifically, we are not seeking comments because the guidance presents a less burdensome policy for reducing the risk of transfusion-transmitted ZIKV that is consistent with public health. The guidance represents the current thinking of FDA on recommendations for reducing the risk of Zika virus transmission by blood and blood components. It does not establish

any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 601 and 640, and Form FDA 356h have been approved under OMB control number 0910–0338; and the collections of information in 21 CFR parts 606 and 630 have been approved under OMB control number 0910–0116.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: June 28, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–14537 Filed 7–6–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Pregnancy in Women with Disabilities.

Date: July 23, 2018.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Networks and Behavior in Psychiatric Disorders.

Date: July 25, 2018.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR17–158: Epigenomes and Connectomes in Psychiatric Disorders.

Date: July 26, 2018.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252, *cinquej@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 3, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–14647 Filed 7–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Environmental Determinants of Diabetes.

Date: July 9, 2018.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Elena Sanovich, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7351, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–8886, *sanoviche@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Review of Planning Grant Application (U34).

Date: July 12, 2018.

Time: 6:00 p.m. to 7:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Barbara A. Woynarowska, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 754, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 402–7172, *woynarowskab@niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK U34 Telephone Review.

Date: July 13, 2018.

Time: 3:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, g*uox@extra.niddk.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Mechanisms and Treatments of Lower Urinary Tract Dysfunction after Spinal Cord Injury.

Date: July 23, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8895, *rushingp@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Urologic P20 Applications.

Date: August 2–3, 2018.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–4721, *ryan.morris@nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Diabetes Ancillary Studies (R01).

Date: August 2, 2018.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ann A. Jerkins, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7119, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, 301–594–2242, *jerkinsa@niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 2, 2018.

David D. Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–14648 Filed 7–6–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0915]

Waterway Suitability Assessment for Operation of Liquefied Natural Gas Terminal; Cameron, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice of inquiry; request for comments.

SUMMARY: We are requesting your comments on a Letter of Intent and Preliminary Waterway Suitability Assessment we received from Sabine Pass LNG, L.P. (SPLNG) regarding SPLNG's plans to construct a new berth at its Cameron Parish, LA facility and to increase the number of liquefied natural gas vessels calling at the facility from approximately 400 to 580 annually. The Coast Guard is notifying the public of this proposed increase in LNG marine traffic on the Sabine-Neches Waterway and is soliciting comments relevant to the Coast Guard's preparation of a Letter of Recommendation for issuance to the federal, state, or local agency with jurisdiction over the proposed facility.

DATES: Comments and related material must be received on or before August 8, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0915 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice of inquiry, call or email Mr. Scott K. Whalen, Vessel Traffic Service Director, Marine Safety Unit Port Arthur, U.S. Coast Guard; telephone 409–719–5086, email *Scott.K.Whalen@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Marine Safety Unit Port Arthur
DHS Department of Homeland Security
LNG Liquefied Natural Gas
LOI Letter of Intent
LOR Letter of Recommendation
NVIC Navigation and Vessel Inspection Circular
U.S.C. United States Code
WSA Waterway Suitability Assessment

II. Background and Purpose

Under 33 CFR 127.007(a), an owner or operator planning to build a new facility handling liquefied natural gas (LNG), or an owner or operator planning new construction to expand or modify marine terminal operations in an existing facility handling LNG, where the construction, expansion, or modification would result in an increase in the size and/or frequency of LNG marine traffic on the waterway associated with the proposed facility or modification to an existing facility, must submit a Letter of Intent (LOI) to the Captain of the Port of the zone in which the facility is or will be located. Under 33 CFR 127.007(e), an owner or operator planning such new construction or expansion of an existing facility must also file or update a Waterway Suitability Assessment (WSA) that addresses the proposed increase in LNG marine traffic in the associated waterway.

Under 33 CFR 127.009, after receiving an LOI, the Captain of the Port issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors listed in 33 CFR 127.009 that relate to the physical nature of the affected waterway and issues of safety and security associated with LNG marine traffic on the affected waterway.

III. Information Requested

On January 29, 2018, Sabine Pass LNG, L.P. (SPLNG), located in Cameron Parish, LA, submitted an LOI and Preliminary WSA regarding the company's proposed plans to develop a new marine berth and expand the number of vessels calling on the facility each year from approximately 400 to 580. The purpose of this notice is to solicit public comments on the proposed increase in LNG marine traffic on the Sabine-Neches Waterway. The Coast Guard believes that public input may be useful to the Captain of the Port Marine Safety Unit Port Arthur (COTP) with respect to validating the information provided in SPLNG's Preliminary WSA and development of the LOR. A brief summary of SPLNG's proposal is available in the docket where indicated under **ADDRESSES**.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, titled ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities''. NVIC 01–2011 provides guidance for owners and operators seeking approval to build and operate LNG facilities. The

Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating SPLNG's WSA. NVIC 01–2011 is available in the docket where indicated under **ADDRESSES** and also on the Coast Guard's website at *https://www.dco.uscg.mil/Portals/9/DCO%20Documents/5p/5ps/NVIC/2011/NVIC%2001-2011%20Final.pdf.*

IV. Public Participation and Request for Comments

We encourage you to submit comments through the Federal portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. In your submission, please include the docket number for this notice of inquiry and provide a reason for each suggestion or recommendation.

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

Documents mentioned in this notice of inquiry as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions.

This document is issued under authority of 5 U.S.C. 552 (a).

Dated: July 2, 2018.

Jacqueline Twomey,

Captain, U.S. Coast Guard, Captain of the Port Marine Safety Unit Port Arthur.

[FR Doc. 2018–14596 Filed 7–6–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Notice of Issuance of Final Determination Concerning Malarone Tablets

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (''CBP'') has issued a final determination concerning the country of origin of Malarone tablets. Based upon the facts presented, CBP has concluded that the country of origin of the Malarone tablets is Canada for purposes of U.S. Government procurement.

DATES: This final determination was issued on July 2, 2018. A copy of the final determination is attached. Any party-at-interest may seek judicial review of this final determination within August 8, 2018.

FOR FURTHER INFORMATION CONTACT: Ross M. Cunningham, Valuation and Special Programs Branch, Regulations and Rulings, Office of Trade, (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on July 2, 2018, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR part 177, subpart B), CBP issued one final determination concerning the country of origin of Malarone tablets, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination (HQ H290684) was issued under procedures set forth at 19 CFR part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that the processing in Canada will result in a substantial transformation. Therefore, the country of origin for purposes of U.S. Government procurement of the Malarone tablets is Canada.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: July 2, 2018.

Alice A. Kipel,

Executive Director, Regulations and Rulings, Office of Trade.

HQ H290684

July 2, 2018

OT:RR:CTF:VS H290684 RMC

CATEGORY: Origin

Nicolas Guzman
Drinker Biddle & Reath LLP
1500 K Street NW
Suite 1100
Washington, DC 20005–1209

Re: U.S. Government Procurement; Country of Origin of Malarone Tablets; Substantial Transformation

Dear Mr. Guzman:

This is in response to your letter, dated September 13, 2017, requesting a final determination on behalf of GlaxoSmithKline LLP (''GSK'') pursuant to subpart B of Part 177 of the U.S. Customs and Border Protection (''CBP'') Regulations (19 C.F.R. Part 177). A teleconference was held with counsel for GSK on June 8, 2018.

This final determination concerns the country of origin of Malarone tablets. As a U.S. importer, GSK is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

GSK is a global healthcare company that researches, develops, and manufactures pharmaceutical medicines, vaccines, and consumer healthcare products. At issue in this case are tablets sold under the brand name Malarone, which are indicated for the prevention and treatment of acute, uncomplicated *Plasmodium falciparum* malaria. GSK states that Malarone tablets have been shown to be effective in regions where other malaria drugs such as chloroquine, halofantrine, mefloquine, and amodiaquine may have unacceptable failure rates, presumably due to drug resistance.

According to the FDA prescribing information, Malarone is a fixed-dose combination of atovaquone and proguanil hydrochloride. *See* Prescribing Information, *https://www.fda.gov/ohrms/dockets/ac/05/briefing/2005-4089b1_05_05_atovaquone.pdf* (last visited Dec. 11, 2017). The chemical name of atovaquone 11 is trans-2-[4-(4 chlorophenyl)cyclohexyl]-3-hydroxy-1,4-naphthalenedione and the molecular formula for atovaquone is C22H19ClO3. The chemical name of proguanil hydrochloride is 1-(4-chlorophenyl)-5-isopropyl-biguanide hydrochloride and the chemical formula for proguanil hydrochloride is C11H16ClN5•HCl. Each Malarone Tablet contains 250 milligrams of atovaquone and 100 milligrams of proguanil hydrochloride.

The FDA prescribing information also describes the microbiology or ''mechanism of action'' of atovaquone and proguanil hydrochloride. It states that atovaquone and proguanil hydrochloride ''interfere with 2 different pathways involved in the biosynthesis of pyrimidines required for nucleic acid replication. Atovaquone is a selective inhibitor of parasite mitochondrial electron transport. Proguanil hydrochloride primarily exerts its effect by means of the metabolite cycloguanil, a dihydrofolate reductase inhibitor. Inhibition of dihydrofolate reductase in the malaria

parasite disrupts deoxythymidylate synthesis.''

GSK notes that atovaquone by itself is not indicated for the prevention or treatment of malaria. By itself, atovaquone is used for other purposes, such as the treatment of acute pneumocystis carinii pneumonia and cerebral toxoplasmosis. In contrast, proguanil hydrochloride can be used to treat malaria. However, GSK cites to several academic studies that conclude that the combination of atovaquone and proguanil hydrochloride provides a more effective treatment compared to taking proguanil hydrochloride alone. GSK therefore states that atovaquone and proguanil are ''synergistic in their mechanisms of action,'' resulting in the increased effectiveness of Malarone tablets compared to taking atovaquone or proguanil hydrochloride alone.

The manufacturing process for GSK's Malarone tablets begins in India, where the Malarone tablets' two active pharmaceutical ingredients (''APIs''), atovaquone and proguanil hydrochloride, are manufactured. After the two APIs are manufactured in India, they are imported into Canada for further processing at GSK's Mississauga, Ontario facility (''GSK Canada''). At GSK Canada, the two APIs are combined in a process that begins by producing a dry mix of the APIs, low-substituted hydroxpropyl cellulose NF, microcrystalline cellulose NF, and sodium starch glycolate NF. The dry mix is then combined with the following inactive ingredients, which are each sourced from the United States or a TAA-eligible country, to produce granules:

- Povidone K30 USP
- Polaxamer 188 NF
- Sofium Starch Glycolate NF
- Hydroxy Propyl Cellulose NF
- Purified Water USP
- Microcrystalline Cellulose NF
- Alcohol USP

Next, the granules are dried, milled into a dry powder, blended with magnesium stearate NF, and compressed into tablets. Finally, a film coat mix is added and the tablets are polished.

Once the manufacturing process is complete, the finished Malarone tablets are exported to a GSK facility in Zebulon, North Carolina. There, the tablets are packaged and labeled for sale to Prasco Laboratories, which markets and distributes the tablets under their own labeling as an authorized generic product under an agreement with GSK.

ISSUE:

What is the country of origin of the Malarone tablets for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain ''Buy American'' restrictions in U.S. law or practice for products offered for sale to the U.S. Government, pursuant to subpart B of Part 177, 19 C.F.R. § 177.21 *et seq.,* which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 *et seq.*).

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

> An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

A substantial transformation occurs when an article emerges from a process with a new name, character, and use different from that possessed by the article prior to processing. A substantial transformation will not result from a minor manufacturing or combining process that leaves the identity of the article intact. *See United States v. Gibson-Thomsen Co.,* 27 C.C.P.A. 267 (1940); and *National Juice Products Ass'n v. United States,* 628 F. Supp. 978 (Ct. Int'l Trade 1986).

In determining whether a substantial transformation occurs in the manufacture of chemical products such as pharmaceuticals, CBP has consistently examined the complexity of the processing and whether the final article retains the essential identity and character of the raw material. To that end, CBP has generally held that the processing of pharmaceutical products from bulk form into measured doses does not result in a substantial transformation of the product. *See, e.g.,* Headquarters Ruling (''HQ'') 561975, dated April 3, 2002; HQ 561544, dated May 1, 2000; HQ 735146, dated November 15, 1993; HQ H267177, dated November 5, 2016; HQ H233356, dated December 26, 2012; and, HQ 561975, dated April 3, 2002. However, where the processing from bulk form into measured doses involves the combination of two or more APIs, and the resulting combination offers additional medicinal benefits compared to taking each API alone, CBP has held that a substantial transformation occurred. *See, e.g.,* HQ 563207, dated June 1, 2005.

For example, in HQ 563207, CBP held that the combination of two APIs to form Actoplus Met, an alternative treatment for type 2 diabetes, constituted a substantial transformation. The first API, Pioglitazone HCI sourced from Japan or other countries, functioned as an insulin sensitizer that targets insulin resistance in the body. The second API, biguanide sourced from Japan, Spain, and other countries, functioned to decrease the amount of glucose produced by the liver and make muscle tissue more sensitive to insulin so glucose can be absorbed. In Japan, the two APIs were mixed together to form a fixed-combination drug called Actoplus Met. In holding that a substantial transformation occurred when the APIs were combined in Japan to produce Actoplus Met, CBP emphasized that ''[w]hile we note that pioglitazone and metformin may be prescribed separately, the final product, Actoplus Met, increases the individual effectiveness of piofliazone and metformin in treating type 2 diabetes patients.''

Similarly, in HQ H253443, dated March 13, 2015, CBP held that the combination of two APIs in China to produce Prepopik, ''a dual-acting osmotic and stimulant laxative bowel preparation for a colonoscopy in adults,'' constituted a substantial transformation. Although the importer claimed that Country A-origin sodium picosulfate was the only API in Prepopik, CBP found that the Country B-origin magnesium oxide ingredient also qualified as an API. CBP further found that taking Prepopik had ''a more stimulative laxative effect'' than taking each of the APIs individually and therefore held that a substantial transformation occurred when the APIs were combined in China.

Here, as in HQ 563207 and HQ H253443, two separate APIs are mixed to create a fixed combination drug that offers additional medicinal benefits compared to taking each API alone. The first API, atovaquone, is not indicated for the prevention or treatment of malaria. The second API, proguanil hydrochloride, is used to treat malaria, but is less effective than Malarone. This is because of the ''synergies in [the APIs'] method of action,'' which result in a product that ''interfere[s] with 2 different pathways'' to prevent and treat malaria. Under these circumstances, the combination of atovaquone, proguanil

hydrochloride, and inactive ingredients to form Malarone tablets in Canada results in a substantial transformation. The country of origin of the Malarone tablets is therefore Canada.

HOLDING:

The country of origin of the Malarone tablets for purposes of U.S. Government procurement is Canada.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

Alice A. Kipel,
Executive Director, Regulations & Rulings Office of Trade.

[FR Doc. 2018–14632 Filed 7–6–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2015–N040; FXES11130400000C2–156–FF04E00000]

Endangered and Threatened Wildlife and Plants; Draft Recovery Plan for Coquí Llanero

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft recovery plan for the endangered coquí llanero, a frog endemic to Puerto Rico. The draft recovery plan includes specific recovery objectives and criteria that must be met in order for us to remove this species from listing under the Endangered Species Act of 1973, as amended. We request review and comment on this draft recovery plan from local, State, and Federal agencies, and the public.

DATES: In order to be considered, comments on the draft recovery plan must be received on or before September 7, 2018.

ADDRESSES:

Document availability: You may obtain a copy of this draft recovery plan by contacting Jan Zegarra, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, P.O. Box 491, Boquerón, PR 00622; tel. (787) 851–7297; or by visiting the Service's Caribbean Field Office website at *https://www.fws.gov/caribbean/ES/Index.html.*

Comment submission: You may submit comments by one of the following methods:

1. Submit written comments and materials by mail or hand-delivery to Jan Zegarra, at the above address.

2. Fax them to (787) 851–7440.

3. Send comments by email to *jan_zegarra@fws.gov.* Please include ''Coquí llanero Draft Recovery Plan Comments'' in the subject line.

For additional information about submitting comments, see Request for Public Comments.

FOR FURTHER INFORMATION CONTACT: Jan Zegarra at (787) 851–7297, or see **ADDRESSES** for further methods of contact.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, announce the availability of the draft recovery plan for the endangered coquí llanero (*Eleutherodactylus juanariveroi*). The draft recovery plan includes specific recovery objectives and criteria that must be met in order for us to remove this species from listing under the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). We request review and comment on this draft recovery plan from local, State, and Federal agencies and the public.

Background

The coquí llanero is a small frog species endemic to Puerto Rico. In 2007, it was described as a new species of the genus Eleutherodactylus, family Leptodactylidae. Males measure approximately 0.58 in (14.7 mm), and females 0.62 in (15.8 mm). It has the smallest clutch size of all Eleutherodactylus species on Puerto Rico, and a high-frequency call. The only population estimate available for the coquí llanero indicates a mean population size of 473.3 ± 186 individuals per ha (or 192 per ac; Ríos-López pers. comm. 2011).

The coquí llanero is currently known to be restricted to one freshwater herbaceous wetland in the municipality of Toa Baja, Puerto Rico. The herbaceous vegetation in the wetland consists of *Blechnum serrulatum* (toothed midsorus fern), *Thelypteris interrupta* (willdenow's maiden fern), *Sagittaria lancifolia* (bulltongue arrowhead), *Cyperus* sp. (flatsedges), *Eleocharis* sp. (spike rushes), and vines and grasses (Ríos-López and Thomas 2007). The species is currently threatened by the combined influences of urban development, activities associated with the operation and future closure of the Toa Baja municipal landfill, activities associated with clearing water channels for flood control, and invasive wetland plant species. Additional threats include restricted distribution and highly specialized ecological requirements, which may exacerbate other potential threats like landfill leachate pollution, the use of herbicides, brush fires, competition, and environmental effects resulting from climate change.

Under the ESA, the Service added the coquí llanero as an endangered species to the Federal List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations on October 4, 2012 (77 FR 60778). The 2012 final rule also designated critical habitat, covering an area of 615 ac (249 ha), for the species.

The recovery strategy for the coquí llanero includes protection and management of occupied habitat and suitable unoccupied habitat for potential future introductions, and addresses immediate threats that led to its listing. Because of stressors like reduced geographic distribution, limited dispersal capabilities, and the species' specialized breeding requirements, the species is likely to have reduced adaptive capacity. Therefore, in order to meet the recovery goal of delisting, we must increase the number of coquí llanero populations. This strategy seeks to safeguard the only existing coquí llanero population in case the species does not withstand or recover from a stochastic or catastrophic event.

Section 4(f) of the ESA requires the development of recovery plans for listed species, unless such a plan would not promote the conservation of a particular species. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for downlisting or delisting, and estimate time and cost for implementing recovery measures. Section 4(f) of the ESA also requires us to provide public notice and an opportunity for public review and comment during recovery plan development. We will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. We and other Federal agencies will take these comments into account in the course of implementing approved recovery plans.

Recovery Plan

The ultimate recovery goal is to remove the coquí llanero from the Federal List of Endangered and Threatened Wildlife (delist) at 50 CFR 17.11(h) by ensuring the long-term viability of the species in the wild. In the recovery plan, we define the following reasonable delisting criteria based on the best available information on the species. These criteria will be reevaluated as new information becomes available:

1. Three viable * coquí llanero populations demonstrate stable or increasing population trends (addresses Listing Factors A and E).

2. Habitat for three viable coquí llanero populations is protected in perpetuity through a conservation mechanism (*e.g.,* land acquisition, conservation easements) (addresses Listing Factor A).

3. Threats and causes of decline have been reduced or eliminated to a degree that the coquí llanero does not need protection under the Act (*e.g.,* developing management plans, public awareness and education) (addresses Listing Factor A and E).

* The term ''viable'' is defined in the draft recovery plan.

Request for Public Comments

We request written comments on the draft recovery plan. We will consider all comments we receive by the date specified in **DATES** prior to final approval of the plan.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: June 29, 2018.

Michael Oetker,

Acting Regional Director, Southeast Region.

[FR Doc. 2018–14683 Filed 7–6–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GX18LR000F60100; OMB Control Number 1028–0062]

Agency Information Collection Activities; Industrial Minerals Surveys

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Geological Survey (USGS) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before September 7, 2018.

ADDRESSES: Send your comments on the information collection request (ICR) by mail to the USGS, Information Collections Officer, 12201 Sunrise Valley Drive MS 159, Reston, VA 20192; or by email to *gs-info_collections@usgs.gov.* Please reference OMB Control Number 1028–0062 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Elizabeth Sangine by email at *escottsangine@usgs.gov,* or by telephone at 703–648–7720.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary for USGS to perform its duties, including whether the information is useful; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (4) how to minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: Respondents to these forms supply the USGS with domestic production and consumption data for industrial mineral commodities, some of which are considered strategic and critical, to assist in determining stockpile goals. These data and derived information will be published as chapters in Minerals Yearbooks, monthly Mineral Industry Surveys, annual Mineral Commodity Summaries, and special publications, for use by Government agencies, industry, education programs, and the general public.

Title of Collection: Industrial Minerals Surveys.

OMB Control Number: 1028–0062.

Form Number: Various (38 forms).

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Business or Other-For-Profit Institutions: U.S. nonfuel minerals producers and consumers of industrial minerals. Public sector: State and local governments.

Total Estimated Number of Annual Respondents: 14,955.

Total Estimated Number of Annual Responses: 17,134.

Estimated Completion Time per Response: For each form, we will include an average burden time ranging from 15 minutes to 5 hours.

Total Estimated Number of Annual Burden Hours: 11,897.

Respondent's Obligation: Voluntary.

Frequency of Collection: Monthly, Quarterly, Semiannually, or Annually.

Total Estimated Annual Non-hour Burden Cost: There are no ''non-hour cost'' burdens associated with this IC.

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 and current expiration date.

The authorities for this action are the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C.

1601 *et seq.*), and the National Mining and Minerals Policy Act of 1970 (30 U.S.C. 21(a)).

Michael J. Magyar,

Associate Director, National Minerals Information Center.

[FR Doc. 2018–14617 Filed 7–6–18; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVS00560 L58530000 EU0000 241A; 14–08807; MO #4500118045; TAS: 17X]

Notice of Realty Action: Competitive Sale of 20 Parcels of Public Land in Clark County, NV; Termination of Recreation and Public Purposes Classification

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) proposes to offer 20 parcels of public land totaling 87.5 acres in the Las Vegas Valley (Valley) by competitive sale, at not less than the appraised Fair Market Values (FMV) pursuant to the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended. The sale will be subject to the applicable provisions of Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) and BLM land sale regulations. The BLM is also terminating portions of the Recreation and Public Purposes (R&PP) Classification and Segregation of three parcels of land in Clark County.

DATES: Interested parties may submit written comments regarding the sale until August 23, 2018. The sale, by sealed bid and oral public auction, will occur on September 27, 2018, at City of North Las Vegas, Council Chambers, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada 89030 at 10:00 a.m., Pacific Time. The FMV for the parcels will be available 30 days prior to the sale. The BLM will start accepting sealed bids beginning September 17, 2018. Sealed bids must be received at the BLM, Las Vegas Field Office (LVFO) no later than 4:30 p.m. Pacific Time on September 24, 2018. The BLM will open sealed bids on the day of the sale just prior to the oral bidding.

ADDRESSES: Mail written comments and submit sealed bids to the BLM LVFO, Assistant Field Manager, 4701 North Torrey Pines Drive, Las Vegas, NV 89130.

FOR FURTHER INFORMATION CONTACT: Joe Fields by email: *jfields@blm.gov,* or by telephone: 702–515–5194. For general information on previous BLM public land sales go to: *https://www.blm.gov/snplma.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Nineteen parcels are within Clark County jurisdiction and one parcel is within City of Las Vegas jurisdiction. Some of the parcels are located in the northwest part of the Valley near U.S. Highway 95 and I–215 Beltway and some are located in the southwest part of the Valley.

The subject public lands are legally described as:

Mount Diablo Meridian, Nevada

N–80692, 5.00 acres
T. 19 S, R. 60 E,
Section 30, lot 22;
N–80695, 5.00 acres
T. 19 S, R. 60 E,
Section 30, W½SE¼NE¼SW¼;
N–80701, 5.00 acres
T. 19 S, R. 60 E,
Section 30, E½SW¼NW¼SE¼;
N–80710, 5.00 acres
T. 19 S, R. 60 E,
Section 31, W½NE¼SE¼NE¼.
N–95744, 5.00 acres
T. 19 S, R. 59 E,
Section 25, W½SE¼NE¼SE¼;
N–95745, 2.50 acres
T. 19 S, R. 59 E,
Section 25, NE¼SE¼NE¼SE¼.
N–95746, 5.00 acres
T. 22 S, R. 60 E,
Section 9, W½NE¼SE¼SE¼;
N–95747, 5.00 acres
T. 22 S, R. 60 E,
Section 9, E½NE¼SE¼SE¼;
N–95748, 5.00 acres
T. 22 S, R. 60 E,
Section 9, W½SE¼SE¼SE¼;
N–95749, 2.50 acres
T. 22 S, R. 60 E,
Section 9, NE¼SE¼SE¼SE¼;
N–95750, 2.50 acres
T. 22 S, R. 60 E,
Section 9, SE¼SE¼SE¼SE¼;
N–94200, 5.00 acres
T. 22 S, R. 60 E,
Section 13, W½SE¼NE¼NE¼;
N–95751, 10.00 acres
T. 22 S, R. 60 E,
Section 17, NE¼SE¼NE¼;
N–95752, 1.25 acres
T. 22 S, R. 60 E,
Section 17, N½SE¼SW¼NE¼SW¼;
N–81950, 2.50 acres
T. 22 S, R. 60 E,
Section 17, SW¼SE¼SW¼SW¼;
N–95753, 10.00 acres
T. 22 S, R. 60 E,
Section 18, lot 36 and
W½SW¼SE¼SW¼;
N–79927, 5.00 acres
T. 22 S, R. 60 E,
Section 28, N½SE¼SW¼NE¼.
N–94549, 2.50 acres
T. 22 S, R. 61 E,
Section 29, SW¼SW¼SE¼SW¼.
N–95754, 2.50 acres
T. 23 S, R. 61 E,
Section 17, SE¼SE¼SW¼NE¼.
N–95755, 1.25 acres
T. 19 S, R. 59 E,
Section 24, S½SE¼NE¼SE¼SW¼.

The areas described contain 87.50 acres.

The BLM will also publish this Notice once a week for three consecutive weeks in the *Las Vegas Review-Journal.* A sales matrix is available on the BLM website at: *https://www.blm.gov/snplma.* The sales matrix provides information specific to each sale parcel such as legal description, physical location, encumbrances, acreage, and FMV. The FMV for each parcel is available in the sales matrix and the appraisal reports no later than 30 days prior to the sale.

The sale is in conformance with the BLM Las Vegas Resource Management Plan decision LD–1, approved on October 5, 1998. The Las Vegas Valley Disposal Boundary Environmental Impact Statement and Record of Decision issued on December 23, 2004 analyzed the sale parcels. A parcel-specific Determination of National Environmental Policy Act Adequacy (DNA), document number DOI–BLM–NV–S010–2018–0023–DNA, was prepared in connection with this Notice of Realty Action.

Submit comments on this sale notice to the address in the **ADDRESSES** section. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including any PII—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your PII from public review, we cannot guarantee that we will be able to do so.

Sale procedures: Registration for oral bidding will begin at 9:00 a.m. Pacific Time and will end at 10:00 a.m. Pacific Time at the City of North Las Vegas, Council Chambers, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada 89030, on the day of the sale, September 27, 2018. There will be no prior registration before the sale date. To participate in the competitive sale, all registered bidders must submit a bid guarantee deposit in the amount of $10,000 by certified check, postal money order, bank draft, or cashier's check made payable to the Department

of the Interior—Bureau of Land Management on the day of the sale or submit the bid guarantee deposit along with the sealed bids. The public sale auction will be through sealed and oral bids. Sealed bids will be opened and recorded on the day of the sale to determine the high bids among the qualified bids received. Sealed bids above the FMV will set the starting point for oral bidding on a parcel. Parcels that receive no qualified sealed bids will begin at the established FMV. Bidders who are participating and attending the oral auction on the day of the sale are not required to submit a sealed bid but may choose to do so.

Sealed-bid envelopes must be clearly marked on the lower front left corner with the parcel number and name of the sale, for example: ''N–XXXXX, 20-parcel SNPLMA 2018 Fall Sale.'' If multiple sealed bids are submitted, only the envelope that contains the bid guarantee needs to be noted with ''bid guarantee.'' Sealed bids must include an amount not less than 20 percent of the total bid amount and the $10,000 bid guarantee noted above by certified check, postal money order, bank draft, or cashier's check made payable to the ''Department of the Interior—Bureau of Land Management.'' The bid guarantee and bid deposit may be combined into one form of deposit; the bidder must specify the amounts of the bid deposit and the bid guarantee. If multiple sealed bids are submitted, the first sealed bid of the group must include the $10,000 bid guarantee with the same bidder name. The BLM will not accept personal or company checks. The sealed-bid envelope *must* contain the 20 percent bid deposit, bid guarantee, and a completed and signed ''Certificate of Eligibility'' form stating the name, mailing address, and telephone number of the entity or person submitting the bid. Certificate of Eligibility and registration forms are available at the BLM LVFO at the address listed in the **ADDRESSES** section and on the BLM website at: *https://www.blm.gov/snplma.* Pursuant to 43 CFR 2711.3–1(c), if two or more sealed-bid envelopes containing valid bids of the same amount are received, oral bidding will start at the sealed-bid amount. If there are no oral bids on the parcel, the authorized officer will determine the winning bidder. Bids for less than the federally approved FMV will not be qualified. The highest qualifying bid for any parcel will be declared the high bid. The apparent high bidder must submit a deposit of not less than 20 percent of the successful bid amount by 3:30 p.m. Pacific Time on the day of the sale in the form of a certified check, postal money order, bank draft, or cashier's check made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management.'' Funds must be delivered at the Bureau of Land Management, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130 no later than 3:30 p.m. Pacific Time on the day of the sale to the BLM Collection Officers. The BLM will send the successful bidder(s) a high-bidder letter with detailed information for full payment.

All bid guarantee deposits submitted with unsuccessful bids will be returned to the bidders or their authorized representative upon presentation of acceptable photo identification at the sale location, the BLM–LVFO, or by certified mail. The apparent high bidder may choose to apply the bid guarantee towards the required deposit. Failure to submit the 20 percent deposit following the close of the sale under 43 CFR 2711.3–1(d) will result in forfeiture of the bid guarantee. If the successful bidder offers to purchase more than one parcel and fails to submit the 20 percent bid deposit resulting in default on any single parcel following the sale, the BLM will retain the $10,000.00 bid guarantee, and may cancel the sale of all the parcels to that bidder. If a high bidder is unable to consummate the transaction for any reason, the second highest bid may be considered to purchase the parcel. If there are no acceptable bids, a parcel may remain available for sale at a future date in accordance with competitive sale procedures without further legal notice.

Federal law requires that bidders must be: (1) A citizen of the United States 18 years of age or older; (2) a corporation subject to the laws of any state or of the United States; (3) a state, instrumentality, or political subdivision authorized to hold property; or (4) an entity legally capable of conveying and holding lands or interests therein under the laws of the State of Nevada.

Evidence of United States citizenship is a birth certificate, passport, or naturalization papers. The high bidder must submit proof of citizenship within 25 days from receipt of the high-bidder letter. Citizenship documents and Articles of Incorporation (as applicable) must be provided to the BLM–LVFO for each sale. The successful bidder is allowed 180 days from the date of the sale to submit the remainder of the full purchase price.

According to SNPLMA as amended, Public Law 105–263 section 4(c), lands identified within the Las Vegas Valley Disposal Boundary are withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary of the Interior (Secretary) terminates the withdrawal or the lands are patented.

Terms and Conditions: All minerals for the sale parcels will be reserved to the United States. The patents, when issued, will contain a mineral reservation to the United States for all minerals.

In response to requests to clarify this mineral reservation as it relates to mineral materials, such as sand and gravel, we refer interested parties to the regulations at 43 CFR 3601.71(b), which provides that the owner of the surface estate of lands with reserved federal minerals may ''use a minimal amount of mineral materials for . . . personal use'' within the boundaries of the surface estate without a sales contract or permit. The regulation provides that all other use, absent statutory or other express authority, requires a sales contract or permit. We refer interested parties to the explanation of this regulatory language in the preamble to the final rule published in the **Federal Register** in 2001, which stated that minimal use ''would not include large-scale use of mineral materials, even within the boundaries of the surface estate'' (66 FR 58894). Further explanation is contained in BLM Instruction Memorandum No. 2014–085 (April 23, 2014), available on BLM's website at *https://www.blm.gov/policy/im-2014-085.*

The parcels are subject to limitations prescribed by law and regulation, and certain encumbrances in favor of third parties. Prior to patent issuance, a holder of any Right-of-Way (ROW) within the sale parcels will have the opportunity to amend the ROW for conversion to a new term, including perpetuity, if applicable, or conversion to an easement. The BLM will notify valid existing ROW holders of record of their ability to convert their compliant ROWs to perpetual ROWs or easements. In accordance with federal regulations at 43 CFR 2807.15, once notified, each valid holder may apply for the conversion of their current authorization.

The following numbered terms and conditions will appear on the conveyance documents for the sale parcels:

1. All minerals deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same under applicable law and regulations to be established by the Secretary are reserved to the United

States, together with all necessary access and exit rights;

2. A ROW is reserved for ditches and canals constructed by authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945);

3. The parcels are subject to valid existing rights;

4. The parcels are subject to reservations for road, public utilities, and flood control purposes, both existing and proposed, in accordance with the local governing entities' transportation plans; and

5. An appropriate indemnification clause protecting the United States from claims arising out of the lessee's/patentee's use, occupancy, or occupations on the leased/patented lands.

Pursuant to the requirements established by Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9620(h) (CERCLA), as amended, notice is hereby given that the lands have been examined and no evidence was found to indicate that any hazardous substances have been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

No warranty of any kind, express or implied, is given by the United States as to the title, whether or to what extent the land may be developed, its physical condition, future uses, or any other circumstance or condition. The conveyance of a parcel will not be on a contingency basis. However, to the extent required by law, the parcel is subject to the requirements of Section 120(h) of the CERCLA.

BLM–LVFO must receive the request for escrow instructions prior to 30 days before the prospective patentee's scheduled closing date. There are no exceptions.

All name changes and supporting documentation must be received at the BLM–LVFO 30 days from the date on the high-bidder letter by 4:30 p.m. Pacific Time. There are no exceptions. To submit a name change, the apparent high bidder must submit the name change in writing on the Certificate of Eligibility form to the BLM–LVFO.

The remainder of the full bid price for the parcel must be received no later than 4:30 p.m. Pacific Time, within 180 days following the day of the sale. Payment must be submitted in the form of a certified check, postal money order, bank draft, cashier's check, or made available by electronic fund transfer made payable in U.S. dollars to the ''Department of the Interior—Bureau of Land Management'' to the BLM–LVFO. The BLM will not accept personal or company checks.

Arrangements for electronic fund transfer to the BLM for payment of the balance due must be made a minimum of two weeks prior to the payment date. Failure to pay the full bid price within 180 days of the sale date will disqualify the high bidder and cause the entire 20 percent bid deposit to be forfeited to the BLM. Forfeiture of the 20 percent bid deposit is in accordance with 43 CFR 2711.3–1(d). There are no exceptions. The BLM can only accept the remainder of the full bid price up to 180 days after the sale date.

The BLM will not sign any documents related to 1031 Exchange transactions. The timing for completion of such an exchange is the bidder's responsibility. The BLM cannot be a party to any 1031 Exchange.

In accordance with 43 CFR 2711.3–1(f), the BLM may accept or reject any or all offers to purchase, or withdraw any parcel of land or interest therein from sale within 30 days, if the BLM authorized officer determines consummation of the sale would be inconsistent with any law, or for other reasons as may be provided by applicable law or regulations. No contractual or other rights against the United States may accrue until the BLM officially accepts the offer to purchase and the full bid price is paid.

Upon publication of this Notice and until completion of this sale, the BLM will no longer accept land use applications affecting the parcel identified for sale. However, land use applications may be considered after the sale if the parcel is not sold. The parcel may be subject to land use applications received prior to publication of this Notice if processing the application would have no adverse effect on the marketability of title, or the FMV of the parcel. Information concerning the sale, encumbrances of record, appraisals, reservations, procedures and conditions, CERCLA, and other environmental documents that may appear in the BLM public files for the proposed sale parcels are available for review during business hours, 8:00 a.m. to 4:30 p.m. Pacific Time, Monday through Friday, at the BLM–LVFO, except during federal holidays.

In order to determine the FMV through appraisal, certain extraordinary assumptions and hypothetical conditions may have been made concerning the attributes and limitations of the lands and potential effects of local regulations and policies on potential future land uses. Through publication of this Notice, the BLM advises that these assumptions may not be endorsed or approved by units of local government.

It is the buyer's responsibility to be aware of all applicable federal, state, and local government laws, regulations and policies that may affect the subject lands, including any required dedication of lands for public uses. It is also the buyer's responsibility to be aware of existing or prospective uses of nearby properties. When conveyed out of federal ownership, the lands will be subject to any applicable laws, regulations, and policies of the applicable local government for proposed future uses. It is the responsibility of the purchaser to be aware through due diligence of those laws, regulations, and policies, and to seek any required local approvals for future uses. Buyers should make themselves aware of any federal or state law or regulation that may impact the future use of the property. Any land lacking access from a public road or highway will be conveyed as such, and future access acquisition will be the responsibility of the buyer.

Termination of R&PP Classification and Segregation: Additionally, portions of the following leases granted under the R&PP Act, (43 U.S.C 869 *et seq.*) have been relinquished: N–76692 (71 FR 20724) and N–63292 (65 FR 14613). This Notice officially terminates the R&PP Classification and Segregation of the parcels located in Mount Diablo Meridian, T. 19 S, R. 59 E, section 24, SE¼NE¼SE¼SW¼ and S½SW¼SE¼NW¼SE¼; section 25, NE¼SE¼NE¼SE¼, but does not serve as an opening order because the parcels are within the disposal boundary set by Congress in SNPLMA. Section 4(c) of SNPLMA withdrew these parcels, subject to valid existing rights, from entry and appropriation under the public land laws, location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws, until such time as the Secretary terminates the withdrawal or the lands are patented.

Any comments regarding the proposed sale will be reviewed by the BLM Nevada State Director or other authorized official of the Department of the Interior, who may sustain, vacate, or modify this realty action in response to such comments. In the absence of any comments, this realty action will become the final determination of the Department of the Interior.

Authority: 43 CFR 2711.1–2.

Vanessa L. Hice,

Assistant Field Manager, Division of Land.

[FR Doc. 2018–14673 Filed 7–6–18; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–25843; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before June 16, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 24, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 16, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

San Francisco County

Fireman's Fund Insurance Company Home Office, 3333 California St., San Francisco, SG100002709

MICHIGAN

Houghton County

Hancock Central High School, 417 Quincy St., Hancock, SG100002713

Ingham County

Michigan School for the Blind, 715 W Willow St., Lansing, SG100002714

Kent County

Grand Rapids Christian High School, 415 Franklin St. SE, Grand Rapids, SG100002712

Additional documentation has been received for the following resource:

NEW YORK

Madison County

Spirit House, NY 26, Georgetown, AD06000160

Nomination submitted by Federal Preservation Officer:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

VERMONT

Windsor County,

Hospital Building #1, (United States Second Generation Veterans Hospitals MPS), 215 N Main St., Hartford, MP100002715

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 21, 2018.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program, Deputy Keeper of the National Register of Historic Places.

[FR Doc. 2018–14601 Filed 7–6–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–25876; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before June 23, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 24, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 23, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

ALABAMA

Tuscaloosa County

Kennedy—Foster House, 1842 25th Ave., Tuscaloosa, SG100002717

CONNECTICUT

Middlesex County

Connecticut Valley Hospital Cemetery, S of jct. of Silvermine Rd. & O'Brien Dr., Middletown, SG100002718

FLORIDA

Lee County

Mound House, 451 Connecticut St., Fort Meyers Beach, SG100002723

Leon County

Wahnish Cigar Factory and Tobacco Warehouse, 469 St. Francis Street, Tallahassee, SG100002725

Manatee County

Duette School, 40755 FL 62, Parrish vicinity, SG100002726

Osceola County

St. Cloud Depot (Florida's Historic Railroad Resources MPS), 915 New York Avenue, St. Cloud, MP100002728

ILLINOIS

Randolph County

Nisbet, Hugh B. House, 340 E Buena Vista, Chester, SG100002731

MASSACHUSETTS

Plymouth County

Leonard. Shaw & Dean Shoe Factory, 151 Peirce St., Middleborough, SG100002733

Suffolk County

Columbia Road—Strathcona Road Historic District, 90–94,102–108, 105–111, 129–135, 137, 143–147, 150–156 Columbia & 16 Strathcona Rds., 114–126 Washington St., Boston, SG100002734

NEW YORK

Erie County

Buffalo Public School No. 44 (PS44), 1369 Broadway, Buffalo, SG100002735
Buffalo Public School No. 57 (PS 57), 243 Sears St., Buffalo, SG100002736
Faith Missionary Baptist Church, 626 Humboldt Pkwy, Buffalo, SG100002737
St. Stephen's Roman Catholic Church Complex, 169–193 Elk St., Buffalo, SG100002738

Monroe County

Wollensack Optical Company Building, 872 Hudson Ave., Rochester, SG100002739

Nassau County

Pine Hollow Cemetery, Pine Hollow Rd., Oyster Bay, SG100002740

Richmond County

Immanuel Union Church, 693 Jewett Ave., Staten Island, SG100002742

Suffolk County

Amagansett U.S. Life-Saving and Coast Guard Station (U.S. Government Lifesaving Stations MPS), 160 Atlantic Ave., Amagansett, MP100002743
Wardenclyffe Laboratory, 56 NY 25A, Shoreham, SG100002744

Ulster County

Fuller Shirt Company Factory, 45 Pine Grove Ave., Kingston, SG100002745

TENNESSEE

Coffee County

Smotherman House (Tullahoma MPS), 211 W Blackwell St., Tullahoma, MP100002747
Tullahoma Municipal Building (Tullahoma MPS), 201 W Grundy St., Tullahoma, MP100002748

Gibson County

Booker T. Motel, 607 W Main St., Humboldt, SG100002750

Haywood County

Brownsville Carnegie Library (Brownsville, Tennessee MPS), 121 W Main St., Brownsville, MP100002752

Jackson County

Carverdale Farms, 112 Harris Hollow Rd., Granville, SG100002754

Shelby County

American Snuff Company Historic District, 46 Keel Ave., 700 N Front & 701 N Main Sts., Memphis, SG100002755
National Trust Life Insurance Company Building, 2701 Union Ave. Extended, Memphis, SG100002756

TEXAS

Calhoun County

La Salle Monument (Monuments and Buildings of the Texas Centennial MPS), TX 316 at Blind Bayou, Indianola, MP100002757

Refugio County

Amon B. King's Men Monument (Monuments and Buildings of the Texas Centennial MPS), 807 Commerce St., King's Memorial Park, Refugio, MP100002758
Mission Nuestra Senora del Refugio Monument (Monuments and Buildings of the Texas Centennial MPS), 1008 S Alamo St., Refugio, MP100002759

Victoria County

Victoria County Monument (Monuments and Buildings of the Texas Centennial MPS), 402 N DeLeon St., Memorial Square Park, Victoria, MP100002760

WISCONSIN

Brown County

Greiling, Herman and Lillian, House, 2568 S Webster Ave., Allouez, SG100002761

A request for removal has been made for the following resources:

FLORIDA

Dade County

Greenwald, I. and E., Steam Engine No. 1058, 3898 Shipping Ave., Miami, OT87002197
Algonquin Apartments (Downtown Miami MRA), 1819—1825 Biscayne Blvd., Miami, OT88002985
Priscilla Apartments (Downtown Miami MRA), 318—320 NE 19th St. and 1845 Biscayne Blvd., Miami, OT88002986

Lake County

Fruitland Park Community Center, 604 W. Berckman St., Fruitland Park, OT15000508

Leon County

Works Progress Administration Building (Florida's New Deal Resources MPS), 319 East Gaines Street, Tallahassee, OT100002025

Sarasota County

Atlantic Coast Line Passenger Depot (Sarasota MRA), 1 S. School Ave., Sarasota, OT84000957

TENNESSEE

Giles County

Noblit—Lytle, House, 1311 Sugar Creek Rd., Minor Hill vicinity, OT08000734

Haywood County

Cedar Grove, W of Brownsville, Brownsville vicinity, OT80003833

Additional documentation has been received for the following resources:

FLORIDA

Leon County

Grove, The, 100 W 1st Ave., Tallahassee, AD72000335

NEW YORK

Oswego County

Fort Ontario, 1 E 4th St., Oswego vicinity, AD70000426

RHODE ISLAND

Providence County

College Hill Historic District, Roughly bounded by Olney, Canal, S Water, Governor, Williams & Hope Sts., Providence R., & Harbor, Providence, AD70000019

TENNESSEE

Dickson County

Napier, Richard C., House (Iron Industry on the Western Highland Rim 1790s–1920s MPS), Old Hwy. 48, Charlotte vicinity, AD88001110

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 26, 2018.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program, Deputy Keeper of the National Register of Historic Places.

[FR Doc. 2018–14602 Filed 7–6–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–DTS#–25799; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before June 9, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by July 24, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before June 9, 2018. Pursuant to Section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Nominations submitted by State Historic Preservation Officers:

CALIFORNIA

Los Angeles County

San Gabriel Mission Playhouse, 320 S Mission Dr., San Gabriel, SG100002674

San Bernardino County

Cucamonga Service Station (U.S. Highway 66 in California MPS), 9670 Foothill Blvd., Rancho Cucamonga, MP100002675

San Diego County

PCF 816 (patrol craft fast), 1492 N Harbor Dr., San Diego, SG100002676

Ventura County

Saticony Southern Pacific Railroad Depot, 11220 Azahar St., Saticony, SG100002678

COLORADO

Lincoln County

Rock Island Snow Plow No. 95580, 899 1st St., Limon, SG100002680

IDAHO

Nez Perce County

Lewiston Historic District (Boundary Increase), Roughly bounded by Beachey, Capital, D, 9th, 10th, F, 5th & 6th Sts., Lewiston, BC100002681

IOWA

Mahaska County

Vermeer, Gary J. and Matilda, Farmstead, 1688 250th Ave., Pella, SG100002682

MARYLAND

Prince George's County

New Town Center, 6505 & 6525 Belcrest Rd., 3700 East-West Hwy., Hyattsville, SG100002683

MICHIGAN

Eaton County

Charlotte Central Historic District, Cochran Ave. & adjacent streets W McClure to S of Henry St., Charlotte, SG100002684

Oakland County

Apple Island Historic Archaeological Site, Approx. 1/2 mi. form 4549 Commerce Rd., Orchard Lake Village, SG100002685

MISSOURI

Cole County

Woodland—Old City Cemetery, 1022 & 1000 E McCarty St., Jefferson City, SG100002688

Grundy County

Wolz, George, House, 605 W Crowder Rd., Trenton, SG100002690

MONTANA

Glacier County

MORNING EAGLE (carvel-planked wooden vessel), (Glacier National Park MPS, AD), Josephine L., Glacier NP, Babb, MP100002691

Jefferson County

Jefferson Canyon Highway Historic District, Milepost .5 to 12.3 MT 2, Cardwell vicinity, SG100002692

NORTH DAKOTA

Mountrail County

Assyrian Muslim Cemetery, 1/4 mi. S of US 2 on 87th Ave. NW, Ross vicinity, SG100002693

PUERTO RICO

San Juan Municipality

Casa Vigil, 1018 Calle Ferrocarril, Rio Piedras vicinity, SG100002694

Residencia de Senoritas Universidad de Puerto Rico; Rio Piedras, Address Restricted, San Juan vicinity, SG100002695

TEXAS

Bexar County

Ball, Joseph, Jr. and Salome, Homestead (Farms and Ranches of Bexar County, Texas), Address Restricted, Lytle vicinity, MP100002696

Comal County

Anhalt Hall, 2390 Anhalt Rd., Spring Branch, SG100002697

Arnold—Rauch—Brandt Homestead, TX 46 W, Parcel 393224, New Braunfels vicinity, SG100002698

Tarrant County

Shannon's Funeral Home, 2717 Ave. B, Fort Worth, SG100002699

Walker County

Josey Boy Scout Lodge and Keeper's Cabin, 2201 Ave. M, Huntsville, SG100002700

Wichita County

Freear, W.A., Furniture Company— Maskat Shrine Temple Building, 1100 Lamar St., Wichita Falls, SG100002701

UTAH

Salt Lake County

Hobbs, Edward and Irene, House (Murray City, Utah MPS), 487 E Vine St., Murray, MP100002702

Ross Hame, 4769 S Holladay Blvd., Holladay, SG100002703

Wayne County

Morrill, George and Ethalinda, House, 75 N Center St., Torrey, SG100002705

WASHINGTON

Thurston County

Capital Savings and Loan Association, 425 Franklin St., Olympia, SG100002706

An owner objection received for the following resource:

CALIFORNIA

Los Angeles County

Crosby Building, 9028 W Sunset Blvd., West Hollywood, SG100002673

A request for removal has been made for the following resource:

UTAH

Utah County

Davis—Ercanbrack Farmstead (Orem, Utah MPS), 2044 S. Main St., Orem, OT98001213

A request to move has been received for the following resource:

CALIFORNIA

San Mateo County

Lathrop House, 627 Hamilton St., Redwood City, MV73000448

Additional documentation has been received for the following resource:

COLORADO

Boulder County

Downtown Boulder Historic District, CO 19, Boulder, AD80000878

Authority: Section 60.13 of 36 CFR part 60.

Dated: June 14, 2018.

Julie H. Ernstein,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–14600 Filed 7–6–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–032]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: July 13, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote on Inv. No. 731–TA–1380 (Final) (Tapered Roller Bearings from Korea). The Commission is currently scheduled to complete and file its determination and views of the Commission by August 6, 2018.
5. Vote on Inv. No. 731–TA–1383 (Final) (Stainless Steel Flanges from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by July 25, 2018.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: June 29, 2018.

William Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–14704 Filed 7–5–18; 4:15 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Particle Sensor Performance and Durability

Notice is hereby given that, on June 7, 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''), Southwest Research Institute—Cooperative Research Group on Particle Sensor Performance and Durability (''PSPD–II'') 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, Faurecia Systemes D'Echappement (FSE), Nanterre, FRANCE, has been added as a party 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 PSPD–II intends to file additional written notifications disclosing all changes in membership.

On March 15, 2017, PSPD–II 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 14, 2017 (82 FR 18012).

The last notification was filed with the Department on February 6, 2018. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 19, 2018 (83 FR 12025).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14584 Filed 7–6–18; 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—PXI Systems Alliance, Inc.

Notice is hereby given that, on June 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''), PXI Systems Alliance, Inc. (''PXI Systems'') 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, Coherent Solutions Ltd., Auckland, NEW ZEALAND, has been added as a party to this venture.

Also, Circuit Check, Inc., Maple Grove, MN; Virginia Panel, Waynesboro, VA; Beijing Pansino Solutions Technology Co., Beijing, PEOPLE'S REPUBLIC OF CHINA; and Digalog Systems Inc., New Berlin, WI, have withdrawn as parties to this venture.

In addition, the following members have changed their names: VI Service Network to JX Instrumentation, Shanghai, PEOPLE'S REPUBLIC OF CHINA; and Pentair Technical Solutions GmbH to nVent, Straubenhardt, GERMANY.

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 PXI Systems intends to file additional written notifications disclosing all changes in membership.

On November 22, 2000, PXI Systems 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 March 8, 2001 (66 FR 13971).

The last notification was filed with the Department on March 26, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 24, 2018 (83 FR 17851).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14581 Filed 7–6–18; 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—Pistoia Alliance, Inc.

Notice is hereby given that, on May 29, 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''), Pistoia Alliance, Inc. 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, Thomas Doerner (individual), Loerrach, GERMANY; TetraScience Inc., Boston, MA; Melanie Brewer (individual), Santa Barbara, CA; Richard Holland (individual), Fordingbridge, UNITED KINGDOM; Omix Ventures Private Limited, Douglas, ISLE OF MAN; Digipharm, Zug, SWITZERLAND; Lab Automation Network, Tubigen, GERMANY; IDBS, Guildford, UNITED KINGDOM; Scilligence Corporation, Cambridge, MA; Envision Biotechnology Inc., Grandsville, MI; Synthace Ltd., London, UNITED KINGDOM; Wellcome Sanger Institute, Cambridge, UNITED KINGDOM; Medalynx Inc., Thousand Oaks, CA; Tag.bio, San Francisco, CA; and Global Value Web BV, Liessel, THE NETHERLANDS, have been added as parties to this venture.

Also, Tessella, Oxfordshire, UNITED KINGDOM; and AMRA (Advanced MR Analytics AB), Linkoping, SWEDEN, 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 Pistoia Alliance, Inc. intends to file additional written notifications disclosing all changes in membership.

On May 28, 2009, Pistoia Alliance, Inc. 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 July 15, 2009 (74 FR 34364).

The last notification was filed with the Department on March 6, 2018. A notice was published in the **Federal**

Register pursuant to Section 6(b) of the Act on April 24, 2018 (83 FR 17851).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14575 Filed 7–6–18; 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—Petroleum Environmental Research Forum

Notice is hereby given that, on May 31, 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''), Petroleum Environmental Research Forum (''PERF'') 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, CH2MHill, Englewood, CO; GeoSyntec Consultants, Inc., Boca Raton, FL; Nalco, Sugarland, TX; Petroleo Brasileiro S/A, Rio de Janeiro, BRASIL; and Test America, Parker, CO, 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 PERF intends to file additional written notifications disclosing all changes in membership.

On February 10, 1986, PERF 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 March 14, 1986 (51 FR 8903).

The last notification was filed with the Department on September 22, 2015. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on October 23, 2015 (80 FR 64448).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14576 Filed 7–6–18; 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—Interchangeable Virtual Instruments Foundation, Inc.

Notice is hereby given that, on June 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''), Interchangeable Virtual Instruments Foundation, Inc. (''IVI Foundation'') 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, Aeroflex/Cobham has changed its name to VIAVI Solutions Company, Wichita, KS.

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 IVI Foundation intends to file additional written notifications disclosing all changes in membership.

On May 29, 2001, IVI Foundation 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 July 30, 2001 (66 FR 39336).

The last notification was filed with the Department on December 19, 2017. A notice was published in the **Federal Registe** pursuant to Section 6(b) of the Act on January 22, 2018 (83 FR 3025).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit,Antitrust Division.

[FR Doc. 2018–14582 Filed 7–6–18; 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—Cooperative Research Group on ROS-Industrial Consortium-Americas

Notice is hereby given that, on June 11, 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''), Southwest Research Institute—Cooperative Research Group on ROS-Industrial Consortium-Americas (''RIC-Americas'') 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, PickNik LLC. Boulder, CO., has been added as a party 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 RIC-Americas intends to file additional written notifications disclosing all changes in membership or planned activities.

On April 30, 2014, RIC-Americas 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 April 25, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 5, 2018 (83 FR 26092).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14586 Filed 7–6–18; 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—UHD Alliance, Inc.

Notice is hereby given that, on June 7, 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''), UHD Alliance, Inc. (''UHD Alliance'') 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, Arcadyan Technology Corporation, Hsinchu City, TAIWAN, and Onkyo Corporation, Osaka, JAPAN, 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 UHD Alliance intends to file additional written notifications disclosing all changes in membership.

On June 17, 2015, UHD Alliance 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 July 17, 2015 (80 FR 42537).

The last notification was filed with the Department on March 8, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 9, 2018 (83 FR 15175).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14574 Filed 7–6–18; 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—ASTM International Standards

Notice is hereby given that on May 21, 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''), ASTM International (''ASTM'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. 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, ASTM has provided an updated list of current, ongoing ASTM standards activities originating between February 2018 and May 7, 2018 designated as work items. A complete listing of ASTM Work Items along with a brief description of each, is available at *http://www.astm.org.*

On September 15, 2004, ASTM 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 10, 2004 (69 FR 65226).

The last notification with the Department was filed on February 21, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 11, 2018 (83 15627).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14583 Filed 7–6–18; 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—Cooperative Research Group on Mechanical Stratigraphy and Natural Deformation in the Permian Strata of Texas and New Mexico: Implications for Exploitation of the Permian Basin

Notice is hereby given that, on May 30, 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''), Southwest Research Institute—Cooperative Research Group on Mechanical Stratigraphy and Natural Deformation in the Permian Strata of Texas and New Mexico: Implications for Exploitation of the Permian Basin (''Permian Basin'') 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, CONOCOPHILLIPS Company, Houston, TX, has been added as a party 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 Permian Basin intends to file additional written notifications disclosing all changes in membership.

On April 18, 2017, Permian Basin 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 May 12, 2017 (82 FR 22159).

The last notification was filed with the Department on May 9, 2018. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 25, 2018 (83 FR 24347).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14572 Filed 7–6–18; 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—Cooperative Research Group on Hedge IV

Notice is hereby given that, on June 11, 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''), Southwest Research Institute—Cooperative Research Group on HEDGE IV (''HEDGE IV'') 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, Volkswagen Group of America, Inc., Herndon, VA, has been added as a party 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 HEDGE IV intends to file additional written notifications disclosing all changes in membership.

On February 14, 2017, HEDGE IV 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 March 27, 2017 (82 FR 15238).

The last notification was filed with the Department on April 30, 2018. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on June 5, 2018 (83 FR 26092).

Suzanne Morris,

Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018–14585 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number: 1110–New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office of Private Sector, 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 8, 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 Johnny Starrunner, Unit Chief, Federal Bureau of Investigation, Office of Private Sector, 935 Pennsylvania Ave., Washington DC, *jrstarrunner@fbi.gov,* 202–436–8136. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- ➢ Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the [Component or Office name], 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:* Sector and Industry Survey.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* ''There is no agency form number for this collection.'' The applicable component within the Department of Justice is 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:* Primary respondents will be individuals. Information will be collected from FBI InfraGard and Domestic Security Alliance Council (DSAC) members to assist in determining the private sector partner's perspective in regards to the status of critical infrastructure sector/sub-sector/industry's risks and concerns.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* There is an expectation of approximately 500 respondents per survey. It is estimated that each survey will take approximately 10–15 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:* (approximation) 20 surveys of 500 respondents each at 15 minute survey completion rate = 2500 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 3, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–14597 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0009]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted; and Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Accidentally Killed

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 7, 2018.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

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 Federal Bureau of Investigation, 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:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Law Enforcement Officers Killed and Assaulted Program, Analysis of Officers Feloniously Killed and Assaulted Program; and Law Enforcement Officers Killed and Assaulted, Analysis of Officers Accidentally Killed

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1–701 and 1–701a. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. A*ffected public who will be asked or required to respond, as well as a brief abstract:*

Primary: City, county, state, tribal and federal law enforcement agencies.

Abstract: Under Title 28, U.S. Code, Section 534, Acquisition, Preservation, and Exchange of Identification Records; Appointment of Officials this collection requests the number of officers killed or assaulted from law enforcement agencies in order for the FBI Uniform Crime Reporting Program to serve as the national clearinghouse for the collection and dissemination of law enforcement officer death/assault data and to publish these statistics in Law Enforcement Officers Killed and Assaulted.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* UCR Participation Burden Estimation: There are approximately 188 law enforcement agency respondents with an estimated response time of 1 hour per report.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 188 hours, annual burden, associated with this information collection.

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: July 3, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–14598 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0065]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection: National Corrections Reporting Program

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 7, 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 Elizabeth Ann Carson, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *elizabeth.carson@usdoj.gov;* telephone: 202–616–3496).

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 Bureau of Justice Statistics, 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:* Extension of a Currently Approved Collection.

(2) *The Title of the Form/Collection:* National Corrections Reporting Program. The collection includes the following parts: Prisoner Admission Report, Prisoner Release Report, Prisoners in Custody at Year-end Report, Post-Custody Community Supervision Entry Report, Post-Custody Community Supervision Exit Report.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number(s): NCRP–1A, NCRP–1B, NCRP–1D, NCRP–1E, NCRP–1F. The applicable component within the Department of Justice is the Bureau of Justice Statistics (Corrections Unit), in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: 50 state departments of corrections (DOCs) and 7 parole boards (in six states and the District of Columbia). The National Corrections Reporting Program (NCRP) is the only national data collection furnishing annual individual-level information for state prisoners at five points in the incarceration process: Prison admission, prison release, annual year-end prison custody census, entry to post-custody community corrections supervision, and exits from post-custody community corrections supervision. BJS, the U.S. Congress, researchers, and criminal justice practitioners use these data to describe annual movements of adult offenders through state correctional systems, as well as to examine long-term trends in time served in prison, demographic and offense characteristics of inmates, sentencing practices in the states that submit data, transitions between incarceration and community corrections, and recidivism. Providers of the data are personnel in the states' Departments of Corrections and Parole, and all data are submitted on a voluntary basis. The NCRP collects the following administrative data on each inmate in participating states' custody:

- County of sentencing
- State and federal inmate identification numbers

• Dates of: Birth, prison admission, prison release, projected prison release, mandatory prison release, eligibility hearing for post-custody community corrections supervision, post-custody community corrections supervision entry, post-custody community corrections supervision exit
• First, middle, and last names
• Demographic information: Sex, race, Hispanic origin, education level, prior military service, date and type of last discharge from military
• Offense type and number of counts per inmate for a maximum of three convicted offenses per inmate
• Total sentence length imposed
• Type of facility where inmate is serving sentence (for year-end custody census records only, the name of the facility is also requested)
• Type of prison admission
• Type of prison release
• Location of post-custody community supervision exit or post-custody community supervision office (post-custody community supervision records only)
• Social security number
• Address of last residence prior to incarceration
• Prison security level at which the inmate is held

For consideration, BJS is proposing to add the following items to the NCRP collection, all of which are likely available from the same databases as existing data elements and should likely pose minimal additional burden to the respondents, while enhancing BJS's ability to characterize the corrections systems and populations it serves:
• Status of current U.S. citizenship
• Country of current citizenship
• Country of birth

Finally, BJS is proposing to remove the following items from the NCRP collection, based on a combination of low response rates (less than 50% of states) and/or high levels of missing data (30% or higher missing) among states that do respond:
• Prior prison time served by the offender
• Additional offenses since admission date
• Additional sentence time since admission date
• Whether the offender was on AWOL or escape while serving sentences
• Whether the offender was serving time concurrently on community release prior to prison release
• The number of days on community release prior to prison release served by the offender
• Agencies assuming custody at the time of prison release
• Offender's supervision status prior to release from post-custody community supervision
• Whether the offender's maximum sentence includes a mandatory minimum sentence
• Whether the offender's maximum sentence includes a Truth in Sentencing Law restriction
• The length of court-imposed sentence to community service for the offender

BJS uses the information gathered in NCRP in published reports and statistics. The reports will be made available to the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, others interested in criminal justice statistics, and the general public via the BJS website.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* BJS anticipates 57 respondents to NCRP by 2021: 50 state DOC respondents and seven separate parole boards (in six states and the District of Columbia). Burden hours for the three collection years (2019–2021) differ based on whether a state has previously submitted NCRP prison and PCCS data in recent years. All 50 DOCs have recently submitted NCRP prison data, but currently, only 32 DOCs have submitted PCCS data in the last four years.

Burden Hours for Prison Records (NCRP–1A, NCRP–1B, NCRP–1D)

All 50 DOCs have recently submitted NCRP prison data, so the average time needed to continue providing prison data is expected to be 8 hours per respondent for both prisoner admissions and releases (NCRP–1A and NCRP–1B) and 8 hours for data on persons in prison at year-end (NCRP–1D). For 2019, the total burden estimate of 16 hours per DOC for these three record types is increased by 45 minutes from the previous NCRP OMB submission, to account for the addition and removal of variables from states' extract programs (a 30 minute increase to add citizenship questions to NCRP–1A and NCRP–1D, and a 15 minute increase to remove the 11 variables). The total amount of time estimated for 50 DOCs to submit NCRP–A, –B, and –D records in 2019 is 837.5 hours (16.75 hours*50 = 837.5 hours).

In 2020 and 2021, BJS expects to have all 50 DOCs providing NCRP prison data. The burden for provision of the NCRP prison data will decrease to 14 hours per respondent due to the removal of the 11 items (7 hours for the prison admission and release records combined, and 7 hours for the year-end custody records), for a total of 700 hours annually for the 50 DOCs in 2020 and 2021 (14 hours*50 = 70 hours).

Burden Hours for PCCS Records (NCRP–1E, NCRP–1F)

There are currently 37 jurisdictions submitting PCCS data (32 DOCs and 5 parole boards), and BJS estimates that extraction and submission of both the PCCS entries and exits takes an average of 8 hours per jurisdiction. In 2019, BJS anticipates that 8 additional DOCs and one parole board (likely the District of Columbia) will submit data, with the burden for each new jurisdiction being 24 hours to set up extraction programs and make the submission. Thus, the burden for PCCS records is 296 hours for those already submitting (8 hours*37 = 296 hours), and 216 hours for new submissions (24 hours*9 = 216). The total amount of time for all PCCS submissions in 2019 is 512 hours.

In 2020, BJS hope to recruit an additional 2 DOCs and the remaining parole board to submit NCRP PCCS data. The total estimate for submission of PCCS for new jurisdictions in 2020 is 72 hours (24 hours*3 = 72 hours). For those 40 DOCs and 6 parole boards currently responding, provision of the PCCS data in 2020 will total 368 hours (8 hours*46 = 368 hours). The total amount of time for all PCCS submissions in 2020 is 440 hours.

Similarly, BJS hopes that the remaining 2 DOCs will submit PCCS data for the first time in 2021. The remaining non-reporting DOCs would need a total of 48 hours to create data extraction programs and begin data submission (24 hours*2 = 48 hours). Those jurisdictions (42 DOCs and 7 parole boards) who provided NCRP PCCS data in 2020 will require 392 hours total to do the same in 2021 (8 hours*49 = 392 hours). The total amount of time for all PCCS submissions in 2021 is 440 hours.

Burden Hours for Data Review/Follow-up Consultations

Follow-up consultations with respondents are usually necessary while processing the data to obtain further information regarding the definition, completeness and accuracy of their report. The duration of these follow-up consultations will vary based on the number of record types submitted, so BJS has estimated an average of 3 hours per jurisdiction to cover all of the records (prison and/or PCCS) submitted. In 2019, BJS anticipates that one of the two parole boards not currently submitting PCCS data will begin to submit, so the number of jurisdictions requiring follow-up consultations is 51

(50 DOCs submitting at least the prison data, and one parole board submitting only PCCS data). This yields a total of 153 hours of follow-up consultation after submission (3 hours*51 = 153 hours).

This total estimate of 153 hours for data review/follow-up consultations remains the same for 2020 and 2021.

Total Burden Hours for Submitting NCRP Data

BJS anticipates that the total burden for provision and data follow-up of all NCRP data across the participating jurisdictions in 2019 is 1,502.5 hours (837.5 hours for prison records, 512 hours for PCCS records, and 153 hours for follow-up consultation). This is equivalent to roughly 29 hours per respondent. The total annual burden for provision and follow-up of NCRP data in 2020 and 2021 is anticipated to be 1,293 hours (700 hours for prison records, 440 hours for PCCS records, and 153 hours for follow-up consultation).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,502.5 total burden hours associated with this collection in 2019, and 1,293 hours in both 2020 and 2021.

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.405B, Washington, DC 20530.

Dated: July 3, 2018

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–14599 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0020]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until September 7, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestion regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* OVW Solicitation Template.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0020. U.S. Department of Justice, OVW.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: The affected public includes applicants to OVW grant programs authorized under the Violence Against Women Act of 1994 as amended. These include States, territories, Tribes or units of local government, institutions of higher education including colleges and universities, tribal organizations, Federal, State, tribal, territorial or local courts or court-based programs, State sexual assault coalitions, State domestic violence coalitions; territorial domestic violence or sexual assault coalitions, tribal coalitions, community-based organizations, and non-profit, nongovernmental organizations. The purpose of the solicitation template is to provide a framework to develop program-specific announcements soliciting applications for funding. A program solicitation outlines the specifics of the funding program; describes the requirements for eligibility; instructs an applicant on the necessary components of an application under a specific program (*e.g.* project activities and timeline, proposed budget): and provides registration dates, due dates, and instructions on how to apply within the designated application system. OVW is proposing revisions to the current OMB-approved solicitation template to reduce duplicative language, employ plain language, ensure consistency, outline all requirements clearly, and conform with 2 CFR part 200, Uniform Administrative Requirements, Cost Requirements, Cost Principles, and Audit Requirements for Federal Awards.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that information will be collect annually from the approximately 1800 respondents (applicants to the OVW grant programs). The public reporting burden for this collection of information is estimated at up to 30 hours per application. The 30-hour estimate is based on the amount of time to prepare a narrative, budget and other materials for the application and, if required, to coordinate with and develop a memorandum of understanding with requisite project partners.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 54,000 hours.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: July 3, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–14642 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board. The meeting will be open to the public.

Name of the Committee: NIC Advisory Board.

General Function of the Committee: To aid the National Institute of Corrections in developing long-range plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

Date and Time: 8:00 a.m.–4:30 p.m. on Friday, August 17, 2018.

Location: National Institute of Corrections, 500 First Street NW, 2nd Floor, Washington, DC 20534, (202) 514–4202.

Contact Person: Shaina Vanek, Acting Director, National Institute of Corrections, 320 First Street NW, Room 5002, Washington, DC 20534. To contact Ms. Vanek, please call (202) 514–4202.

Agenda: On August 17, 2018, the Advisory Board will discuss/address the following topics: (1) Brief Agency Report from the NIC Acting Director, (2) briefings from NIC Division Chiefs, and (3) updates from partner agencies and associations.

Procedure: On August 17, 2018, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before August 13, 2018. Oral presentations from the public will be scheduled between approximately 11:15 a.m. to 11:45 a.m. and 3:45 p.m. and 4:15 p.m. on August 17, 2018. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 13, 2018.

General Information: NIC welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Shaina Vanek at least 7 days in advance of the meeting. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Shaina Vanek,

Acting Director, National Institute of Corrections.

[FR Doc. 2018–14526 Filed 7–6–18; 8:45 am]

BILLING CODE 4410–36–M

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the DOL core programs and services that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for individuals or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Gregory Green at 202–693–4734.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, July 20, 2018 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: Tuesday, July 31, 2018 beginning at 9:00 a.m. and ending at approximately 4:00 p.m. (EST).

ADDRESSES: The meeting will take place at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW, Washington, DC 20210, Conference Room N–3437 A & B. Members of the public are encouraged to arrive early to allow for security clearance into the Frances Perkins Building.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory Green, Assistant Designated Federal Official for the ACVETEO, (202) 693–4734.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary for VETS, with respect to outreach activities and employment and training needs of Veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Security Instructions: Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue at 3rd and C Streets, NW. For security purposes meeting participants must:

1. Present a valid photo ID to receive a visitor badge.

2. Know the name of the event being attended: the meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW. When receiving a visitor badge, the security officer will retain the visitor's photo ID until the visitor badge is returned to the security desk.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, Metro's Judiciary Square station is the easiest way to access the Frances Perkins Building.

Notice of Intent to Attend the Meeting: All meeting participants are being asked to submit a notice of intent to attend by Friday, July 20, 2018, via email to Mr. Gregory Green at *green.gregory.b@dol.gov,* subject line ''July 2018 ACVETEO Meeting.''

Agenda

9:00 a.m. Welcome and remarks, Matthew M. Miller, Deputy Assistant Secretary, Veterans' Employment and Training Service

9:05 a.m. Administrative Business, Gregory Green, Assistant Designated Federal Official
9:10 a.m. Transition & Training Subcommittee Discussion/ Development on annual report recommendations
10:45 a.m. Break
11:00 a.m. Barriers to Employment Subcommittee Discussion/ Development on annual report recommendations
12:30 p.m. Lunch
1:30 p.m. Direct Services Subcommittee Discussion/Development on annual report recommendations
3:00 p.m. Break
3:15 p.m. Subcommittee Discussion/ Assignments, Previous ACVETEO Chairman, Ryan Gallucci
3:30 p.m. Public Forum, Gregory Green, Assistant Designated Federal Official
4:00 p.m. Adjourn

Signed in Washington, DC, this 27th day of June 2018.

Matthew M. Miller,

Deputy Assistant Secretary, Veterans' Employment and Training Service.

[FR Doc. 2018–14579 Filed 7–6–18; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Contribution Operations

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Contribution Operations,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before August 8, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201802-1205-002* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Contribution Operations information collection. In support of Unemployment Insurance statutory and regulatory requirements, Form ETA–581 (Contribution Operations) provides quarterly data on State agencies' volume and performance in wage processing, promptness of liable employer registration, timeliness of filing contribution and wage reports, extent of tax delinquency, and results of the field audit program. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0178.

The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 13, 2017 (82 FR 52332).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0178. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Contribution Operations.

OMB Control Number: 1205–0178.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212

Total Estimated Annual Time Burden: 1,590 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–14595 Filed 7–6–18; 8:45 am]

BILLING CODE 4510–FW–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Closed teleconference of the Committee on Strategy of the National Science Board, to be held Friday, July 13, 2018 from 3:00 p.m. to 4:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Closed

MATTERS TO BE CONSIDERED: Chair's opening remarks; discussion of FY 2020 NSF budget request.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Kathy Jacquart, 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: (703) 292–7000. You may find meeting information and updates (time, place, subject matter or status of meeting) at *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2018–14717 Filed 7–5–18; 4:15 pm]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–156; MC2018–188 and CP2018–262; and MC2018–189 and CP2018–263]

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:* July 9, 2018.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

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).:* CP2017–156; *Filing Title:* USPS Notice of Amendment to First-Class Package Service Contract 75, Filed Under Seal; *Filing Acceptance Date:* June 29, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd, *Comments Due:* July 9, 2018.

2. *Docket No(s).:* MC2018–188 and CP2018–262; *Filing Title:* USPS Request to Add Priority Mail Express & Priority Mail 69 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 29, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd, *Comments Due:* July 9, 2018.

3. *Docket No(s).:* MC2018–189 and CP2018–263; *Filing Title:* USPS Request to Add Priority Mail & First-Class Package Service Contract 83 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* June 29, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd, *Comments Due:* July 9, 2018.

This Notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2018–14541 Filed 7–6–18; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83576; File No. SR–ISE–2018–56]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing of Proposed Rule Change To Amend Its Rules Related to Complex Orders

July 2, 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 22, 2018, Nasdaq ISE, LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[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 its rules related to Complex Orders.

The text of the proposed rule change is available on the Exchange's website at *http://ise.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange first adopted Rule 722 for complex orders in October 2001 and has amended and expanded Rule 722 and other Exchange rules to provide for the handling of complex orders over the years. Although the Exchange has always handled complex orders on an automated basis, the Exchange's rules related to complex orders have largely remained principle based. As a result, the Exchange's rules do not fully describe how complex orders are processed in the level of detail that is now the standard for automated exchanges. Accordingly, the Exchange believes it is necessary and appropriate to revise its rules related to complex orders to provide greater clarity regarding how complex orders are processed on the Exchange. In this respect, the proposed rule change consolidates within Rule 722 provisions that have been added to various other Exchange rules over the years and adds cross references within Rule 722 to other applicable rules to provide a single point of reference for how complex orders are handled on the Exchange. The proposal also expands upon and clarifies various existing provisions, and provides greater detail regarding complex order types, the application of Exchange rules regarding internalization, and complex order crossing transactions. Furthermore, the proposal also adds provisions related to the exposure of complex orders for price improvement and the process for opening complex strategies. The Exchange notes that it is simply including additional detail in its rules on the existing process. No changes to the process are being contemplated by this rule change filing.

Definitions

The Exchange proposes to amend Rule 722(a) to adopt the terms ''Complex Options Strategy'' for complex strategies that have only options components, ''Stock-Option Strategy'' for complex strategies that have a stock component and a single options component, and ''Stock-Complex Strategy'' for complex strategies that have a stock component and multiple options components. The proposed definitions would also include language that explains that only those Complex Options Strategies and Stock-Complex Strategies with no more than the applicable number of legs are eligible for processing.[3] The applicable number of legs will be determined by the Exchange on a class-by-class basis independently for Complex Options Strategies and Stock-Complex Strategies.[4] In addition, the Exchange proposes to adopt separate definitions for the terms ''Complex Options Order,'' ''Stock-Option Order,'' and ''Stock-Complex Order,'' which refer to orders for a Complex Options Strategy, Stock-Option Strategy, and Stock-Complex Strategy, respectively. Finally, the Exchange proposes to state that the term ''Complex Order'' includes Complex Options Orders, Stock-Option Orders, and Stock-Complex Orders. Currently, Rule 722(a) does not contain a definition of complex strategies (as opposed to orders) and refers to options only complex orders as ''complex orders'' and separately defines ''stock-option orders.'' As a result, it may not be clear under the current definitions whether references in the rules to ''complex orders'' apply to stock-option orders, or whether references are to orders or to the complex instrument. Under the proposal, the term ''complex strategy'' is used to refer to Complex Options Strategies, Stock-Option Strategies and Stock-Complex Strategies. Accordingly, this proposed change will bring clarity to the Exchange's rules with respect to whether certain provisions apply only to Complex Options Strategies, only to Stock-Options Strategies, only to Stock-Complex Strategies or to all three. In this respect, the Exchange has reviewed all of its rules related to the handling of complex strategies to apply the newly defined terms appropriately.[5]

The Exchange also proposes to delete from Rule 722 the definition of SSF-option order, which is a complex order that has a single stock future component, and to delete Supplementary Material .01 to Rule 722 regarding entry and execution of SSF-option orders. Certain aspects of Supplementary Material .01 to Rule 722 also relate to Stock-Option Orders and Stock-Complex Orders. These parts of the rule contain outdated language that is not relevant to the trading of automated Stock-Option Orders and Stock-Complex Orders where all components are traded through the Exchange at a single net price. The Exchange therefore proposes to delete these parts of the rule as well. The Exchange provided for the potential to handle SSF-option orders in anticipation of the launch of exchange-traded single stock futures in 2002. However, the single stock future product has not gained sufficient popularity among investors to support a SSF-option product, and the Exchange has never received a SSF-option order. Therefore, the Exchange proposes to remove the order type from its rules. The Exchange will file a proposal with the Commission should it determine to offer SSF-option orders in the future.

Order Types

The Exchange proposes to delete current paragraph 722(b)(4) and add new paragraph 722(b), which specifies which of the order types contained in Rule 715 apply to complex orders and identifies any unique aspects with

[3] By definition, Stock-Option Strategies will have only one option leg and one stock leg.

[4] Currently, the Exchange accepts Complex Options Strategies with up to 10 options legs, and Stock-Option Strategies and Stock-Complex Strategies with up to 9 options legs in addition to one stock leg. Chicago Board Options Exchange (''CBOE'') Rule 6.53C(a)(1)–(2) provides similar flexibility in determining the maximum number of legs. The Exchange will inform members of any change to the number of legs accepted via Options Trader Alert.

[5] As discussed more fully later in the filing, the Exchange proposes to substitute the term ''complex order'' with ''Complex Options Order'' in Rule 715(k) and current Rule 722(b)(3)(ii) to clarify that legging orders are not created for Stock-Options Orders and Stock-Complex Orders, and in current Supplementary Material .04 to Rule 722 to clarify that market maker spread quotation adjustment functionality applies only to Complex Option Order strategies. The Exchange also proposes to amend the use of the term ''complex order'' in current Rule 722(b)(1) to clarify the increments for Complex Options Orders, Stock-Option Orders and Stock-Complex Orders, and in current Rule 722(b)(2) to clarify the applicable priority rules for Complex Options Orders, Stock-Option Orders and Stock-Complex Orders.

respect to complex orders. All orders and designations the Exchange proposes to codify in Rule 722(b) for complex orders are currently available in the complex order book and are based on order types and designations currently provided in ISE Rule 715 for regular orders. The Exchange also proposes to specify that members may designate complex orders for participation in the complex order exposure process discussed below (*i.e.,* ''Exposure Orders'' and ''Exposure Only Orders'').

Specifically, the proposed rule provides that, unless otherwise specified, the definitions used in paragraph 722(b) have the same meaning contained in Rule 715 and that complex orders may be entered using the orders and designations provided in paragraph 722(b). The orders and designations identified in the proposed rule are: [6]

(1) Market Complex Order. A Market Complex Order is a Complex Order to buy or sell a complex strategy that is to be executed at the best price obtainable. If not executable upon entry, such orders will rest on the complex order book unless designated as fill-or-kill or immediate-or-cancel.

(2) Limit Complex Order. A Limit Complex Order is a Complex Order to buy or sell a complex strategy that is entered with a limit price expressed as a net purchase or sale price for the components of the order.

(3) All-Or-None Complex Order. A Complex Order may be designated as an All-or-None Order that is to be executed in its entirety or not at all. An All-Or-None Order may only be entered as an Immediate-or-Cancel Order.

(4) Reserve Complex Order. A Limit Complex Order may be designated as a Reserve Order that contains both a displayed portion and a non-displayed portion.

(i) Both the displayed and non-displayed portions of a Reserve Complex Order are available for potential execution against incoming marketable orders or quotes. A non-marketable Reserve Complex Order will rest on the complex order book.

(ii) The displayed portion of a Reserve Complex Order shall be ranked at the specified limit price and the time of order entry.

(iii) The displayed portion of a Reserve Complex Order will trade in accordance with Rule 722(d).

(iv) When the displayed portion of a Reserve Complex Order is decremented, either in full or in part, it shall be refreshed from the non-displayed portion of the resting Reserve Complex Order. If the displayed portion is refreshed in part, the new displayed portion shall include the previously displayed portion. Upon any refresh, the entire displayed portion shall be ranked at the specified limit price and obtain a new time stamp, *i.e.,* the time that the new displayed portion of the order was refreshed. The new displayed portion will trade in accordance with Rule 722(d).

(v) The initial non-displayed portion of a Reserve Complex Order rests on the complex order book and is ranked based on the specified limit price and time of order entry. Thereafter, non-displayed portions, if any, always obtain the same time stamp as that of the new displayed portion in subparagraph (iv) above. The non-displayed portion of any Reserve Complex Order is available for execution only after all displayed interest on the complex order book has been executed.[7] Thereafter, the non-displayed portion of any Reserve Complex Order will trade in accordance with Rule 722(d).

(vi) Only the displayed portion of a Reserve Complex Order is eligible to be exposed for price improvement pursuant to Rule 722(d)(1) and Supplementary Material .01 to this Rule 722.

(5) Attributable Complex Order. A Market or Limit Complex Order may be designated as an Attributable Order as provided in Rule 715(h).

(6) Customer Cross Complex Order. A Customer Cross Complex Order is comprised of a Priority Customer Complex Order to buy and a Priority Customer Complex Order to sell at the same price and for the same quantity. Such orders will trade in accordance with Supplementary Material .08(d) to this Rule 722.

(7) Qualified Contingent Cross Complex Order. A Complex Options Order may be entered as a Qualified Contingent Cross Order, as defined in Rule 715(j). Qualified Contingent Cross Complex Orders will trade in accordance with Supplementary Material .08(e) to this Rule 722.

(8) Day Complex Order. A Complex Order may be designated as a Day Order that if not executed, expires at the end of the day on which it was entered.

(9) Fill-or-Kill Complex Orders. A Complex Order may be designated as a Fill-or-Kill Order that is to be executed in its entirety as soon as it is received and, if not so executed, cancelled.

(10) Immediate-or-Cancel Complex Orders. A Complex Order may be designated as an Immediate-or-Cancel Order that is to be executed in whole or in part upon receipt. Any portion not so executed is cancelled.

(11) Opening Only Complex Order. An Opening Only Complex Order is a Limit Complex Order that may be entered for execution during the Complex Opening Process described in Supplementary Material .10 to Rule 722. Any portion of the order that is not executed during the Complex Opening Process is cancelled.

(12) Good-Till-Date Complex Order. A Good-Till-Date Complex Order is an order to buy or sell which, if not executed, will be cancelled at the sooner of the end of the expiration date assigned to the Complex Order, or the expiration of any individual series comprising the order.

(13) Good-Till-Cancel Complex Order. A Good-Till-Cancel Complex Order is an order to buy or sell that remains in force until the order is filled, canceled or any series of the order expires; provided, however, that a Good-Till-Cancel Complex Order will be cancelled in the event of a corporate action that results in an adjustment to the terms of any series underlying the Complex Order.

(14) Exposure Complex Order. An Exposure Complex Order is an order

[6] In connection with this change, Exchange [sic] proposes to use these definitions where applicable in Rule 722 (*i.e.,* the complex order rule) and certain other rules that specify application to particular complex order types (*e.g.,* Rule 702(d)(2)).

[7] The non-displayed portion of a Reserve Complex Order is available for execution after displayed interest on the complex order book but prior to interest on the regular order book. Under the Exchange's current priority rules, at each price, executable interest on the complex order book has priority over bids and offers for the individual options legs. *See* Rule 722(b)(2) (renumbered to Rule 722(c)(2)). These rules will remain in the proposed rules with only non-substantive changes that do impact the priority given to Complex Orders (including Reserve Complex Orders) entered on the Exchange. During the last three months, non-displayed Complex Reserve Order interest made up a very small fraction (0.28%) of the total volume executed on the Exchange. In addition, the vast majority (82%) of that non-displayed interest was for the account of a Priority Customer. Institutional customers in particular use Reserve Complex Orders to represent the full size of their interest on the complex order book while mitigating information leakage by displaying only a portion of such interest to the market. While the Exchange typically prioritizes displayed interest over non-displayed interest on the same order book, the Exchange believes that it is important to allow these participants to source ample liquidity on the complex order book by continuing to execute the non-displayed portion of their Reserve Complex Orders prior to any interest on the regular order book. Furthermore, because the current rules already prioritize Priority Customer orders notwithstanding the general principle that Complex Orders have priority ahead of the regular order book, the Exchange believes that this priority scheme appropriately incentivizes Complex Order interest while maintaining priority of customer orders in the regular market. *See* Securities and Exchange Act Release No. 44955 (October 18, 2001), 66 FR 53819 (October 24, 2001) (Complex Order Priority Approval Order).

that will be exposed upon entry as provided in Supplementary Material .01 to this Rule 722 if eligible, or entered on the complex order book if not eligible. Any unexecuted balance of an Exposure Complex Order remaining upon the completion of the exposure process will be entered on the complex order book.

(15) Exposure Only Complex Order. An Exposure Only Complex Order is an order that will be exposed upon entry as provided in Supplementary Material .01 to this Rule 722 if eligible, or cancelled if not eligible. Any unexecuted balance of an Exposure Only Complex Order remaining upon the completion of the exposure process will be cancelled.

(16) Complex QCC with Stock Orders. A Complex QCC with Stock Order is a Qualified Contingent Cross Complex Order, as defined in Rule 722(b)(7), entered with a stock component to be communicated to a designated broker-dealer for execution pursuant to Supplementary Material .08(f) to Rule 722.

Legging Orders

Separately, Rule 715(k) contains a definition of legging orders, which are orders that represent a Complex Options Order on the regular order book. A ''legging order'' is defined as a limit order on the regular limit order book that represents one side of a complex order that is to buy or sell an equal quantity of two options series resting on the Exchange's complex order book.[8] The Exchange proposes to clarify that legging orders are not created for Stock-Options Orders and Stock-Complex Orders by stating that a legging order represents one side of a ''Complex Options Order,'' and by referencing Complex Options Orders in other parts of the rule. The Exchange also proposes to indicate that a legging order is only generated from the displayed portion of a Complex Options order that is designated as a Reserve Complex Order. The non-displayed portion of such orders are not eligible to create legging orders as generation of a legging order would indicate to market participants that there is additional undisplayed size on the complex order book even though the member entering such Reserve Complex Order has determined not to display that interest.

Trading Increments

Currently, Rule 722 specifies that complex orders may be expressed in any decimal price, and that the legs of a complex order may be executed in one cent increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order. The current language in the current Rule 722(b)(1) (renumbered Rule 722(c)(1) under the proposal), which mirrors the rules of other options exchanges,[9] reflects a combination of the increments applicable to Complex Options Strategies, Stock-Options Strategies and Stock-Complex Strategies. For clarity, the Exchange proposes to amend the Rule to specify that bids and offers for Complex Options Strategies may be expressed in one cent ($0.01) increments, and the options legs of Complex Options Strategies may be executed in one cent ($0.01) increments, regardless of the minimum increments otherwise applicable to the individual options legs of the order. The Exchange also proposes to amend the Rule to specify that bids and offers for Stock-Option Strategies and Stock-Complex Strategies may be expressed in any decimal price determined by the Exchange,[10] and the stock leg of a Stock-Option Strategy and Stock-Complex Strategy may be executed in any decimal price permitted in the equity market. Although the Exchange's current rule states that bids and offers entered on the complex order book can be entered in ''any decimal increment'' similar to language in the rules of other options markets,[11] the Exchange determines appropriate minimum increments for Stock-Option Strategies and Stock-Complex Strategies, and will not accept orders or quotes that do not abide by the selected minimum increment. Smaller minimum increments are appropriate for complex orders that contain a stock component as the stock component can trade at finer decimal increments permitted by the equity market. Furthermore, the Exchange notes that even with the flexibility provided in the rule, the individual options and stock legs must trade at increments allowed by the Commission in the options and equities markets. For clarity, the Exchange further proposes to add Supplementary Material .04 to Rule 710 (Minimum Trading Increments) to reference Rule 722 and specify the minimum trading increments applicable to the options leg(s) of a complex strategy.

Finally, the Exchange proposes to amend Supplementary Material .07 to Rule 722 to reflect the different increments applicable to the options and stock legs of complex strategies traded on the Exchange. In particular, the Exchange proposes to amend this rule to state that the system will reject complex strategies where are [sic] legs are to buy if entered at a price that is less than the minimum net price, which is calculated as the sum of the ratio on each leg of the complex strategy multiplied by the minimum increment applicable to that leg pursuant to Rule 722(c)(1). Currently, this rule states that the minimum price is calculated by multiplying the sum of the ratio on each leg by $0.01 per leg (*i.e.,* the minimum increment for options legs). While this calculation is accurate for Complex Options Strategies, it does not reflect the treatment of Stock-Option Strategies or Stock-Complex Strategies where the stock leg(s) can be entered in any decimal price determined by the Exchange. For example, an order to buy a share of stock and two call options would have a minimum price of $0.0201—*i.e.,* $0.02 for two options legs and $0.0001 for the stock leg.

Complex Order Priority

The Exchange proposes to make minor non-substantive changes to the existing text of current Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal) for clarity. Rule 722(b)(2) provides that the legs of a complex strategy with multiple options legs (*i.e.,* Complex Options Strategies and the options legs of Stock-Complex Strategies where there are more than one options component) may not be executed at worse prices than are available on the Exchange for the individual series, but may be executed at the same price as bids and offers on the Exchange for the individual series so long as there are no Priority Customer Orders on the Exchange at those prices (provided however that for complex strategy with multiple options legs, if one of the options legs improves upon the best price available on the Exchange then the other leg is permitted to trade at the same price as a Priority Customer).[12] Rule 722(b)(2) further provides that the option leg of a Stock-Option Strategy

[8] Legging orders are firm orders that are included in the Exchange's displayed best bid or offer, and are disseminated over OPRA and the Nasdaq ISE Top Quote Feed. Legging orders are not disseminated over the Nasdaq ISE Order Feed since these orders represent a component leg of Complex Options Orders entered on the complex order book that have already been disseminated over the Nasdaq ISE Spread Feed.

[9] *See e.g.,* Commentary .01 to NYSE Amex Rule 980NY.

[10] The minimum increment for Stock-Option Strategies and Stock-Complex Strategies will be communicated to members via Options Trader Alert.

[11] *See* NYSE Arca Options Commentary .01 to Rule 6.91.

[12] Pursuant to ISE Rule 100(a)(49) and (50), a Priority Customer Order is an order for the account of a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

may be executed at the same price as bids and offers on the Exchange for the individual series but not at the same price as Priority Customer Orders for the individual series. For clarity, the Exchange proposes to re-format Rule 722(b)(2) into three paragraphs and to replace certain cross references with the defined terms ''Complex Options Strategy,'' ''Stock-Options Strategy'' and ''Stock-Complex Strategy'' discussed above. The Exchange also proposes to replace references to bids and offers established ''in the marketplace'' with ''on the Exchange'' as the reference to ''in the marketplace'' may create confusion as to whether ''marketplace'' refers to the Exchange or the broader market. The Exchange also proposes to delete references to SSF-option orders in the text of current Rule 722(b)(2), and to delete related Supplementary Material .01 to Rule 722. As discussed above, the Exchange is proposing to remove all references to SSF-option orders from the Rules. Furthermore, with the proposed elimination of this type of complex strategy from the rulebook, Supplementary Material .01 to Rule 722 is no longer necessary as it contains requirements related to the execution of SSF-option orders, as well as outdated language that no longer applies to the automated execution of complex strategies that contain a stock component. Finally, the Exchange proposes in Proposed Rule 722(c)(2)(iv) to add a new reference to the treatment of Reserve Orders that clarifies that a complex strategy may be executed at a net credit or debit price with one other Member without giving priority to the non-displayed portion of Reserve Orders on the bids or offers on the Exchange for the individual legs of the complex strategy. The non-displayed portion of a Reserve Order has no priority on the book because it is hidden from other market participants, and is therefore only available for execution after all displayed interest has been executed.[13] Furthermore, to the extent that members entering orders in the regular market wish to have their orders protected they can use a number of order types that are displayed to the market and therefore retain their regular priority on the order book. Thus, complex strategies may be executed without giving priority to the non-displayed portion of such interest in the regular market. While this is consistent with the general treatment of non-displayed interest in the regular market, the Exchange believes that it is important to add this reference here for additional clarity.

[13] *See* Rule 715(g)(5).

Execution of Orders

For clarity, the Exchanges proposes to specify that complex strategies are not executable unless all of the terms of the strategy can be satisfied and the options legs can be executed at prices that comply with the provisions of current Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal).[14] The Exchange also proposes to add new language under proposed Rule 722(d)(4) to clarify that, similar to treatment of orders in the regular market, complex strategies that are not executable may rest on the complex order book until they become executable. Furthermore, the Exchange proposes to amend the text of current Rule 722(b)(3) (renumbered Rule 722(d) under the proposal) to more clearly reflect the sequence in which complex strategies are processed: (i) First complex orders are exposed for price improvement (if eligible) for a period of up to one second (quotes in complex strategies are not eligible for exposure),[15] (ii) then complex strategies are matched against other interest in the complex order book if possible,[16] and (iii) then complex strategies are executed against bids and offers on the Exchange for the individual series if possible.[17]

[14] For example, assume the ISE BBO for series A is $1.00 × $1.10 and the ISE BBO for series B is $0.95 × $1.05. A resting Complex Order to sell series A and sell series B at a net price of $2.16 is not executable because one of the legs of the complex order would need to be executed at a price that is above the best offer available for the individual series (*i.e.,* $1.10 for series A and $1.06 for series B; or $1.11 for series A and $1.05 for series B). Nor would such a complex order be executable at a net price of $2.15 if there were Priority Customer orders on the Exchange to sell series A and/or series B at the ISE best offer; however, assuming the individual legs trade in penny increments, the complex order would be executable at a price of $2.14 pursuant to Rule 722(c)(2).

[15] Although quotes in complex strategies are not eligible for exposure pursuant to Supplementary Material .01 to Rule 722, the Exchange notes that market makers that have interest that they wish to go through the exposure process have the option of submitting complex orders instead of quotes to be exposed.

[16] As described in proposed language being added to Supplementary Material .02 to Rule 722, the full size of Stock-Option Orders and Stock-Complex Orders that are being processed by the stock execution venue pursuant to Supplementary Material .02 to Rule 722 will be unavailable for trading while the order is being processed. For example, if a Stock-Option Order to buy 100 contracts at a net price of $1.00 is matched with a sell order for 20 contracts in the same complex strategy, the whole 100 contract Stock-Option Order will be unavailable for trading with other interest while the stock portion of the order is being processed for potential execution by the stock execution venue.

[17] The Exchange proposes to move the sub-paragraph regarding order exposure from current Rule 722(b)(3)(iii) to proposed Rule 722(d)(1) (and Supplementary Material .01 to Rule 722) so that the rule more clearly indicates that eligible orders are exposed before they are matched against other interest in the complex order book. The Exchange also proposes to add text to current Rule 722(b)(3)(ii) (renumbered to be Rule 722(d)(3) under the proposal) to expressly state that if there are no executable contra-side complex orders on the complex order book, executable Complex Options Orders and the options legs of a Stock-Option Order or Stock-Complex Order (up to a maximum number of options legs) may be executed against bids and offers on the Exchange for the individual options legs if possible. The Exchange will continue to manage and curtail attempts to trade against the individual options legs so as to not negatively impact system capacity and performance. *See* Securities Exchange Act Release No. 66234 (January 24, 2012), 77 FR 4852 (January 31, 2012) (SR–ISE–2011–82) (Approval Order). The Exchange will curtail the number of legging orders on an objective basis, such as limiting the number of orders generated in a particular class. The Exchange will not limit the generation of legging orders on the basis of the entering participant or the participant category of the order (*e.g.,* Priority Customer, Professional Order, etc.). *See id.*

Furthermore, as clarification, the amended Rule 722(d)(2) will explicitly reference that complex strategies will be executed at the best net price available from executable Complex Orders and quotes on the complex order book, and bids and offers for the individual options series. Certain complex strategies are not available to leg in to the regular market;[18] complex orders for those strategies remain eligible for the complex order exposure process, and may also trade with other interest on the complex order book in accordance with the terms of the complex order. Finally, the Exchange proposes to add reference to ''executable'' complex strategies throughout this section to re-enforce that complex strategies cannot be executed unless the restrictions of current Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal) are satisfied.[19]

Incoming Complex Order Exposure Process

The Exchange proposes to amend Rule 722 with respect to the exposure of complex orders upon entry. Rule 722 currently provides that members can choose to have complex orders that are marketable upon entry exposed for up to one second before being automatically executed. Similar to rules adopted by other options exchanges that trade

[18] *See* Rule 722(b)(3)(ii) (renumbered Rule 722(d)(3)); *see also* Securities Exchange Act Release No. 74004 (January 6, 2015), 80 FR 1565 (January 12, 2015) (SR–ISE–2014–56).

[19] The Exchange proposes to add clarifying language to proposed Rule 722(d)(3) to separately identify that Complex Options Orders and the options legs of a Stock-Option Order or Stock-Complex Order (up to a maximum number of legs) may be executed against bids and offers on the Exchange for the individual options series. This change is consistent with the proposal to clarify the complex order definitions as discussed in *supra* note 5 and accompanying text.

complex orders,[20] the proposal will amend the rule to provide for an auction process. Specifically, the proposed rules would describe an auction process whereby complex orders that improve upon the best price for the same complex strategy on the complex order book upon entry may be exposed for up to one second, as described in more detail in the following paragraphs.[21]

Proposed Supplementary Material .01 to Rule 722 [22] specifies that upon entry of an eligible complex order designated for exposure, a broadcast message containing the details of the complex order (*i.e.,* net price or at market, size, and side) is sent to all members,[23] who are then given up to one second to enter responses with the prices and sizes at which they are willing to participate in the execution of the complex order. The proposed rule change also specifies that such responses are only executable against the Complex Order with respect to which they are entered,[24] can be modified or withdrawn at any time prior to the end of the exposure period, and will be considered up to the size of the Complex Order being exposed. During the exposure period, the Exchange will broadcast the best Response price and the aggregate size of Responses available at that price.

In addition, the proposed rule change specifies that the exposure period is automatically terminated due to the receipt of certain unrelated complex orders for the same complex order strategy,[25] or if a trading halt is initiated during the exposure period.[26] At the end of the exposure period complex orders are automatically executed to the greatest extent possible pursuant to Rule 722(d)(2)–(3) taking into consideration (i) bids and offers on the complex order book, (ii) bids and offers on the Exchange for the individual options series, and (iii) Responses received during the exposure period, provided that when allocating pursuant to 722(d)(2)(ii), Responses are allocated pro-rata based on size.[27] Thereafter, any unexecuted balance of the complex order at the end of the exposure period is placed on the complex order book.

An Exposure Only Order, on the other hand, is a complex order that will be exposed upon entry as provided in Supplementary Material .01 to Rule 722 if eligible, but is cancelled if not eligible. Any unexecuted balance of an eligible Exposure Only Order upon the completion of the exposure process is also cancelled. Similar to Immediate-or-Cancel Orders, the Exposure Only order type is designed to assist members in achieving a speedy execution by exposing eligible Complex Orders to potential price improvement before cancelling any unexecuted balance.

Example:

Suppose the following market in complex strategy ABC:
ISE Complex BBO: 10 @1.00 × 10 @ 1.05
An Exposure Only Order is entered to buy 20 @ 1.03: [sic]

A broadcast message is sent announcing the start of an exposure auction. During the exposure period, the following responses are received:
Response 1: Sell 10 @ 1.03
Response 2: Sell 5 @ 1.02

At the end of the exposure period, the Exposure Only Order trades against:
Response 2: 5 @ 1.02
Response 1: 10 @ 1.03

The remaining quantity of 5 contracts is then cancelled.

Market Maker Quotes

Supplementary Material .03 to Rule 722, which is currently subject to delayed implementation in conjunction with the Exchange's recent transition to the Nasdaq INET platform as described in the rule, provides that Market makers may enter quotes on the complex order book in their appointed options classes. Prior to the INET transition, quoting in the complex order book was available in a subset of the options classes. The Exchange therefore proposes to amend Supplementary Material .03 to Rule 722 to clarify that complex quoting will only be available in options classes selected by the Exchange and announced to members via Options Trader Alert.[28] In addition, market makers that quote in the complex order book must enter certain risk parameters pursuant to Supplementary Material .04 to Rule 722 (''Market Maker Speed Bump''). In connection with changes described in the ''Definitions'' section above, the Exchange proposes to amend Supplementary Material .04 to Rule 722 to clarify that the Market Maker Speed Bump applies to Complex Options Strategies and not to Stock-Option Strategies or Stock-Complex Strategies.

Internalization and Crossing

The Exchange proposes to add text to Rule 722 to provide clarity regarding the application of Rule 717(d) and (e) (regarding facilitation and solicitation), Rule 716 (regarding the Facilitation and Solicited Order Mechanisms), Rule 721 (regarding crossing orders), and Rule 723 (regarding the Price Improvement Mechanism) to complex orders.[29] In this respect, the Exchange proposes to re-organize and clarify certain existing rule text, and to add additional provision [sic] into Rule 722 and proposed Supplementary Material .08 thereto.

Rule 717(d) requires members to expose orders they represent as agent to other market participants before they execute them as principal, and Rule

[20] *See* Phlx Rule 1098(e); EDGX Rule 21.20(d); CBOE Rule 6.53(d), each of which describe different processes for auctioning complex orders entered on those markets.

[21] A complex order improves upon the best price for the same complex strategy on the complex order book if it is a limit order to buy priced higher than the best bid, a limit order to sell priced lower than the best offer, or a market order to buy or sell.

[22] As proposed, the complex order exposure process will be described in Supplementary Material .01 to Rule 722. The Exchange therefore proposes to amend rules that cite to this process (*e.g.,* Rule 722(d)(2)) to point to this rule instead of Rule 722(b)(3)(iii).

[23] Prices for complex orders are not eligible to be reported to the Options Price Reporting Authority (''OPRA'') for inclusion in consolidated quotation data but trade prices on the individual legs are reported to OPRA as a part of last sale data with an identifier noting that the trade was part of a complex transaction. Accordingly, the Exchange does not provide information regarding the complex orders being exposed and responses entered during the process to OPRA. Instead, a broadcast message is sent to subscribers of the Exchange's order feed. The Exchange notes that it previously operated another auction mechanism, namely the Price Improvement Mechanism, without blind responses. *See* Securities Exchange Act Release No. 50819 (December 8, 2004), 69 FR 75093 (December 15, 2004) (SR–ISE–2003–06).

[24] At the conclusion of the exposure period, any unexecuted balance of a Response is automatically cancelled. In addition, since any Responses are only available to trade against the order being exposed, only contra-side Responses are eligible to be executed in an exposure auction.

[25] The exposure period will end immediately upon: (i) The receipt of a Complex Order or quote for the same complex strategy on either side of the market that is marketable against the complex order book or bids and offers for the individual legs; or (ii) the receipt of a non-marketable Complex Order or quote for the same complex strategy on the same side of the market that would cause the price of the exposed Complex Order to be outside of the best bid or offer for the same complex strategy on the complex order book.

[26] If a trading halt is initiated during the exposure period, the Complex Order exposure process will be automatically terminated without execution.

[27] Pursuant to Rule 722(d)(2), complex orders are executed against bids and offers on the complex order book in price priority. The Exchange designates on a class-by-class basis whether bids and offers at the same price on the complex order book are executed: (i) In time priority; or (ii) pursuant to an algorithm whereby priority customers are given priority and professional orders and market maker quotes are executed pro-rata based on size after certain allocation preferences are satisfied; or (iii) pro-rata based on size (*i.e.,* without any special priority for Priority Customer Orders or allocation preferences). Pursuant to Rule 722(d)(3), complex order are also automatically executed against bids and offers on the Exchange for the individual legs of the complex order if possible.

[28] Market makers that wish to trade in complex strategies where quoting is not available may do so by entering Complex Orders. Market makers are not prohibited from entering Complex Orders in any options classes. *See* Rule 805.

[29] With the addition of language on complex auctions in Rule 722, the Exchange also proposes to delete the current language addressing these auctions in Rules 716 and 723.

717(e) requires members to expose orders they represent as agent to other market participants before they execute them against orders that they solicit from other members of the Exchange or non-member broker-dealers. Rule 717(d) and (e) provide a number of ways in which members may comply with this exposure requirement: (i) Members can expose orders on the Exchange for at least one second (*i.e.,* entering them on the limit order book and waiting at least one second before entering a contra-side proprietary or solicited order), or (ii) members can enter the orders into one of the specified crossing mechanisms.[30] The purpose of this Rule is to assure that all market participants have adequate opportunity to trade with orders executed on the Exchange and to provide an opportunity for price improvement through the various crossing mechanisms. The Exchange has consistently applied the exposure requirement contained in Rule 717(d) and (e) to the execution of complex orders on the complex order book,[31] and has provided for the execution of complex orders using the specified mechanisms.[32]

For clarity, the Exchange proposes to specify in Rule 722 that the requirements of Rule 717(d) and (e) apply to the execution of Complex Orders. In particular, the Exchange proposes to specify that Complex Orders represented as agent may be executed (i) as principal as provided in Rule 717(d), or against orders solicited from members and non-member broker-dealers as provided in Rule 717(e). The exposure requirements of Rule 717(d) or (e) must be met on the complex order book unless the order is executed in one of the mechanisms described in Supplementary Material .08 to this Rule 722. For example, an Electronic Access Member would meet its exposure requirement under Rule 717(d)(i) by exposing the agency order on the complex order book for at least one (1) second, or could enter the order into one of the Exchange's Complex Order crossing mechanisms described below.

The Exchange also proposes to move into Supplementary Material .08 to Rule 722 the rule text regarding the execution of complex orders using the Facilitation and Solicited Order Mechanisms from Rule 716, and the rule text regarding the execution of complex orders using the Price Improvement Mechanism from Rule 723. The Exchange also proposes to make non-substantive changes to the text to: (i) Re-enforce that complex orders cannot be executed unless they satisfy the requirements of current Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal), (ii) clarify that Stock-Options Orders and Stock-Complex Orders cannot leg-into the market when they are executed using one of the mechanisms, (iii) specify that each options leg of a complex order must meet the minimum contract size requirement contained in paragraphs (d) and (e) of Rule 716, and (iv) add additional detail regarding how the Exchange processes complex orders entered into these mechanisms.[33] These changes reflect the current operation of the Facilitation Mechanism, Solicited Order Mechanism, and Price Improvement Mechanism for Complex Orders, and are intended to provide greater clarity to Members with respect to treatment of their complex crossing orders. The proposed language also specifies that the application of current Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal) may prevent the execution of orders entered into a mechanism, in which case, the transaction will be cancelled.

The Exchange also proposes to consolidate certain other provisions related to the auction mechanisms for Complex Orders and include relevant information in Rule 722 and the Supplementary Material thereto. For example, Proposed Supplementary Material .08(g) to Rule 722 contains a reference to the minimum contract threshold for Mini Options, which merely restates requirements contained in Supplementary Material .13 to Rule 504. In addition, Proposed Rule 722(c)(3) reaffirms that the requirements of existing Rules 717(d) (Principal Transactions) and (e) (Solicitation Orders) apply to Complex Orders represented as agent, and that the exposure requirements of those rules must be met on the complex order book unless the order is executed in one of the mechanisms described in Supplementary Material .08 to this Rule 722. Although these requirements are located in other parts of the rulebook, the Exchange believes that including them in Complex Order rule will reinforce their applicability and aid members in navigating the Exchange's rulebook.

The following examples illustrate how complex orders are transacted in the Exchange's crossing mechanisms and their interaction with individual bids and offers (while the examples below are for complex orders entered into the Facilitation Mechanism, these orders would interact similarly with individual bids and offers when entered into the Solicited Order Mechanism and the Price Improvement Mechanism):

Example 1

Suppose the following market in option class A:
ISE BBO: 10 @1.00 × 10 @1.05

Suppose further the following market in option class B:
ISE BBO: 10 @2.00 × 10 @2.05

A complex order is entered into the Complex Facilitation Mechanism in the complex order book for a strategy buying 1 option class A and buying 1 option class B:
Agency Complex Order: Buy 50 @3.05
Contra Side Complex Order: Sell 50 @ 3.05

A broadcast message is sent announcing the start of the auction. During the exposure period, the following orders and quotes are received:
Priority Customer 1 Complex Order: Sell 5 @3.05
Non-Customer 1 Complex Response: Sell 50 @3.05
Non-Customer 2 Complex Response: Sell 50 @3.05

At the end of the exposure period, the following orders/responses trade with the Complex Agency Order:
Priority Customer 1 Complex Order: 5 @ 3.05
Contra Side Complex Order: 20 @ 3.05 (40% of 50) [34]

[30] Rule 717(d) also specifies that the exposure requirement is satisfied if the member was already bidding or offering on the Exchange for at least one second prior to receiving an agency order that is executable against such bid or offer.

[31] *See, e.g.,* Securities Exchange Act Release No. 57706 (April 24, 2008), 73 FR 23517 (April 30, 2008) (SR–ISE–2007–77).

[32] ISE Rule 716, Supplementary Material .08 (regarding Facilitation and Solicited Order Mechanisms); and ISE Rule 723 Supplementary Material .10 (regarding Price Improvement Mechanism).

[33] With respect to the Complex Facilitation Mechanism, the entry check pursuant to proposed Supplementary Material .08(a)(1) to Rule 722 is different for Complex Options Orders and Complex Orders that have a stock component (*i.e.,* Stock-Option Orders and Stock-Complex Orders) since Stock-Option Orders and Stock-Complex Orders entered in the Complex Facilitation Mechanism are not eligible to trade with bids and offers for the individual legs.

[34] Pursuant to the proposed rules, Electronic Access Members that enter orders into the Facilitation or Price Improvement Mechanisms may also elect to receive a percentage allocation that is less than 40%. If the member includes such an instruction, the contra-side order would receive an allocation consistent with the percentage requested by the member. To ensure that all members have an opportunity to trade with the agency order, however, the allocation received would be limited to a maximum equal to the 40% allocation ordinarily given to the contra-side order. Furthermore, the contra-side order would still be responsible for executing up to the full size of the agency order if there is not enough interest to execute the agency order at a particular price. Other options exchanges such as Nasdaq BX, Inc. (''BX'')

Continued

Non-Customer 1 Complex Response: 13 @ 3.05 (Pro-Rata)
Non-Customer 2 Complex Response: 12 @ 3.05 (Pro-Rata)

Example 2:

Suppose the following market in option class A:
ISE BBO: 10 @ 1.00 × 10 @ 1.05
Suppose further the following market in option class B:
ISE BBO: 10 @ 2.00 × 10 @ 2.05
A complex order is entered into the Complex Facilitation Mechanism in the complex order book for a strategy buying 1 option class A and buying 1 option class B:
Agency Complex Order: Buy 50 @ 3.05
Contra Side Complex Order: Sell 50 @ 3.05
A broadcast message is sent announcing the start of the auction. During the exposure period, the following orders and quotes are received:
Priority Customer 1 Complex Order: Sell 5 @ 3.05
Non-Customer 1 Complex Response: Sell 50 @ 3.05
Non-Customer 2 Complex Response: Sell 50 @ 3.05
Priority Customer 2 Regular Order: Sell 5 Option Class A @ 1.02
Priority Customer 3 Regular Order: Sell 5 Option Class B @ 2.03
At the end of the exposure period, the Complex Facilitation transaction is canceled since a trade at 3.05 with counter side orders/responses will violate the priority rules for Priority Customer 2 and Priority Customer 3 Regular Orders.

Example 3

Suppose the following market in option class A:
ISE BBO: 10 @ 1.00 × 10 @ 1.05
Suppose further the following market in option class B:
ISE BBO: 10 @ 2.00 × 10 @ 2.05
A complex order is entered into the Complex Facilitation Mechanism in the complex order book for a strategy buying 1 option class A and buying 1 option class B:
Agency Complex Order: Buy 50 @ 3.05
Contra Side Complex Order: Sell 50 @ 3.05
A broadcast message is sent announcing the start of the auction. During the exposure period, the following orders and quotes are received:
Priority Customer 1 Complex Order: Sell 5 @ 3.05
Non-Customer 1 Complex Response: Sell 50 @ 3.05
Non-Customer 2 Complex Response: Sell 50 @ 3.05
Non-Customer 3 Regular Order: Sell 40 Option Class A @ 1.02
Non-Customer 4 Regular Order: Sell 40 Option Class 5 @ 2.02
Non-Customer 5 Complex Response: Sell 10 @ 3.03
At the end of the exposure period, the following orders/responses trade with the Complex Agency Order:
Non-Customer 5 Complex Response: Sell 10 @ 3.03
Non-Customer 3 Regular Order: Sell 40 Option Class A @ 1.02
Non-Customer 4 Regular Order: Sell 40 Option Class 5 @ 2.02
In above [sic] example, the response and bids and offers on the individual legs can provide price improvement for the full size, hence the Complex Agency Order trades at improved price(s).

The Exchange also proposes to adopt text in Supplementary Material .08 to Rule 722 addressing how Customer Cross Orders apply to Complex Orders. As discussed above, Rule 717(d) and (e) apply when a member seeks to execute an order it represents as agent against a proprietary order (*i.e.,* a facilitation transaction) or an order the member has solicited from another broker-dealer (*i.e.,* a solicited transaction). Accordingly, transactions where neither side is for the account of a broker-dealer are not within the scope of Rule 717(d) and (e), and members can enter the buy and sell orders on the limit order book nearly simultaneously.[35] To make the execution of such customer orders more efficient, the Exchange developed a way to enter opposing customer orders using a single order type (''Customer Cross Orders'').[36] Customer Cross Orders were limited to Priority Customer Orders in February 2010 after the Exchange adopted this sub-category of non-broker-dealer investors.[37]

Pursuant to Rule 721, Customer Cross Orders are automatically executed upon entry provided that the execution: (i) Is at or between the best bid and offer on the Exchange, (ii) is not at the same price as a Priority Customer Order on the book, and (iii) will not trade through the NBBO.[38] Customer Cross Orders are rejected if they cannot be executed. Rule 721 also provides that Customer Cross Orders may only be entered in the trading increments applicable to the options class under Rule 710, and that Supplemental Material .01 to Rule 717, which prohibits a member from being a party to any arrangement designed to circumvent the requirements applicable to executing agency orders as principal, applies to Complex Customer Cross Orders.

Just as the Exchange has applied the exposure requirements of Rule 717(d) and (e) for facilitation and solicitation transactions involving Complex Orders, it has also provided for Complex Customer Cross Orders for the execution of off-setting complex Priority Customer Orders, which are not required to be exposed under Rule 717(d) and (e). The Exchange processes Complex Customer Cross Orders consistent with all of the applicable rules. Specifically, Rule 722(b) provides that ''[e]xcept as otherwise provided in this Rule, Complex Orders shall be subject to all other Exchange Rules that pertain to orders generally.'' As discussed above, current Rule 722(b)(1) provides that Complex Orders may be traded in any decimal increment ''regardless of the minimum increments otherwise applicable to the individual legs of the orders,'' Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal) provides that a Complex Order may not trade at prices that are worse than the best bids and offers on the Exchange in the individual series (nor in most circumstances at the same price as a Priority Customer Order), and current Rule 722(b)(3) provides that ''[c]omplex orders will be executed without consideration of any prices that might be available on other exchanges trading the same options contract.'' [39] Accordingly, when executing Complex Customer Cross Orders, the Exchange permits the execution of a Complex Customer Cross Order so long as it is at or better than the best price available for the same complex strategy on the complex order book and there are no Priority Customer Orders at that price on the complex order book as required by Rule 721(a). The Exchange also applies the regular trading increments

provide similar functionality that allows members using an auction mechanism to give up allocation priority. *See e.g.,* BX Options Rules, Chapter VI, Sec. 9, which provides a similar feature for the BX Options Price Improvement Auction (''PRISM'').

[35] Supplementary Material .01 to Rule 717 prohibits members from entering into arrangements designed to circumvent the exposure require for facilitation transactions. Accordingly, it would be a violation of Rule 717(d) for a member to effectively facilitate an order by providing an opportunity for a customer or other person (including affiliates) to regularly execute against agency orders handled by the member immediately upon their entry on the Exchange.

[36] Securities Exchange Act Release No. 60253 (July 7, 2009), 74 FR 34063 (July 14, 2009) (SR–ISE–2009–34).

[37] Securities Exchange Act Release No. 61433 (January 27, 2010), 75 FR 5824 (February 4, 2010) (SR–ISE–2010–04). *See also, supra* note 12 (definition of Priority Customer Order).

[38] ISE Rule 1901 (Order Protection) prohibits members from trading through Protected Bids and Protected Offers from other options exchanges.

[39] A transaction that is effected as a portion of a Complex Trade is exempted from the order protection rule. ISE Rule 1901(b)(7).

for complex orders and Supplementary Material .01 to Rule 717 as specified in Rule 721(a). Pursuant to Rule 722(b)(3), the Exchange does not take into consideration prices available at other exchanges (*i.e.,* there is no NBBO for Complex Orders or trade-through protection),[40] and applies instead the priority rules for Complex Orders contained in Rule 722(b)(2), which prevents a Complex Order from trading at prices that are worse than the best bids and offers on the Exchange in the individual series (and in most circumstances at the same price as a Priority Customer Order).

The Exchange believes that its application of the Customer Cross Order for Complex Orders is consistent with all applicable existing Exchange rules and with the purpose underlying Customer Cross Orders. Specifically, the Complex Customer Cross Order protects Priority Customer Orders on the complex order book just as Priority Customer Orders are protected in the regular market pursuant to Rule 721(a). Furthermore, by applying the priority rules for Complex Orders contained in Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal), Priority Customer Orders on the Exchange for the individual series are protected to the same extent as when any other Complex Orders are executed on the complex order book, and in particular when two off-setting Priority Customer Orders are entered on the complex order book nearly simultaneously rather than as a single Customer Cross Order.

The Exchange also proposes to adopt text in Supplementary Material .08 to Rule 722 addressing how Qualified Contingent Cross Orders (''QCCs''), including QCC with Stock Orders, apply to Complex Options Orders. Pursuant to Rule 715(j), QCCs are orders to buy or sell at least 1,000 contracts that are identified as being part of a qualified contingent trade, as that term is defined in Supplementary Material .01 to Rule 715.[41] QCCs are not limited to Priority Customers. QCCs are executed upon entry without being exposed provided that the execution is at or between the NBBO and is not at the same price as a Priority Customer Order on the Exchange's limit order book. QCCs were adopted in 2011 following the elimination of the trade-through exemption for block trades in the options market,[42] as the Exchange recognized that the loss of the block trade exemption would adversely affect the ability of ISE members to effect large trades that are tied to stock (*i.e.,* Stock Options Orders [sic] and Stock-Complex Orders). The QCC addresses the dislocation resulting from elimination of the block trade exemption by permitting members to provide their customers a net price for the entire trade, and then allowing the members to execute the options leg of the trade on the ISE at a price at least equal to the NBBO while using the Qualified Contingent Trade (''QCT'') exemption [43] to effect the trade in the equities leg at a price necessary to achieve the net price. Pursuant to Rule 721(b), a QCC must be executed at a price that is at or between the NBBO. Furthermore, a QCC may not be executed at the same price as a Priority Customer Order in the series on the Exchange.

Qualified Contingent Transactions may have multiple options components, in which case members may enter QCCs with multiple options legs (*i.e.,* a Complex Options Order), and the Exchange applies the same principles contained in Rule 721(b) when executing such orders. For clarity, the Exchange proposes to specify in Supplementary Material .08 to Rule 722 that Complex Options Orders entered as QCCs are automatically executed upon entry so long as: (i) The price of the transaction is at or within the best bid and offer for the same complex options strategy on the complex order book; (ii) there are no Priority Customer Complex Options Orders for the same strategy at the same price on the complex order book; and (iii) the individual options legs can be executed at prices that are at or between the NBBO for the individual series, and comply with the provisions of Rule 722(c)(2)(i), provided that no legs of the Complex Options Order can be executed at the same price as a Priority Customer Order on the Exchange in the individual options series. The proposed text also specifies that Complex Qualified Contingent Cross Orders are automatically canceled if they cannot be executed. In addition, Complex Qualified Contingent Cross Orders may only be entered in the regular trading increments applicable pursuant to Rule 722(c)(1), and each leg of a Complex Options Order must meet the 1,000 contract minimum size requirement for Qualified Contingent Cross Orders.

The Exchange further believes that the proposed text is consistent with the requirements of Rule 721(b) and Rule 722, and that adding the proposed text to Rule 722 will provide clarity with respect to the execution of complex QCCs. In particular, the Exchange notes that in executing complex QCCs, Priority Customer Orders on the complex order book and Priority Customer Orders on the Exchange for the individual options series are protected. The purpose of allowing QCCs to be executed without exposure is to facilitate the execution of the options component of a QCT in the Exchange's electronic market. As such, the Exchange's initial QCC proposal did not provide for Priority Customer protection. However, the Exchange amended the proposal to provide for Priority Customer protection to alleviate concerns that adoption of the QCC, which is not limited to Priority Customers, would deprive Priority Customers of executions of their resting orders, which might also create a disincentive to placing Priority Customer limit orders on the Exchange.[44] In its approval order, the Commission noted that the QCC proposal was consistent with the NMS QCT Exemption, which found that QCTs are of benefit to the market as a whole and a contribution to the efficient functioning of the securities markets and the price discovery process, but also

[40] *Id.*

[41] The definition of QCC [sic] trade is substantively identical to the Commission's definition of a Qualified Contingent Transaction (''QCT'') for which the Commission, by order, has provided trade-through relief in the equities market. Securities Exchange Act Release No. 57620 (April 4, 2008), 73 FR 19271 (April 9, 2008) (the ''QCT Release''). Pursuant to Supplementary Material .01 to ISE Rule 715, a QCC trade must meet the following conditions: (i) At least one component must be an NMS Stock; (ii) all the components must be effected with a product price contingency that either has been agreed to by all the respective counterparties or arranged for by a broker-dealer as principal or agent; (iii) the execution of one component must be contingent upon the execution of all other components at or near the same time; (iv) the specific relationship between the component orders (*e.g.,* the spread between the prices of the component orders) must be determined by the time the contingent order is placed; (v) the component orders must bear a derivative relationship to one another, represent different classes of shares of the same issuer, or involve the securities of participants in mergers or with intentions to merge that have been announced or cancelled; and (iv) the transaction must be fully hedged (without regard to any prior existing position) as a result of other components of the contingent trade. Consistent with the QCT Release members must demonstrate that the transaction is fully hedged using reasonable risk-valuation methodologies.

[42] Securities Exchange Act Release No. 63955 (File No. SR–ISE–2010–73), 76 FR 11533 (March 2, 2011) (''QCC Release''). The Distributive Linkage Plan replaced the Plan for the Purpose of Creating and Operating an Intermarket Option Linkage (''Old Linkage Plan''), and the Exchange's Linkage Rules replaced the existing ISE rules implementing the Old Plan (the ''Old Linkage Rules''). The Old Linkage Plan and the Old Linkage Rules provided a limited Trade-Through exemption for ''Block Trades,'' defined to be trades of 500 or more contracts with a premium value of at least $150,000. However, as with Regulation NMS, the Distributive Linkage Plan did not provide a Block Trade exemption.

[43] *See* QCT Release, *supra* note 41.

[44] QCC Release, *supra* note 42 at 11541.

noted that the ISE's QCC proposal was narrowly drawn to provide a limited exception to the general principle of exposure, and that it retained the general principle of customer priority.[45] Accordingly, when implementing complex QCCs, the Exchange believed it was necessary and appropriate to protect Priority Customer Orders for the individual series in addition to Priority Customer Orders on the complex order book when executing complex QCCs. Similarly, the Exchange believed it was necessary and appropriate to execute the individual legs of complex QCCs only at prices that are at or between the NBBO for the individual series.

The proposed rules also explain how QCC with Stock Complex Orders are handled on the Exchange.[46] The QCC with Stock Order is a piece of functionality that facilitates the execution of stock [sic] component of qualified contingent trades.[47] In particular, a QCC with Stock Order is a QCC Order entered with a stock component to be communicated to a designated broker-dealer for execution. Since QCC Orders represent one component of a qualified contingent trade, each QCC Order must be paired with a stock transaction. Whereas members are required to separately execute the stock component of a regular Qualified Contingent Cross Complex Order, with a QCC with Stock Complex Order, the Exchange will attempt to facilitate the execution of the stock component in addition to the options component. When a member enters a QCC with Stock Complex Order, a Qualified Contingent Cross Complex Order is entered on the Exchange pursuant to Supplementary Material .08(e) to Rule 722. If the Qualified Contingent Cross Complex Order is executed, the Exchange will automatically communicate the stock component to the member's designated broker-dealer for execution. Alternatively, if the Qualified Contingent Cross Complex Order cannot be executed, the entire Complex QCC with Stock Order, including both the stock and options components, is cancelled.[48] Supplementary Material .01–.03 to Rule 721 apply to the entry and execution of Complex QCC with Stock Orders. As explained in more detail in the QCC with Stock Notice,[49] QCC with Stock Orders assist members in maintaining compliance with Exchange rules regarding the execution of the stock component of qualified contingent trades, and help maintain an audit trail for surveillance of members for compliance with such rules.

Simultaneous Auctions

In addition to other language describing the Exchange's processes for auctioning eligible Complex Orders as described above, the Exchange proposes to add language to Proposed Supplementary Material .01(b)(iii) and Proposed Supplementary Material .08(c)(4)(vi) regarding the processing of simultaneous auctions. The Complex Order Exposure and Price Improvement Mechanisms are eligible for termination before the end of the exposure period pursuant to Supplementary Material .01(b)(ii) and .08(c)(4)(v) to Rule 722. Specifically, these auctions are subject to early termination on the receipt of a Complex Order or quote for the same complex strategy on either side of the market that is marketable against the complex order book or bids and offers for the individual legs (including when the system receives a marketable Complex Order though the Complex Uncrossing Process described in Supplementary Material .12 to Rule 722); or the receipt of a non-marketable Complex Order or quote for the same complex strategy on the same side of the market that would cause the price of the Complex Order being auctioned to be outside of the best bid or offer for the same complex strategy on the complex order book.

In the event auctions are early terminated, the auctions will be processed in the sequence in which they were started. Furthermore, if an early termination condition occurs on a component leg of a complex strategy, the component leg auctions are early terminated first. If the event also affects a complex strategy, then auctions in the complex strategy will be evaluated for early termination and processing after auctions for the component legs have been processed. Eligible interest remaining on the Exchange's order books after an auction trades may trade with subsequent auctions as those are processed. The Exchange notes that except as provided in Supplementary Material .08(a)(2), (b)(2) to Rule 722 with respect to trading halts, the Complex Facilitation Mechanism and Complex Solicitation Mechanism do not terminate prior to the end of the period given for the entry of Responses.

Price Limits for Complex Orders and Quotes

Current Rule 722(b)(3) (renumbered Rule 722(d) under the proposal) provides that complex strategies may be executed without consideration of any prices that might be available on other exchanges trading the same options contracts: (i) By trading on the complex order book, (ii) by legging to access liquidity on the regular order book, or (iii) through a process whereby Complex Orders are marked for price improvement (*i.e.,* a Complex Order Exposure, as detailed in other parts of this rule change). Nevertheless, the Exchange believes that members may not want complex strategies to trade at prices that are significantly outside the market for the individual legs. Supplementary Material .07(a) to Rule 722 therefore establishes a risk protection that limits the amount that the legs of a complex strategy may be executed at prices inferior to the prices available on other exchanges trading the same options series.[50] The Exchange proposes to include a reference in this rule to the stock leg of Stock-Option Strategies and Stock-Complex Strategies as well for clarity. In particular, the legs of a complex strategy cannot trade through the national best bid or offer for the series or any stock component by a configurable amount calculated as the lesser of (i) an absolute amount not to exceed $0.10, and (ii) a percentage of the NBBO not to exceed 500%, as determined by the Exchange on a class, series, or underlying basis.[51]

In addition, the Exchange proposes to amend this rule to state that, unless the applicable rule states otherwise, when calculating the best net price achievable from the best ISE bids and offers for the individual legs, the price of the stock leg is the national best bid or offer price calculated pursuant to this Supplementary Material .07(a) to Rule 722. In connection with this change, the Exchange also proposes to amend its rules for the Limit Order Price Protection pursuant to Supplementary Material .07(d) to Rule 722 to clarify that the national best bid or offer price

[45] *Id.*

[46] *See* Proposed Rule 722(b)(16) and Supplementary Material .08(f) to Rule 722.

[47] *See* Securities Exchange Act Release No. 80090 (February 22, 2017), 82 FR 12150 (February 28, 2017) (SR–ISE–2017–12) (''QCC with Stock Notice'').

[48] Members that execute the options component of a qualified contingent trade entered as a QCC with Stock Order remain responsible for the execution of the stock component if they do not receive an execution from their designated broker-dealer. The Exchange conducts surveillance to ensure that members execute the stock component of their qualified contingent trades. *See id.*

[49] *Id.*

[50] Other options exchanges have similar rules for trading the legs of a complex order at prices at inferior prices. *See e.g.,* BOX Rule 7240(b)(3)(iii)(A).

[51] Supplementary Material .07 to Rule 722 also allows members to include an instruction on their Complex Orders that each leg is to be executed at a price that is equal to or better than the national best bid or offer.

is used for any stock leg. The Exchange believes that these two changes will increase transparency about the prices used by the Exchange for various purposes where the Exchange must derive a best bid or offer price from the prices available in the regular market.

Furthermore, Supplementary Material .07(d) to Rule 722 provides that the Exchange will reject Limit Complex Orders to buy (sell) if the net price of the Limit Complex Order exceeds (is below) the net price available from the individual options series on the Exchange by a specified amount. Currently, the Exchange's rule states that this limit is established for Complex Orders to buy (sell) as *the greater of* the net price available from the individual options series on the Exchange plus (minus) an absolute or percentage amount determined by the Exchange. While this reflects the limit order price protection for Limit Complex Orders to buy, it suggests that the Exchange will reject Limit Complex Orders to sell based on whether the Limit Complex Order is priced below the greater (rather than lesser) of (1) the net price available from the individual options series minus the applicable absolute amount, or (2) the net price available from the individual options series minus the percentage amount. To adequately describe the rule for Limit Complex Orders to sell, the Exchange proposes to amend this rule text to state that the limit is established for Complex Orders to buy (sell) as the net price available from the individual options series on the Exchange plus (minus) the *greater of the absolute or percentage values described in the rule.*

Trade Value Allowance

The Exchange proposes to adopt text in proposed Supplementary Material .09 to Rule 722 that clarifies how the Exchange handles Stock-Option Strategies and Stock Complex Strategies when different minimum trading increments are allowed for the stock and options legs of such trades. Members enter Stock-Option Strategies and Stock Complex Strategies on the complex order book with a single net price that includes all stock and option legs of the order. As the stock leg is eligible for execution at finer increments permitted by the equity market responsible for executing the stock portion of such orders,[52] Members can submit Stock Option [sic] Strategies and Stock Complex Strategies with up to a number of decimal places determined by the Exchange. The options leg(s), however, must be executed in one cent increments, in keeping with the minimum increment permitted for options executions.[53] After calculating the appropriate options match price expressed in a valid one cent increment, the trading system will calculate the corresponding stock match price. This stock match price must be rounded to the increment supported by the equity market. In a small subset of cases, this rounding may result in a small difference between the expected notional value of the trade and the actual trade value (*i.e.,* a ''Trade Value Allowance'').[54] Members generally prefer not to forgo an execution for their Stock-Option Strategies and Stock-Complex Strategies when there is a Trade Value Allowance, as the amount of the rounding is miniscule compared to the total value of the trade. Therefore, the Exchange offers to members functionality that allows Stock-Option Strategies and Stock-Complex Strategies to trade outside of their specified net prices so long as the amount of any Trade Value Allowance does not exceed a value determined by the member. Members have the option of opting out of this functionality if they do not want their orders to be executed when there is a Trade Value Allowance of any amount. In such cases, the Exchange will strictly enforce the net price marked on the order. For members that do not supply their own values, default values determined by the Exchange and announced to members will be applied instead. Any amount of Trade Value Allowance is permitted for auction orders pursuant to Supplementary Material .08 to Rule 722 that do not trade solely with their contra-side order.

Example

—Member has set a Trade Value Allowance of 0.05% of the expected trade value.
—Member enters order to Sell 57 shares of ABC stock and Buy a Jan 80 ABC call with a net price of $43.746 and a quantity of 77.
—Order matched with corresponding contra order on the complex order book.
—The expected trade value based on the order's limit price/quantity and a contract multiplier of 100 is $336,844.20—*i.e.,* $43.746 × 77 × 100.
—Calculated options match price is $2.39 based on market prices and the stock match price is $80.940351 (rounded to six decimals).
—The rounding of the stock match price results in a total notional trade value of $336,844.200539—*i.e.,* 77 × (($80.940351 × 57)—($2.39 × 100)).
—The total notional Trade Value Allowance is approximately $0.000539—*i.e.,* less than one cent.
—Order is executed as the Trade Value Allowance is less than 0.05% of the expected trade value of $336,844.20.

Trade Value Allowance is helpful as this feature allows members to receive an expeditious execution, and trade the stock and options components of a Stock-Option Strategy or Stock-Complex Strategy in a moving market without introducing legging risk. Without this functionality members would be forced to resubmit their orders and potentially receive a much worse price or miss an execution.

Complex Opening Process

Options series traded on the Exchange are opened pursuant to Rule 701 at the opening of the Exchange each business day, or during the reopening of the market after a trading halt.[55] Proposed Supplementary Material .10 describes the Exchange's Complex Opening Process, and provides that after each of the individual component legs have opened, or reopened following a trading halt, Complex Options Strategies will be opened pursuant to the Complex Opening Price Determination described in Supplementary Material .11 to Rule 722, and Stock-Option Strategies and Stock-Complex Strategies will be opened pursuant to the Complex Uncrossing Process described in Supplementary Material .12(b) to Rule 722.[56] Each of these processes is described in more detail below.

Complex Opening Price Determination

Complex Options Strategies are opened pursuant to an opening process that attempts to execute Complex Orders and quotes on the complex order book at a single price that is within Boundary Prices that are constrained by the NBBO for the individual legs, thereby serving an important price discovery function.

Proposed Supplementary Material .11(b) to Rule 722 provides that eligible interest during the Complex Opening Price Determination includes Complex Orders and quotes on the complex order

[52] *See* Rule 722(c)(1).

[53] *Id.*

[54] Proposed Supplementary Material .09 to Rule 722 defines ''Trade Value Allowance'' as the percentage difference between the expected notional value of a trade and the actual notional value of the trade.

[55] Complex orders and quotes are disseminated to subscribers of the Exchange's market data feeds prior to the commencement of the Complex Opening Process. When the complex strategy has opened the Exchange disseminates a trading state indicating that regular trading has begun.

[56] The Complex Uncrossing Process is also used during regular trading when a resting Complex Order or quote that is locked or crossed with other interest becomes executable.

book except the non-displayed portion of Reserve Complex Orders. The non-displayed portion of a Reserve Complex Order is contingent, non-displayed interest, and therefore not eligible for the Complex Opening Process. Allowing only the displayed portion of Reserve Complex Orders to participate in the Complex Opening Price Determination encourages members to enter displayed interest to participate in the opening auction, and ensures that the price discovery that occurs in the Complex Opening Price Determination is not skewed by interest that is not displayed to market participants. The non-displayed portion of a Reserve Complex Order may participate in the Complex Uncrossing Process pursuant to Proposed Supplementary Material .12(b) and thereby receive an execution during the Complex Opening Process. In addition, only interest on the complex order book is considered for the Complex Opening Price Determination as this part of the process is designed to promote price discovery for the complex strategy, and therefore bids and offers for the individual legs of the Complex Strategy are not eligible to participate in the Complex Opening Price Determination but will participate in the Complex Uncrossing Process.

Proposed Supplementary Material .11(c) to Rule 722 describes the Exchange's process for opening when the best bid for a complex strategy does not lock or cross the best offer. In particular, if the best bid for a complex strategy does not lock or cross the best offer, there will be no trade in the Complex Opening Price Determination and the complex strategy will open pursuant to the Complex Uncrossing Process described in Supplementary Material .12(b) to Rule 722. The Exchange believes that it is appropriate to open with a Complex Order Uncrossing when the complex order book is not executable in the Complex Opening Price Determination as the uncrossing process supports the trading of additional interest and will thereby provide another opportunity for Complex Orders and quotes to be executed in the Complex Opening Process.

Proposed Supplementary Material .11(d) to Rule 722 describes the Exchange's process for opening a Complex Strategy when a trade may be possible—*i.e.,* if the best bid for the complex strategy locks or crosses the best offer.

First, the system calculates Boundary Prices [57] at or within which Complex Orders and quotes may be executed during the Complex Opening Price Determination. Boundary prices are calculated to ensure that the opening price is at or within the individual bids and offers established in the market. In particular, the Boundary Prices are calculated based on the NBBO for the individual legs; provided that, if the NBBO for any leg includes a Priority Customer order on the Exchange, the system adjusts the Boundary Prices according to Rule 722(c)(2).

Example 1

—Complex strategy to buy 1 contract of Series A and 1 contract of Series B
—ABBO for Series A is $1.00 × $1.03
—ISE BBO for Series A is $1.01 × 1.04
—ABBO for Series B is $0.98 × $1.01
—ISE BBO for Series B is $0.98 × $1.02
—*Boundary price is $1.99 × $2.04*

Example 2

—Market is the same as described in Example 1 above except that the ISE BBO for Series B includes a Priority Customer order on the bid
—*Boundary price is $2.00 × $2.04 as the bid boundary is adjusted according to Rule 722(c)(2)*

Next, the Exchange will calculate the Potential Opening Price [58] and Opening Price [59] pursuant to Proposed Supplementary Material .11(d)(ii)–(iv) to Rule 722.

The Potential Opening Price is first calculated pursuant to Proposed Supplementary Material .11(d)(ii) to Rule 722 by identifying the price(s) at which the maximum number of contracts can trade (''maximum quantity criterion'') taking into consideration all eligible interest pursuant to Supplementary Material .11(b) to Rule 722. Proposed Supplementary Material .11(d)(iii) to Rule 722 also outlines additional considerations for calculating the Potential Opening Price when multiple prices would satisfy the maximum quantity criterion. Generally, when two or more Potential Opening Prices would satisfy the maximum quantity criterion: (A) Without leaving unexecuted contracts on the bid or offer side of the market at those prices, the system takes the highest and lowest of those prices and takes the mid-point; provided that (1) if the highest and/or lowest price described above is through the price of a bid or offer that is priced to not allocate in the Complex Opening Price Determination, the highest and/or lowest price will be rounded to the price of such bid or offer that is priced to not allocate before taking the mid-point, and (2) if the mid-point is not expressed as a permitted minimum trading increment, it will be rounded down to the nearest permissible minimum trading increment; or (B) leaving unexecuted contracts on the bid (offer) side of the market at those prices, the Potential Opening Price is the highest (lowest) executable bid (offer) price. Notwithstanding the foregoing: (C) if there are Market Complex Orders on the bid (offer) side of the market that would equal the full quantity of Complex Orders and quotes on offer (bid) side of the market, the limit price of the highest (lowest) priced Limit Complex Order or quote is the Potential Opening Price; and (D) if there are only Market Complex Orders on both sides of the market, or if there are Market Complex Orders on the bid (offer) side of the market for greater than the total size of Complex Orders and quotes on the offer (bid) side of the market, there will be no trade in the Complex Opening Price Determination and the complex strategy will open pursuant to the Complex Uncrossing Process described in Supplementary Material .12(b) to Rule 722. The examples below illustrate the scenarios discussed above, opening a complex strategy to buy 1 contract of Series A and 1 contract of Series B.

Example 3

—The following Complex Orders are on the complex order book:
  ○ Buy Complex Order for 10 contracts at $0.42
  ○ Buy Complex Order for 10 contracts at $0.41
  ○ Sell Complex Order for 10 contracts at $0.32
  ○ Sell Complex Order for 10 contracts at $0.35
—20 contracts can be allocated at prices between $0.35 and $0.41 without leaving unexecuted contracts on the bid or offer side of the market of Complex Orders and quotes to be traded at those prices.
—The system therefore takes the mid-point of these prices (*i.e.,* $0.38) as the Preliminary Opening Price pursuant to paragraph (A) above.

Example 4

—The following Complex Orders are on the complex order book:
  ○ Buy Complex Order for 10 contracts at $0.42
  ○ Buy Complex Order for 10 contracts at $0.41
  ○ Buy Complex Order for 10 contracts at $0.33
  ○ Sell Complex Order for 20 contracts

[57] *See* Proposed Supplementary Material .11(d)(i) to Rule 722.

[58] *See* Supplementary Material .11(d)(ii)–(iii) to Rule 722.

[59] *See* Supplementary Material .11(d)(iv) to Rule 722.

at $0.32
- Sell Complex Order for 10 contracts at $0.35

—20 contracts can be allocated at prices between $0.32 and $0.41 without leaving unexecuted contracts on the bid or offer side of the market of Complex Orders and quotes to be traded at those prices; however, both of those prices are through the price of a bid or offer that is priced not to allocate—*i.e.,* the Buy Complex Order at $0.33 and the Sell Complex Order at $0.35.
—The system therefore rounds these prices to the price of interest priced not to allocate (*i.e.,* $0.33 and $0.35) before taking the mid-point of these prices (*i.e.,* $0.34) as the Preliminary Opening Price pursuant to paragraph (A) above.

Example 5

—The following Complex Orders are on the complex order book:
- Buy Complex Order for 20 contracts at $0.41
- Sell Complex Order for 10 contracts at $0.35

—10 contracts can be allocated at prices between $0.35 and $0.41 leaving unexecuted contracts on the bid side of the market of Complex Orders and quotes to be traded at those prices (*i.e.,* 10 contracts to buy).
—The system therefore takes the highest executable bid (*i.e.,* $0.41) as the Preliminary Opening Price pursuant to paragraph (B) above.

Example 6

—The following Complex Orders are on the complex order book:
- Buy Market Complex Order for 20 contracts
- Sell Complex Order for 10 contracts at $0.35
- Sell Complex Order for 10 contracts at $0.40

—The 20 contracts of Market Complex Order quantity on the bid side of the market equals the full 20 contracts available on the offer side of the market.
—The system therefore takes limit price of the highest priced Limit Complex Order (*i.e.,* the Sell Complex Order priced at $0.40) as the Preliminary Opening Price pursuant to paragraph (C) above.

Example 7

—The following Complex Orders are on the complex order book:
- Buy Market Complex Order for 30 contracts
- Sell Complex Order for 10 contracts at $0.35
- Sell Complex Order for 10 contracts at $0.40

—The 30 contracts of Market Complex Order quantity on the bid side of the market exceeds the full 20 contracts available on the offer side of the market.
—There is no Potential Opening Price and no trade is possible in the Opening Price Determination pursuant to paragraph (D) above. The Complex Opening Process continues to the Complex Uncrossing Process.

Pursuant to Proposed Supplementary Material .11(d)(iv) to Rule 722, if the Potential Opening Price is at or within the Boundary Prices, the Potential Opening Price becomes the Opening Price. If the Potential Opening Price is not at or within the Boundary Prices, the Opening Price will be the price closest to the Potential Opening Price that satisfies the maximum quantity criteria without leaving unexecuted contracts on the bid or offer side of the market at that price and is at or within the Boundary Prices. If the bid Boundary Price is higher than the offer Boundary Price, or if no valid Opening Price can be found at or within the Boundary Prices, there will be no trade in the Complex Opening Price Determination and the complex strategy will open pursuant to the Complex Uncrossing Process described in Supplementary Material .12(b) to Rule 722.

Example 8

—Individual leg prices are the same as Example 1 in this opening section. In addition, the following Complex Orders are on the book:
- Buy Complex Order 1 for 10 contracts at $2.02
- Buy Complex Order 2 for 15 contracts at $2.03
- Sell Complex Order 3 for 30 contracts at $2.02

—$2.02 is the Preliminary Opening Price as this is the price at which the maximum size of 25 contracts can be allocated. Since $2.02 is at or within the Boundary Prices (see Example 1) it is also the Opening Price.
—Buy Complex Order 1 and Buy Complex Order 2 are executed in full; Sell Complex Order 3 executes 25 contracts.
—The remaining 5 contracts of Sell Complex Order 3 will rest on the complex order book as there is no locked/crossed interest to participate in the Complex Uncrossing Process.

Example 9

—Individual leg prices are the same as Example 1 in this opening section. In addition, the following Complex Orders are on the book:
- Buy Complex Order 1 for 20 contracts at $2.06
- Sell Complex Order 1 for 20 contracts at $2.04

—20 contracts can be allocated at prices between $2.04 and $2.06 without leaving unexecuted contracts on the bid or offer side of the market of Complex Orders and quotes to be traded at those prices.
—The system therefore takes the mid-point of these prices (*i.e.,* $2.05) as the Preliminary Opening Price pursuant to paragraph (A) above.
—Since $2.05 is outside the Boundary Prices (see Example 1) the Opening Price will be $2.04—*i.e.,* the price closest to the Potential Opening Price that satisfies the maximum quantity criteria without leaving unexecuted contracts on the bid or offer side of the market at that price and is at or within the Boundary Prices.

Finally, the Exchange will allocate contracts to trade during the Complex Opening Process. In particular, where there is an execution possible, the system will give priority to Market Complex Orders first, then to resting Limit Complex Orders and quotes on the complex order book. The allocation provisions of Rule 722(d)(2) apply with respect to Complex Orders and quotes with the same price with priority given first to better priced interest.

Proposed Supplementary Material .11(vi) to Rule 722 provides that the system will refresh Reserve Complex Orders pursuant to Rule 722(b)(4)(iv) following the execution of the displayed portion of Reserve Complex Orders in the process described above.

Proposed Supplementary Material .11(vii) to Rule 722 describes the Exchange's process for uncrossing the complex order book following the Complex Opening Price Determination described above. In particular, if the complex order book remains locked or crossed following the steps described above, the system will process any remaining Complex Orders and quotes, including Opening Only Complex Orders and the non-displayed portion of Reserve Complex Orders, in accordance with the Complex Uncrossing Process described in Supplementary Material .12(b) to Rule 722. Bids and offers for the individual legs of the complex strategy will be eligible to participate in the Complex Uncrossing Process.

Complex Uncrossing Process

Proposed Supplementary Material .12(b) to Rule 722 describes the Exchange's process for uncrossing the complex order book when a resting Complex Order or quote that is locked or crossed with other interest becomes executable during regular trading or as part of the Complex Opening Process. The Complex Uncrossing Process applies to Complex Options Strategies, Stock-Option Strategies, and Stock-Complex Strategies. Complex strategies are uncrossed using the following procedure: First, the system identifies the oldest Complex Order or quote among the best priced bids and offers on the complex order book—*i.e.,* based on the limit or market price of Complex orders and quotes on the complex order book. When determining which bids and offers are at the best price, all Complex Orders and quotes are considered at their limit or market price. A Complex Order entered with an instruction that it must be executed at a price that is equal to or better than the national best bid or offer pursuant to Supplementary Material .07(a) to Rule 722 is also considered based on its actual limit or market price and not the price of the national best bid or offer for the component legs at which the order would be executed, as would otherwise be the case. Then, the selected Complex Order or quote is matched pursuant to Rule 722(d)(2)–(3) with resting contra-side interest on the complex order book and, for Complex Orders, bids and offers for the individual legs of the complex strategy. This process is repeated until the complex order book is no longer executable.[60]

Example 10

—Individual leg prices are the same as Example 1 above. In addition, the following Complex Orders and quotes are on the book:
  - Sell Complex Order 1 at $2.02 submitted at time T1
  - Sell Complex Order 2 at $2.02 submitted at time T2
—ISE Bid on Series B improves to $1.01 such that the leg markets are now executable with the resting Sell Complex Orders.
—Complex Uncrossing Process will occur. Complex Order 1 is the oldest Complex Order at the best price and is selected and trades with the leg markets first—*i.e.* Complex Order 1 will trade with the ISE Best Bid on Series A at 1.01 and the ISE Best Bid on Series B at 1.01. After Complex Order 1, Complex Order 2 will be selected and can trade with the remaining quantity on the leg markets.

The Complex Uncrossing Process serves an important function when used in the Complex Opening Process and during regular trading. The Complex Opening Price Determination described in the section above is designed to permit interest residing on the complex order book to trade at a single price pursuant to a price discovery process within Boundary Prices that are constrained by the NBBO for the individual legs. There may be additional interest on the complex order book that could trade, for example, by legging to access liquidity on the regular order book. In addition, trades during the Complex Uncrossing Process are not constrained by the NBBO for the individual legs and can instead trade at prices permitted under Supplementary Material .07 to Rule 722, which allows the legs of a complex strategy to trade through the NBBO for the individual legs by a configurable amount. The Exchange therefore continues the Complex Opening Process by performing an uncrossing if the Complex Opening Price determination fails to discover an appropriate execution price (for example, if no valid Opening Price can be found at or within the Boundary Prices) or where there continues to be interest that is locked or crossed after Complex Orders and quotes are executed in the Complex Opening Price Determination. Furthermore, the Complex Uncrossing Process provides an efficient and fair way of determining how to execute Complex orders and quotes when interest that is locked or crossed becomes executable during regular trading. During the trading day there may be Complex Orders and quotes on the complex order book that are locked or crossed with other interest but that are not executable, for example, because the legs cannot be printed at permissible prices. When market conditions change and these Complex Orders or quotes become executable, the Exchange uses the Complex Uncrossing Process to execute Complex Orders or quotes against resting contra-side interest.

Updates to Rule 722

The first two paragraphs of Rule 722 currently provide for the delay of re-introduction for certain complex functionality until specified dates, namely the legging functionality for Stock-Option Orders and functionality which permits concurrent complex order auctions, as further described in this Rule. The Exchange now proposes to update the rule references presently contained in these provisions to reflect the proposed renumbering and expansion of rules described above.[61]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'') [62] in general, and furthers the objectives of Section 6(b)(5) of the Act [63] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change provides greater clarity regarding how Complex Orders are processed on the Exchange and expands upon various existing provisions within the Exchange's rules, including by adopting a rule that addresses the Exchange's process for opening complex strategies. The Exchange therefore believes that the proposed rule change will better enable members and investors to make informed decisions regarding the use of Complex Orders on the Exchange.

Specifically, with respect to the proposed changes to the definitions contained in Rule 722, the Exchange believes it is consistent with Section 6(b)(5) of the Act to more clearly identify Complex Options Strategies, Stock-Option Strategies and Stock-Complex Strategies (collectively complex strategies), including by indicating that the Exchange may limit the applicable number of legs accepted for each of these types of complex strategies, and to adopt separate definitions for orders in those strategies (as opposed to quotes) so that differences in processing are reflected more clearly in the Exchange's Rules. Similarly, the Exchange believes specifying which order types and designations contained in Rule 715 for regular orders on the Exchange apply to Complex Orders and specifying any differences with respect to the processing of Complex Orders within proposed Rule 722(b) will bring clarity to the available Complex Order types. The added clarity will also assist

[60] The Exchange will manage and curtail repetition of the Complex Uncrossing Process so as to not negatively impact system capacity and performance.

[61] Specifically: Current Rule 722(b)(3)(ii) (proposed Rule 722(d)(3)), current Rule 722(b)(3)(iii) (proposed Rule 722(d)(1) and Supplementary Material .01 to Rule 722), current Supplementary Material .08 to Rule 716 (proposed Supplementary Material .08(a) and .08(b) to Rule 722), and current Supplementary Material .09 to Rule 723 (proposed Supplementary Material .08(c) to Rule 722).

[62] 15 U.S.C. 78f(b).

[63] 15 U.S.C. 78f(b)(5).

investors with determining which types of Complex Orders they can trade on the Exchange in order to fully realize their trading and hedging potential. With respect to Exposure Orders and Exposure Only Orders, the Exchange believes it is reasonable to provide an opportunity for investors to seek to have their orders exposed for an opportunity for price improvement. Furthermore, the Exchange believes that it is appropriate to give members the option to have such orders canceled if they are not eligible for exposure (*i.e.,* for Exposure Only Orders) or have those orders entered on the complex order book (*i.e.,* for Exposure Orders) based on their trading needs. With respect to legging orders,[64] the Exchange believes that the proposed rule amendments will more clearly articulate that only Complex Options Order strategies can generate legging orders, and that a Reserve Complex Order will only generate a legging order from its displayed quantity to avoid exposing non-displayed size to market participants.

The Exchange also believes that specifying that bids and offers for Complex Options Strategies may be expressed in $0.01 increments,[65] and that the options legs of complex strategies may be executed in $0.01 increments and not in ''any decimal price'' will remove any confusion regarding the applicable increment that may have existed with the current language that applied to all complex strategies. The rule will continue to state that Stock-Option Strategies and Stock-Complex Strategies are accepted in decimal increments, but the Exchange is clarifying the permitted increments will be determined by the Exchange with notice to its members.[66] The Exchange believes that smaller increments are appropriate for complex strategies that have a stock component since the stock leg of such strategies are permitted to trade in finer increments than permitted in the options market. The proposed rule therefore gives the Exchange flexibility to adopt minimum increments that are appropriate for the trading of these strategies. Moreover, specifying the minimum trading increments for complex strategies in the Supplementary Material to Rule 710 will remove any potential confusion as to the application of Rule 710 to Complex Orders.

The Exchange further believes that is it consistent with Section 6(b)(5) of the Act to provide greater clarity to the priority of complex strategies with respect to bids and offers for the individual component series on the Exchange by re-formatting Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal) and replacing certain references with defined terms. The Exchange also believes that it is consistent with the protection of investors and the public interest to add language in Proposed Rule 722(c)(2)(iv) that explains that complex strategies may be executed on the complex order book without giving priority to the non-displayed portion of Reserve Orders on the bids or offers for the individual legs of the complex strategy. As explained in the purpose section of this proposed rule change, complex strategies may be executed without giving priority to the non-displayed portion of a Reserve Order in the regular market as this non-displayed interest has no priority on the book, and is only available for execution after all displayed interest has been executed. The Exchange believes that the proposed changes to Rule 722(b)(3) (renumbered Rule 722(d) under the proposal) regarding the execution of complex strategies will also bring clarity to how complex strategies are executed. In particular, the proposal specifies that complex strategies are not executable unless the requirements of Rule 722(b)(2) (renumbered Rule 722(c)(2) under the proposal), regarding the protection of Priority Customer orders in the regular market, are satisfied, and more clearly identifies the sequence of complex strategy processing.

The Exchange also believes that providing for an auction process whereby Complex Orders that improve upon the best price for the same options strategy on the complex order book benefits such Complex Orders by giving them an opportunity for price improvement, and that the exposure process specified in the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.[67] The proposed rule provides a fair opportunity for all members to participate in the execution of such Complex Orders according to the existing execution priority rules for Complex Orders. In particular, the Exchange notes that the proposed rule does not exclude any market participants from initiating or participating in the Complex Order auction and that all of the material terms of the order are included in the broadcast message. Additionally, the proposed rule assures that the exposure process will not interrupt the processing of Complex Orders by terminating the auction upon the receipt of certain Complex Orders for the same complex strategy. Specifically, the exposure period for a Complex Order will end immediately upon the receipt of a Complex Order or quote for the same options strategy on either side of the market that is marketable against the complex order book or bids and offers for the individual legs, which assures that incoming orders are not delayed by the exposure process. The exposure period for a Complex Order will also be terminated upon the receipt of a non-marketable Complex Order or quote for the same complex strategy on the same side of the market that would cause the price of the Complex Order to be outside of the best bid or offer for the same complex strategy on the complex order book, which protects the Complex Order being exposed from missing an execution opportunity. The Exchange further notes that investors are given the ability to designate whether or not their Complex Orders should be exposed for price improvement if eligible. Thus, the proposed rule specifies a process designed to balance the needs of investors that prefer an immediate execution and those that prefer an opportunity for price improvement.

The Exchange believes that specifying in Supplementary Material .03 to Rule 722 that market makers can enter quotes in classes selected by the Exchange will enhance clarity for members and investors as the Exchange has traditionally offered complex quoting functionality in only a limited number of symbols. Although complex quoting functionality has not yet been implemented on INET,[68] the Exchange intends to continue this practice when complex quoting is re-enabled. Any classes selected by the Exchange for complex quoting are announced to the membership via Options Trader Alert, and market makers can enter Complex Orders in all classes regardless of whether quoting is permitted. In addition, the Exchange believes that it is appropriate to remove references to ''complex order strategies'' in the Market Maker Speed Bump rule (*i.e.,* Supplementary Material .04 to Rule 722) as the proposed rules now contain a more specific definition of ''Complex Options Strategies.'' Due to the nature of the Market Maker Speed Bump, which is based exclusively on options contracts executed, this protection applies only to Complex Options Strategies and not to complex strategies that have a stock component—*i.e.,*

[64] *See* Rule 715(k).

[65] *See* Rule 722(c)(1).

[66] The stock leg may be executed in any decimal price permitted in the equity market.

[67] *See* Supplementary Material .01 to Rule 722.

[68] *See* Securities Exchange Act Release No. 80613 (April 26, 2017), 82 FR 22022 (May 11, 2017) (SR–ISE–2017–37).

Stock-Option Strategies and Stock-Complex Strategies. The Exchange does not believe that the stock and options components of a Stock-Option Strategy or Stock-Complex Strategy can be combined in a way that provides a meaningful measure of risk exposure for members, and has therefore determined not to provide the Market Maker Speed Bump for these complex strategies.

The Exchange believes that specifying in Rule 722(c)(3) that the requirements of Rule 717(d) and (e) apply to the execution of Complex Orders will provide clarity to members. The Exchange further believes that moving the text related to the execution of Complex Orders in the various crossing mechanisms into Supplementary Material .08 to Rule 722 will better enable members to understand how Complex Orders may be executed in compliance with the requirements of Rule 717(d) and (e), and that the proposed non-substantive changes to the existing text will provided greater detail and clarity regarding how Complex Orders are processed by the mechanisms. The Exchange also proposes to add additional detail to the Supplementary Material .08 to Rule 722 to more fully describe the operation of the Exchange's crossing mechanisms, including but not limited to the prices at which Complex Orders can be entered into the Complex Facilitation, Solicited Order, and Price Improvement Mechanisms. These proposed changes reflect the current operation of the Exchange's crossing mechanisms for Complex Orders, and are intended to provide additional details as are customary for rules today.

As discussed in detail above, the Exchange also believes that the proposed rule changes related to complex Customer Cross Orders [69] and complex QCCs—including Complex QCC Orders [70] and Complex QCC with Stock Orders [71] where the Exchange attempts to facilitate the execution of the stock component of the transaction to aid members in meeting their compliance obligations—is consistent with all applicable rules and with Section 6(b)(5) of the Act. Specifically, with respect to complex Customer Cross Orders which are not subject to the general principle of exposure, Priority Customer Orders on the Exchange for the individual series are protected to the same extent as when any other Complex Orders are executed on the complex order book. The Exchange believes that in this context, where two Priority Customer Complex Orders are being executed, it is reasonable and consistent with existing rules to apply the requirements of Rule 722(b)(2) and (b)(3) (renumbered Rule 722(c)(2) and 722(d) respectively). Indeed, it would be contrary to investor expectations if entering a complex Customer Cross Order reduced the opportunity for execution as compared to entering two separate Priority Customer Orders on the complex order book nearly simultaneously. In contrast, with respect to complex QCCs, which are not limited to Priority Customer Orders and were narrowly drawn to provide a limited exception to the general principle of exposure, the Exchange believes it is necessary and appropriate to restrict the execution if there are Priority Customer Orders on the Exchange in the individual options series at the same price or if the net price cannot be achieved at or within the NBBO for the individual series. The Exchange further believes that the proposed rule change to specify how complex Customer Cross Orders and complex QCCs are processed in Supplementary Material .08 to Rule 722 will provide clarity to members and investors.

Furthermore, the Exchange believes that it is consistent with the protection of investors and the public interest to update its rules to clarify in Supplementary Material .07(a) to Rule 722 how the stock leg is considered when determining the best net price achievable from the ISE bids and offers for the individual legs. Although it is clear what this language means with respect to Complex Options Orders when the bids and offers for the individual legs refer to interest on the Exchange's regular order book, it is not currently clear with respect to the stock leg of Stock-Option Orders and Stock-Complex Orders. The stock leg of Stock-Option Orders and Stock-Complex Orders are permitted to trade through the national best bid or offer pursuant to the QCT exemption under Regulation NMS. To reinforce that these complex strategies benefit from the QCT Exemption, the Exchange proposes in Supplementary Material .13 to Rule 722 to provide that Members may only submit Complex Orders and quotes in Stock-Option Strategies and Stock-Complex Strategies if such Complex Orders and quotes comply with the QCT exemption. Members submitting Complex Orders and quotes in Stock-Option Strategies and Stock-Complex Strategies represent that they comply with the QCT exemption. The Exchange believes that explaining this in its rules will increase transparency around the operation of the Exchange to the benefit of members and other market participants that trade on the Exchange.

With respect to Supplementary Material .07(d) to Rule 722, the Limit Order Price Protection is designed to ensure that orders are entered at prices that are reasonably related to the market. The Exchange therefore believes that it is appropriate to use the national best bid or offer price for this purpose, and is making it clear that the national best bid or offer price of the stock leg is used for this system protection.

In addition, with respect to the other change to the Limit Order Price Protection rules, the Exchange believes that the proposed rule change will clarify how this system protection applies to Limit Complex Orders to sell. As explained above, the proposed rule text more accurately describes how the Exchange calculates the boundary prices used to determine when Limit Complex Orders to sell will be rejected.

The Exchange also believes that codifying the Trade Value Allowance process in Supplementary Material .09 to Rule 722 will more accurately describe how complex strategies are executed. The Chicago Board Options Exchange (''CBOE'') also has similar rules for trading complex orders in open outcry.[72] Due to the rounding process, an order or quote for a Stock-Option Strategy or Stock-Complex Strategy can trade through its net price by an insignificant amount relative to the value of the trade. Members generally prefer not to forgo an execution for their Stock Option Strategies and Stock-Complex Strategies when there is a Trade Value Allowance, as the amount of the rounding is miniscule compared to the value of the trade. As explained earlier, the Trade Value Allowance feature allows members to receive an expeditious execution, and trade the stock and options components of a Stock-Option Strategy or Stock-Complex Strategy in a moving market without introducing legging risk. Without this functionality members would be forced to resubmit their orders and potentially receive a much worse price or miss an execution. While the Exchange believes that the majority of members want their Stock-Option Strategies and Stock-Complex Strategies to be handled this way, this functionality is optional, giving members the ability to require strict enforcement of the net price marked on the order; provided that any

[69] *See* Supplementary Material .08(d) to Rule 722.

[70] *See* Supplementary Material .08(e) to Rule 722.

[71] *See* Supplementary Material .08(f) to Rule 722.

[72] *See* Interpretations and Policies .01 to CBOE Rule 6.41, which requires members to resolve similar trade value differences in favor of the customer.

Trade Value Allowance is permitted for auction orders pursuant to Supplementary Material .08 to Rule 722 that do not trade solely with their contra-side order in order to facilitate executions in these mechanisms. Permitting any amount of Trade Value Allowance in these limited circumstances ensures that an auction order that cannot trade with its contra-side order due to better priced Responses or interest on the Exchange's order books is not thereafter prohibited from executing due to an economically insignificant amount of trade value difference.

The Exchange also believes that the codifying the Complex Opening Process, Complex Opening Price Determination, and Complex Uncrossing Process is designed to promote just and equitable principles of trade because it will increase transparency with respect to the Exchange's processes for opening and uncrossing complex strategies. The proposed rules describe the Exchange's current process for opening complex strategies, including provisions that describe eligible interest, the calculation of an appropriate Opening Price at which such interest will be executed, and allocation of contracts between market participants. The Complex Opening Price Determination is designed to provide an opportunity for members to trade complex strategies in a transparent opening rotation at a price that is within the NBBO prices of the individual legs prior to uncrossing the complex strategy in the Complex Uncrossing Process to allow additional interest to participate. The Exchange believes that codifying this process in the Exchange's rulebook will be helpful to members and other market participants that participate in the Complex Opening Price Determination. The proposed rules also detail the Exchange's process for uncrossing the complex order book when resting Complex Orders and quotes become executable during regular trading or as part of the Complex Opening Process. The Exchange believes that describing this process in its rules is helpful to members and other market participants as it adds additional information about how Complex Orders and quotes are executed when the complex order book becomes executable, for example, due to updated prices in market for the individual legs of the complex strategy. The Exchange believes that the Complex Opening Process, Complex Opening Price Determination, and Complex Uncrossing Process are each designed to perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

In addition, the Exchange further believes that the proposal removes impediments to and perfects the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the types of complex strategies available for trading on the Exchange and the manner in which such strategies are traded. The Exchange believes the proposed changes to the rules will benefit investors as they improve the readability of and further simplify the Exchange's rules regarding complex strategies. Similarly, the Exchange believes that the updates to the rule references in Rule 722 to reflect the proposed renumbering and expansion of rules will add further clarification to the Exchange's rulebook, and will also alleviate potential confusion as to the applicability of its rules, which will protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change provides greater clarity regarding how complex strategies are processed on the Exchange and expands upon various existing provisions within the Exchange's rules. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues who offer similar functionality. The Exchange believes the proposed rule change will enhance competition among the various markets for Complex Order execution, potentially resulting in more active Complex Order trading on all exchanges. The Exchange notes that as to intramarket competition, the proposed rule change treats all Exchange participants equally, as fully described above.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–ISE–2018–56 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2018–56. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish

to make available publicly. All submissions should refer to File Number SR–ISE–2018–56, and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[73]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14544 Filed 7–6–18; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33147; File No. 812–14896]

Vivaldi Opportunities Fund and Vivaldi Asset Management, LLC

July 3, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 19(b) of the Act and rule 19b–1 under the Act to permit a registered closed-end investment company to make periodic distributions of long-term capital gains more frequently than permitted by section 19(b) or rule 19b–1.

Applicants: The Vivaldi Opportunities Fund (the ''Fund''), a newly-organized, non-diversified closed-end investment company registered under the Act and organized as a corporation under the laws of Maryland, and Vivaldi Asset Management, LLC (the ''Adviser'') (together with the Fund, the ''Applicants''), registered under the Investment Advisers Act of 1940, organized as a limited liability company under the laws of Delaware, and serving as investment adviser to the Fund.[1]

Filing Dates: The application was filed on April 17, 2018, and amended on June 21, 2018.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 28, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicants: Joshua B. Derringer, Esq., Drinker Biddle & Reath LLP, One Logan Square, Suite 2000, Philadelphia, PA 19103, and Michelle M. Comella, Chief Compliance Officer & General Counsel, Vivaldi Asset Management, LLC, 225 W Wacker Drive, Suite 2100, Chicago, IL 60606.

FOR FURTHER INFORMATION CONTACT: Stephan N. Packs, Senior Counsel at (202) 551–6853, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm,* or by calling (202) 551–8090.

Summary of the Application:

1. Section 19(b) of the Act generally makes it unlawful for any registered investment company to make long-term capital gains distributions more than once every twelve months. Rule 19b–1 under the Act limits to one the number of capital gain dividends, as defined in section 852(b)(3)(C) of the Internal Revenue Code of 1986 (''Code,'' and such dividends, ''distributions''), that a registered investment company may make with respect to any one taxable year, plus a supplemental distribution made pursuant to section 855 of the Code not exceeding 10% of the total amount distributed for the year, plus one additional capital gain dividend made in whole or in part to avoid the excise tax under section 4982 of the Code.

2. Applicants believe that investors in certain closed-end funds may prefer an investment vehicle that provides regular current income through a fixed distribution policy (''Distribution Policy''). Applicants propose that the Fund be permitted to adopt a Distribution Policy, pursuant to which the Fund would distribute periodically to its stockholders a fixed monthly percentage of the market price of the Fund's common stock at a particular point in time or a fixed monthly percentage of net asset value (''NAV'') at a particular time or a fixed monthly amount per share of common stock, any of which may be adjusted from time to time.

3. Applicants request an order under section 6(c) of the Act granting an exemption from section 19(b) of the Act and rule 19b–1 to permit a Fund to distribute periodic capital gain dividends (as defined in section 852(b)(3)(C) of the Code) as frequently as twelve times in any one taxable year in respect of its common stock and as often as specified by, or determined in accordance with the terms of, any preferred stock issued by the Fund. Section 6(c) of the Act provides, in relevant part, that the Commission may exempt any person or transaction from any provision of the Act to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

4. Applicants state that any order granting the requested relief will be subject to the terms and conditions stated in the application, which generally are designed to address the concerns underlying section 19(b) and rule 19b–1, including concerns about proper disclosures and shareholders' understanding of the source(s) of a Fund's distributions and concerns about improper sales practices. Among other things, such terms and conditions require that (1) the board of directors or trustees of the Fund (the ''Board'') review such information as is reasonably necessary to make an informed determination of whether to adopt the proposed Distribution Policy and that the Board periodically review the amount of the distributions in light of the investment experience of the Fund, and (2) that the Fund's shareholders receive appropriate disclosures concerning the distributions.

[73] 17 CFR 200.30–3(a)(12).

[1] Applicants request that the order also apply to each other registered closed-end investment company advised or to be advised in the future by the Adviser or by an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser (including any successor in interest) (each such entity, including the Adviser, also the ''Adviser'') that in the future seeks to rely on the order (such investment companies, together with the Fund, are collectively the ''Funds'' and, individually, a ''Fund''). A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14662 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–475, OMB Control No. 3235–0536]

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Regulation FD

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Regulation FD (17 CFR 243.100 *et seq.*)—Other Disclosure Materials requires public disclosure of material information from issuers of publicly traded securities so that investors have current information upon which to base investment decisions. The purpose of the regulation is to require: (1) An issuer that intentionally discloses material information, to do so through public disclosure, not selective disclosure; and (2) to make prompt public disclosure of material information that was unintentionally selectively disclosed. We estimate that approximately 13,000 issuers make Regulation FD disclosures approximately five times a year for a total of 58,000 submissions annually, not including an estimated 7,000 issuers who file Form 8–K to comply with Regulation FD. We estimate that it takes 5 hours per response (58,000 responses × 5 hours) for a total burden of 290,000 hours annually. In addition, we estimate that 25% of the 5 hours per response (1.25 hours) is prepared by the filer for an annual reporting burden of 72,500 hours (1.25 hours per response × 58,000 responses).

Written 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 has practical utility; (b) the accuracy of the agency's estimate of the burden imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14656 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form 11–K, SEC File No. 270–101, OMB Control No. 3235–0082

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 11–K (17 CFR 249.311) is the annual report designed for use by employee stock purchase, savings and similar plans to comply with the reporting requirements under Section 15(d) of the Securities and Exchange Act of 1934 (the ''Exchange Act'') (15 U.S.C. 78o(d)). Section 15(d) establishes a periodic reporting obligation for every issuer of a class of securities registered under the Securities Act of 1933 (the ''Securities Act'')(15 U.S.C. 77a *et seq.*). Form 11–K provides employees of an issuer with financial information so that they can assess the performance of the investment vehicle or stock plan. Form 11–K takes approximately 30 burden hours per response and is filed by 1,302 respondents for total of 39,060 burden hours (30 hours per response × 1,302 responses).

Written comments are invited on: (a) Whether this 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14651 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 239; SEC File No. 270–638, OMB Control No. 3235–0687.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission

(''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 239 (17 CFR 230.239) provides exemptions under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and the Trust Indenture Act of 1939 (U.S.C. 77aaa *et seq.*) for security-based swaps issued by certain clearing agencies satisfying certain conditions. The purpose of the information required by Rule 239 is to make certain information about security-based swaps that may be cleared by the registered or the exempt clearing agencies available to eligible contract participants and other market participants. We estimate that each registered or exempt clearing agency issuing security-based swaps in its function as a central counterparty will spend approximately 2 hours each time it provides or update the information in its agreements relating to security-based swaps or on its website. We estimate that each registered or exempt clearing agency will provide or update the information approximately 20 times per year. In addition, we estimate that 75% of the 2 hours per response (1.5 hours) is prepared internally by the clearing agency for a total annual reporting burden of 180 hours (1.5 hours per response × 20 times × 6 respondents).

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14657 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form TH, SEC File No. 270–377, OMB Control No. 3235–0425

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form TH (17 CFR 239.65, 249.447, 269.10 and 274.404) under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*) and the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) is used by registrants to notify the Commission that an electronic filer is relying on the temporary hardship exemption for the filing of a document in paper form that would otherwise be required to be filed electronically as required by Rule 201(a) of Regulation S–T. Form TH must be filed every time an electronic filer experiences unanticipated technical difficulties preventing the timely preparation and submission of a required electronic filing. Approximately 5 registrants file Form TH and it takes an estimated 0.33 hours per response for a total annual burden of 2 hours (0.33 hours per response × 5 responses).

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 control number.

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14655 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83583; File No. SR–CBOE–2018–048]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 24.6, Days and Hours of Business Concerning Expiring MSCI EAFE Index Options and MSCI Emerging Markets Index Options

July 2, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on June 25, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 24.6.

(additions are *italicized*; deletions are [bracketed])

* * * * *

Cboe Exchange, Inc. Rules

* * * * *

Rule 24.6. Days and Hours of Business

(a)–(b) (No change).

. . . Interpretations and Policies:

.01–.04 (No change).

.05 On their last trading day, [transactions in expiring MSCI EAFE Index options may be effected on the Exchange between the hours of 8:30 a.m. (Chicago time) and 3:00 p.m. (Chicago time), and] transactions in expiring FTSE Developed Europe Index options may be effected on the Exchange between the hours of 8:30 a.m. (Chicago time) and the close of the London Stock Exchange (usually 10:30 a.m. Chicago time). *The last day of trading for expiring MSCI EAFE Index options series and MSCI Emerging Markets Index options series will be the business day prior to the expiration date of the specific series.*

.06 (No change).

* * * * *

The text of the proposed rule change is available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change modifies the last trading day for options that overlie the MSCI EAFE Index and the MSCI Emerging Markets Index (''EAFE options'' and ''EM options,'' respectively). Pursuant to Rule 24.6(a), the trading hours for EM options are from 8:30 a.m. to 3:15 p.m. Chicago time, including on their expiration date. Pursuant to Rule 24.6(a) and Interpretation and Policy .05, the trading hours for EAFE options are from 8:30 a.m. to 3:15 p.m. Chicago time, except trading in expiring EAFE options will end at 3:00 p.m. on their expiration date. The proposed rule change states the last trading day for expiring EAFE options series and EM options series will be the business day prior to the expiration date of the specific series.

EAFE and EM options are p.m.-settled, which means the exercise settlement value of an expiring option is derived from the closing prices of the underlying components on the series expiration date. The MSCI EAFE Index consists of components from 21 countries, and the MSCI Emerging Markets Index consists of components from 24 countries. Because the components of each of these indexes encompass multiple markets around the world, the components are subject to varying trading hours. For the MSCI EAFE Index, the first components open trading at approximately 5:00 p.m. Chicago time on the prior trading day, and the last components end trading at approximately 11:30 a.m. Chicago time. Similarly, for the MSCI Emerging Markets Index, the first components open trading at approximately 6:00 p.m. Chicago time (on the prior trading day), and the last components end trading at approximately 3:30 p.m. Chicago time.

Expiring EAFE options and EM options currently trade on their expiration dates through 3:00 p.m. and 3:15 p.m. Chicago time, respectively. However, trading in various components ends prior to the beginning of EAFE options and EM options regular trading hours (*i.e.*, 8:30 a.m. Chicago time).[5] As a result, the closing prices of those components, which are used to determine the exercise settlement value, were determined prior to the time when the expiring options may begin trading on the expiration date. This increases the risk of providing liquidity in these products on that date. Generally, the prices of futures on the MSCI EAFE and EM indexes can be a proxy for the current level of the applicable index when options on those indexes are trading on the Exchange while the index level is not being disseminated. However, that is not the case on options' expiration dates, as the prices that will be used to determine the exercise settlement value are fixed once trading in the components ends, and thus futures trading prices after trading in those components end have no bearing on the exercise settlement value. Therefore, the Exchange believes it is appropriate to stop trading in expiring EAFE and EM options on the business day prior to the expiration date. Pursuant to Rule 24.6(a), on their last day of trading (the trading day prior to the expiration date, as proposed), EAFE and EM options will trade from 8:30 a.m. through 3:15 p.m. Chicago time.

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.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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 the Section 6(b)(5)[8] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange has observed reduced liquidity on expiration dates of expiring EAFE and EM series due to the pricing risk associated with providing liquidity after the components whose closing prices will be used to determine the exercise settlement value of expiring options have stopped trading. Market-Makers and other liquidity providers generally price EAFE and EM options using the disseminated index values and data from the markets on which the components trade. As noted above, when these markets are not trading during U.S. trading hours, these liquidity providers price the options using prices of futures trading on the MSCI EAFE and EM indexes. While those futures prices can serve as a proxy for the index value, they cannot serve as a proxy for the settlement value on the expiration date for the options. This is because the futures pricing is intended

[5] Trading in the other components ends at various times throughout the trading day in Chicago.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] *Id.*

to represent the then-current index value, but does not incorporate the closing prices of the components that will be used to determine the settlement value. This creates risk for Market-Makers and other liquidity providers, as they have no data they can use to price the expiring options based on the ultimate settlement value. This may result in trades at prices inconsistent with the settlement value of those options. The proposed rule change removes impediments to and perfects the mechanism of a free and open market by eliminating this pricing risk for liquidity providers on the last trading day of expiring series in these products. The Exchange believes this may encourage additional liquidity providers to participate on the last trading of expiring series, which may provide more competitive pricing and additional trading opportunities for expiring series, and ultimately benefits investors.

Other options stop trading on the business day preceding expiration. For example, the last day of trading for non-volatility a.m.-settled index options is the business day preceding the expiration date.[9]

B. Self-Regulatory Organization's Statement on Burden on Competition

Cboe Options 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 proposed rule change will apply to all market participants that trade EAFE and EM options. As discussed above, the proposed rule change may eliminate a pricing risk for Market-Makers and other liquidity providers, which may provide more competitive pricing and additional trading opportunities for expiring series and ultimately benefit investors. The proposed rule change applies to EAFE and EM options, which only trade on Cboe Options. Other options stop trading on the business day preceding expiration.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

A. Significantly affect the protection of investors or the public interest;

B. impose any significant burden on competition; and

C. become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6)[11] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CBOE–2018–048 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–CBOE–2018–048. 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–CBOE–2018–048 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14548 Filed 7–6–18; 8:45 am]

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[9] Cboe Options Rule 24.9(a)(4).

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83589; File No. SR–NFA–2018–03]

Self-Regulatory Organizations; National Futures Association; Notice of Filing and Immediate Effectiveness of Proposed Change to the Interpretive Notice to NFA Compliance Rule 2–30(b): Risk Disclosure Statement for Security Futures Contracts

July 3, 2018.

Pursuant to Section 19(b)(7) of the Securities Exchange Act of 1934 (''Exchange Act''),[1] and Rule 19b–7 under the Exchange Act[2] notice is hereby given that on June 19, 2018, National Futures Association (''NFA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared by NFA. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(7).

[2] 17 CFR 240.19b–7.

solicit comments on the proposed rule change from interested persons.

On June 7, 2018, NFA also filed this proposed rule change with the Commodity Futures Trading Commission (''CFTC'') and requested that the CFTC make a determination that review of the proposed rule change of NFA is not necessary. By letter dated June 18, 2018, the CFTC notified NFA of its determination not to review the proposed rule change.[3]

The text of the proposed rule change is available at the self-regulatory organization's office, on the NFA's website at *www.nfa.futures.org,* and at the SEC's Public Reference Room.

I. Self-Regulatory Organization's Description and Text of the Proposed Rule Change

NFA's Interpretive Notice 9050 entitled ''NFA Compliance Rule 2–30(b): Risk Disclosure Statement for Security Futures Contracts'' (''Interpretive Notice 9050'') requires NFA Members and Associates (''Member'') who are registered as brokers or dealers under Section 15(b)(11) of the Exchange Act[4] to provide a disclosure statement for security futures products (''SFPs'') to a customer at or before the time the Member approves the account to trade SFPs. This risk disclosure statement contains, among other things, a section on settlement by physical delivery, which indicates that the normal clearance and settlement cycle for securities transactions is three business days. NFA is amending Section 5.2 of Interpretive Notice 9050 to update the disclosure statement for SFPs to reflect the shortened settlement cycle from three business days to two business days.

NFA is also amending Section 6.1 of Interpretive Notice 9050 to reflect the current address for the Securities Investor Protection Corporation (''SIPC''). Further, NFA is amending Interpretive Notice 9050 to incorporate other non-substantive changes. The text of the proposed rule changes to Interpretive Notice 9050 is found in Exhibit 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, NFA 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. NFA 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

Section 15A(k) of the Exchange Act[5] makes NFA a national securities association for the limited purpose of regulating the activities of NFA Members who are registered as brokers or dealers in security futures products under Section 15(b)(11) of the Exchange Act.[6] NFA's Interpretive Notice 9050 applies to all NFA Members who meet the criteria outlined in Interpretive Notice 9050, including those that are registered as security futures brokers or dealers under Section 15(b)(11) of the Exchange Act.[7]

The risk disclosure statement for SFPs is a uniform statement that was jointly developed in 2002 by NFA, FINRA, and a number of securities and futures exchanges. The statement discusses the characteristics and risk of standardized security futures contracts traded on regulated U.S. exchanges and indicates that the settlement by physical delivery is three business days.

On September 5, 2017, the securities industry moved from a T+3 settlement cycle to a T+2 settlement cycle for in-scope securities trades, including U.S. equity trades. Accordingly, NFA's amendment to Section 5.2 of Interpretive Notice 9050 is nothing more than a technical amendment to update the disclosure statement for SFPs to reflect the shortened settlement cycle from three business days to two business days.

NFA is also amending Section 6.1 of Interpretive Notice 9050 to provide the current contact information for SIPC and to change the spelling of ''broker/dealer'' to ''broker-dealer''. To incorporate other non-substantive changes, NFA is amending Interpretive Notice 9050 in Section 2.4 to correct a cross-reference and in Section 8.2 to remove an extraneous word. FINRA has amended and submitted the proposed changes to the SEC for approval.

Amendments to NFA Interpretive Notice 9050 were previously filed with the SEC in SR–NFA–2002–05, Exchange Act Release No. 34–46613 (Oct. 7, 2002), 67 FR 64176 (Oct. 17, 2002); SR–NFA–2002–06, Exchange Act Release No. 34–47150 (Jan. 9, 2003), 68 FR 2381 (Jan. 16, 2003); SR–NFA–2007–07, Exchange Act Release No. 34–57142 (Jan. 14, 2008), 73 FR 3502 (Jan. 18, 2008); SR–NFA–2010–02, Exchange Act Release No. 34–62624 (Aug. 2, 2010), 75 FR 47666 (Aug. 6, 2010); SR–NFA–2010–03, Exchange Act Release No. 34–62651 (Aug. 4, 2010), 75 FR 48393 (Aug. 10, 2010); and SR–NFA–2014–02, Exchange Act Release No. 34–71980 (Apr. 21, 2014), 79 FR 23027 (Apr. 25, 2014) .

2. Statutory Basis

The proposed rule change is authorized by, and consistent with, Section 15A(k)(2)(B) of the Exchange Act.[8] That Section requires NFA to have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and advertising of security futures products. The proposed rule change accomplishes this by requiring Members to provide customers trading in SFPs with a risk disclosure statement which reflects the shortened settlement date of two days after the transaction. Accordingly, NFA is amending Interpretive Notice 9050 to update the disclosure statement for SFPs to reflect the shortened settlement cycle from T+3 to T+2. Further, NFA is amending Interpretive Notice 9050 to reflect the updated contact information for SIPC and other non-substantive stylistic changes. This proposal is not designed to regulate, by virtue of any authority conferred by the Exchange Act, matters not related to the purposes of the Exchange Act or the administration of the association.

B. Self-Regulatory Organization's Statement on Burden on Competition

NFA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change would not impose any additional reporting requirements or costs on Members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NFA did not publish the rule change to the membership for comment. NFA

[3] *See* letter from Matthew Kulkin, Director CFTC, to Carol A. Wooding, General Counsel, NFA (''Letter'').

[4] 15 U.S.C 78o(b)(11).

[5] 15 U.S.C. 78o–3(k).

[6] 15 U.S.C. 78o(b)(11).

[7] *Id.*

[8] 15 U.S.C. 78o–3(k).

did not receive comment letters concerning the rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On June 18, 2018, the CFTC notified NFA of its determination not to review the proposed rule change.[9] The proposed rule change will become effective on July 18, 2018.

At any time within 60 days of the date of effectiveness of the proposed rule change, the Commission, after consultation with the CFTC, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of Section 19(b)(1) of the Exchange Act.[10]

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 Exchange 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–NFA–2018–03 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–NFA–2018–03. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of NFA. 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 publicly available. All submissions should refer to File Number SR–NFA–2018–03 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14669 Filed 7–6–18; 8:45 am]

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[9] *See* Letter, *Supra* note 3.

[10] 15 U.S.C. 78s(b)(1).

[11] 17 CFR 200.30–3(a)(73).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83586; File No. SR–IEX–2018–12]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 11.420 Concerning the Order Audit Trail System Requirements To Make Conforming and Technical Changes

July 2, 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 21, 2018, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Act,[4] and Rule 19b–4 thereunder,[5] the Exchange is filing with the Commission a proposed rule change to amend Rule 11.420 concerning the Order Audit Trail System (''OATS'') requirements to make conforming and technical changes. The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act [6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7]

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement [sic] may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to make three changes to Rule 11.420 related to OATS reporting requirements to (1) amend Rule 11.420(a)(13) to permit members to route orders to two Reporting Members for a defined period of time provided certain conditions are met without losing the exception from the definition of ''Reporting Member'' in conformance to comparable provisions of the Financial Industry Regulatory Authority (''FINRA'') Rule 7410; (2) amend rule citations in Rule 11.420(c) to correct [sic] citation to FINRA Rule 7430 to FINRA Rule 4590; and (3) amend the rule reference in Rule 11.420(g) to correct the reference to FINRA Rule 7470A to FINRA Rule 7470. Each proposed change is described below.

First Change

IEX Rule 11.420 imposes an obligation on Exchange Members to record in electronic form and report to FINRA on a daily basis certain

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4.

information with respect to orders originated, received, transmitted, modified, cancelled or executed by Exchange Members in securities traded on IEX. FINRA's OATS captures this order information and integrates it with quote and transaction information to create a time-sequenced record of orders, quotes and transactions. This information is used by FINRA staff to conduct surveillance and investigations of IEX Members (and members of FINRA and certain other national securities exchanges) for potential violation of Exchange rules (or rules of another national securities exchange in the case of a member of such exchange), federal securities laws, and FINRA rules.

In general, IEX Rule 11.420 applies to any IEX Member that is a ''Reporting Member,'' which is defined in IEX Rule 11.420(a)(13) as a Member that receives or originates an order and has an obligation to record and report information under IEX Rule 11.420(d) and 11.420(e). However, under Rule 11.420(a)(13)(A) a Member is not considered a Reporting Member in connection with an order if the following four criteria are met:

- The Member engages in non-discretionary order routing process, pursuant to which it immediately routes, by electronic or other means, all of its orders to a single receiving Reporting Member;
- the Member does not direct and does not maintain control over subsequent routing or execution by the receiving Reporting Member;
- the receiving Reporting Member records and reports all information required under IEX Rules 11.420(d) and 11.420(e) with respect to the order; and
- the Member has a written agreement with the receiving Reporting Member specifying the respective functions and responsibilities of each party to effect full compliance with the requirements of IEX Rules 11.420(d) and 11.420(e).

On May 12, 2014, FINRA amended FINRA Rule 7410(o)(1)(A) to allow a member to route its orders to two receiving Reporting Members, if two conditions were met.[8] First, the orders are routed by the member to each receiving Reporting Member on a predetermined schedule approved by FINRA. Second, the FINRA member's orders are routed to two receiving Reporting Members pursuant to the schedule for a time period not to exceed one year. The rule change permits FINRA members to continue to rely on the exception from the definition of Reporting Member if, for a limited time, the member routes orders to two different Reporting Members, provided the criteria are met. FINRA noted in adopting the change that the rule was intended to accommodate introducing firms that transition to a different clearing firm over time and, during the transition, route their orders two different clearing firms, both of which report the introducing firm's information to OATS during the transition time.[9] The Nasdaq Stock Market LLC (''Nasdaq'') recently amended its rules to conform to this FINRA rule change.[10] The Exchange believes that this additional limited exception is appropriate for its Members, which likewise may encounter a transition to a clearing firm whereby it [sic] would no longer be eligible for the exception to the definition of Reporting Member. Accordingly, the Exchange is proposing to amend Rule 11.420(a)(13).

Second Change

The Exchange is proposing to correct a rule citation in Rule 11.420(c), which specifies the requirements for synchronization of Member business clocks, and states that IEX Members shall comply with FINRA Rule 7430 as if such Rule were part of IEX's Rules. There is no FINRA Rule 7430, but rather the appropriate FINRA rule to cite to is FINRA Rule 4590 ''Synchronization of Member Business Clocks.'' The Exchange also notes that Nasdaq recently made a comparable change to Nasdaq Rule 7430A.[11] Accordingly, the Exchange proposes to correct the erroneous citation in Rule 11.420(c).

Third Change

The Exchange is proposing to correct a rule citation in Rule 11.420(g), which provides that IEX may grant an exemption to the OATS order recording and data transmission requirements to a Member under specified circumstances. The title to the rule subsection incorrectly references FINRA Rule 7470A. There is no FINRA Rule 7470A, but rather the appropriate FINRA rule to reference is FINRA Rule 7470 ''Exemption to the Order Recording and Data Transmission Requirement.'' Accordingly, the Exchange proposes to correct the erroneous reference in Rule 11.420(g).

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[12] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest by harmonizing the Exchange's OATS rules with those of FINRA, on which they are based. Consequently, the proposed changes will conform Exchange rules to changes made to corresponding FINRA rules, thus promoting application of consistent regulatory standards with respect to rules that FINRA enforces pursuant to its regulatory services agreement with the Exchange. With respect to the proposed amendment to Rule 11.420(a)(13)(A), the exemption will provide Exchange members the same flexibility to transition to a new clearing firm that FINRA members enjoy. The rule is intended to accommodate introducing firms that transition to a different clearing firm over time and, during the transition, route their orders to two different clearing firms, both of which report the introducing firm's information to OATS during the transition time. Further, the change will also align the Exchange rulebook with FINRA's in this regard, thereby eliminating potential complexity from FINRA's work under a regulatory services agreement with the Exchange.

With respect to the technical corrections to Rules 11.420(c) and 11.420(g), the Exchange believes that these changes are consistent with the Act because they will prevent investor confusion that may be caused by incorrect rule citations in the Rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes align the Exchange's rules with those of FINRA, which will assist it in its oversight work done pursuant to a regulatory services agreement, and makes [sic] technical corrections to the rules. Consequently, the Exchange does not believe that the

[8] *See* Securities Exchange Act Release No. 72191 (May 20, 2014), 79 FR 30219 (May 27, 2014) (SR–FINRA–2014–024).

[9] *Id.* At 30220.

[10] *See* Nasdaq Rule 7410A(o)(1)(A)(ii). *See also* Securities Exchange Act Release No. 83115 (April 26, 2018), 83 FR 19384 (May 2, 2018) (SR–NASDAQ–2018–030).

[11] *See supra* note 8.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(5).

proposed changes implicate competition at all.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [16] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [17] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative upon filing. The Commission does not believe that any new or novel issues are raised by the proposal; the proposal aligns IEX's rule with the rule of Nasdaq and FINRA. The Commission believes the waiver of the operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2018–12 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–IEX–2018–12. This file number should be included in 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. Copies of the filing will also be available for inspection and copying at the IEX's principal office and on its internet website at *www.iextrading.com.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2018–12 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14551 Filed 7–6–18; 8:45 am]

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[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] *Id.*

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33146; 812–14921]

Altaba Inc.

July 3, 2018.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of application for an order under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicant seeks an order that would permit in-kind repurchases of shares of the Fund held by certain affiliated stockholders of the Fund.

APPLICANT: Altaba Inc. (the ''Fund'').

FILING DATES: The application was filed on June 14, 2018, and amended on June 28, 2018.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 30, 2018, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. Applicant, 140 East 45th Street, 15th Floor, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Elizabeth G. Miller, Senior Counsel, at (202) 551–8707 or Aaron T. Gilbride, Branch Chief, at (202) 551–6825 (Chief

Counsel's Office, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. The Fund is a Delaware corporation registered as a closed-end, non-diversified management investment company under the Act. The Fund's investment objective is to seek to increase the price per share at which its common stock trades relative to the then-current values of its principal underlying assets, the Alibaba shares (defined below) and Yahoo Japan Corporation (''Yahoo Japan'') shares. It seeks to do this by reducing the discount at which it trades relative to the underlying value of its net assets (before giving effect to deferred taxes on unrealized appreciation). As of March 31, 2018, the Fund's assets consist of the following: Alibaba Group Holding Limited (''Alibaba'') ordinary shares and American Depositary Shares (''Alibaba ADSs'' and together with the Alibaba ordinary shares, ''Alibaba shares''); Yahoo Japan shares of common stock; miscellaneous investments in equity securities and warrants issued by public and private operating companies; cash, cash equivalents, and short-term marketable debt securities (the ''Marketable Debt Securities Portfolio''); and a portfolio of intellectual property assets held in a wholly-owned subsidiary, Excalibur IP, LLC. Shares of the Fund are listed and trade on the Nasdaq Global Select Market. The Fund is internally managed by its executive officers under the supervision of the Board of Directors and does not currently intend to depend on a third-party investment adviser, except that the Fund has hired BlackRock Advisors, LLC (''BlackRock'') and Morgan Stanley Smith Barney LLC (together with BlackRock, the ''External Advisers'') as external investment advisers to manage its Marketable Debt Securities Portfolio. Each External Adviser is an investment adviser registered under the Investment Advisers Act of 1940 and manages approximately half of the Marketable Debt Securities Portfolio.

2. The Fund proposes to conduct a tender offer for up to 195,000,000 shares of the Fund's outstanding common stock, representing approximately 24% of the Fund's outstanding shares (the ''In-Kind Repurchase Offer''). Payment for any shares repurchased during the In-Kind Repurchase Offer would be made in-kind through a pro rata distribution of the Fund's Alibaba ADSs and cash. Applicant states that if a greater number of shares is tendered for repurchase than the total amount offered to be repurchased in the In-Kind Repurchase Offer, each participating stockholder will receive a pro rata share of the distribution in proportion to the total shares accepted for repurchase by Applicant. The In-Kind Repurchase Offer will be made pursuant to section 23(c)(2) of the Act and conducted in accordance with rule 13e–4 under the Securities Exchange Act of 1934.

3. Applicant states that the In-Kind Repurchase Offer is designed to minimize disruption to the market price of Alibaba ADSs relative to a sale of Alibaba ADSs to raise cash to finance a cash tender offer and therefore minimizing the impact on the investments of stockholders who remain invested in the Fund after the In-Kind Repurchase Offer or who own Alibaba ADSs outside the Fund. Applicant further states that, under the In-Kind Repurchase Offer, the Fund will minimize transaction costs associated with selling shares to conduct a cash tender offer.

4. Applicant requests relief to permit (a) any common stockholders of the Fund who are ''affiliated persons'' of the Fund within the meaning of section 2(a)(3)(A) of the Act or (b) second-tier affiliates of the Fund because the External Advisers are affiliates of the Fund within the meaning of Section 2(a)(3)(E) of the Act (each, an ''Affiliated Stockholder'') to participate in the proposed In-Kind Repurchase Offer.

Applicant's Legal Analysis

1. Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or any affiliated person of the person, acting as principal, from knowingly purchasing or selling any security or other property from or to the company. Section 2(a)(3)(A) and (E) of the Act define an ''affiliated person'' of another person to include any person who directly or indirectly owns, controls, or holds with power to vote 5% or more of the outstanding voting securities of the other person and any investment adviser of an investment company, respectively. Applicant states that to the extent that the In-Kind Repurchase Offer could be deemed the purchase or sale of securities by an Affiliated Stockholder, the transactions would be prohibited by section 17(a). Accordingly, Applicant requests an exemption from section 17(a) of the Act to the extent necessary to permit the participation of Affiliated Stockholders in the In-Kind Repurchase Offer.

2. Section 17(b) of the Act authorizes the Commission to exempt any transaction from the provisions of section 17(a) if the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of each registered investment company and with the general purposes of the Act.

3. Applicant asserts that the terms of the In-Kind Repurchase Offer meet the requirements of sections 17(b) of the Act. Applicant asserts that neither the Fund nor an Affiliated Stockholder has any choice as to the amount or form of consideration to be received as proceeds from the In-Kind Repurchase Offer. Instead, each tendering stockholder will receive, for each Fund share tendered, the same amount of Alibaba ADSs and the same amount of cash. If a greater number of shares is tendered for repurchase than the total amount offered to be repurchased in the In-Kind Repurchase Offer, each participating stockholder will receive a pro rata share of the distribution in proportion to the total shares accepted for repurchase by Applicant. Moreover, Applicant states that the portfolio securities to be offered and exchanged in the In-Kind Repurchase Offer will be valued in accordance with section 2(a)(41) of the Act, which will be an objective, verifiable standard that removes any discretion of an Affiliated Stockholder to conduct the In-Kind Repurchase Offer at a price that would be beneficial or detrimental to the interests of any particular stockholder. Applicant further states that the In-Kind Repurchase Offer is consistent with the Fund's investment policies. Applicant represents that the In-Kind Repurchase Offer is consistent with the general purposes of the Act because the interests of all stockholders are equally protected and no Affiliated Stockholder would receive an advantage or special benefit not available to any other stockholder participating in the In-Kind Repurchase Offer.

Applicant's Conditions

Applicant agrees that any order granting the requested relief will be subject to the following conditions:

1. Applicant will distribute to stockholders participating in the In-Kind Repurchase Offer cash and an in-kind pro rata distribution of Alibaba ADSs which represent approximately

80% of the Fund's total assets and are publicly traded on a United States stock exchange like shares of the Fund's common stock. The number of Alibaba shares to be exchanged per tendered Fund share will be based on a fixed exchange ratio. The amount of cash to be paid per tendered Fund share will be equal to a fixed multiple applied to the volume weighted average price for Alibaba ADSs on the second to last full trading day of the In-Kind Repurchase Offer. Stockholders will not be given a choice as to the amount or form of consideration. Each tendering stockholder will receive, for each Fund share tendered, the same number of Alibaba ADSs and the same amount of cash.

2. The Alibaba ADSs offered and exchanged to stockholders pursuant to the In-Kind Repurchase Offer are securities that are listed on a public securities market for which quoted bid and asked prices are available.

3. The Alibaba ADSs offered and exchanged to stockholders pursuant to the In-Kind Repurchase Offer will be valued in the same manner as they would be valued for purposes of computing Applicant's net asset value, consistent with the requirements of section 2(a)(41) of the Act.

4. Applicant will maintain and preserve for a period of not less than six years from the end of the fiscal year in which the In-Kind Repurchase Offer occurs, the first two years in an easily accessible place, a written record of the In-Kind Repurchase Offer, that includes the identity of each stockholder of record that participated in the In-Kind Repurchase Offer, whether that stockholder was an Affiliated Stockholder, a description of each security distributed, the terms of the distribution, and the information or materials upon which the valuation was made.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14658 Filed 7–6–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83587; File No. SR–CBOE–2018–051]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule With Respect to Expiring Fee Waivers and Remove the FLEX Trader Incentive Program

July 3, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] 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 Fees Schedule relating to various fee waivers and the Flex Trader Incentive Program that are set to expire June 30, 2018.

The text of the proposed rule change is available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule relating to various fee waivers and the Flex Trader Incentive Program that are set to expire June 30, 2018.

VIX and Select Sector License Index Surcharge

The Exchange first proposes to extend the current waiver of the VIX and Select Sector Index License Surcharge of $0.10 per contract for Clearing Trading Permit Holder Proprietary (''Firm'') (origin codes ''F'' or ''L'') VIX and Select Sector orders that have a premium of $0.10 or lower and have series with an expiration of seven (7) calendar days or less. The Exchange adopted the current waiver to reduce transaction costs on expiring, low-priced VIX and Select Sector options, which the Exchange believed would encourage Firms to seek to close and/or roll over such positions close to expiration at low premium levels, including facilitating customers to do so, in order to free up capital and encourage additional trading. The Exchange had proposed to waive the surcharge through June 30, 2018, at which time the Exchange had stated that it would evaluate whether the waiver has in fact prompted Firms to close and roll over these positions close to expiration as intended. The Exchange believes the waiver encourages Firms to do so and as such, proposes to extend the waiver of the surcharge through December 31, 2018, at which time the Exchange will again reevaluate whether the waiver has continued to prompt Firms to close and roll over positions close to expiration at low premium levels. Accordingly, the Exchange proposes to delete the reference to the current waiver period of June 30, 2018 from the Fees Schedule and replace it with December 31, 2018.

Extended Trading Hour Fees

In order to promote and encourage trading during the Extended Trading Hours (''ETH'') session, the Exchange currently waives ETH Trading Permit and Bandwidth Packet fees for one (1) of each initial Trading Permits and one (1) of each initial Bandwidth Packet, per affiliated TPH. The Exchange notes that waiver is set to expire June 30, 2018. The Exchange also waives fees through June 30, 2018 for a CMI and FIX login

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

ID if the CMI and/or FIX login ID is related to a waived ETH Trading Permit and/or waived Bandwidth packet. In order to continue to promote trading during ETH, the Exchange wishes to extend these waivers through December 31, 2018.

RLG, RLV, RUI, AWDE, FTEM, FXTM and UKXM Transaction Fees

In order to promote and encourage trading of seven new FTSE Russell Index products (*i.e.,* Russell 1000 Growth Index (''RLG''), Russell 1000 Value Index (''RLV''), Russell 1000 Index (''RUI''), FTSE Developed Europe Index (''AWDE''), FTSE Emerging Markets Index (''FTEM''), China 50 Index ''(FXTM'') and FTSE 100 Index (''UKXM'')), the Exchange waives all transaction fees (including the Floor Brokerage Fee, Index License Surcharge and CFLEX Surcharge Fee) for each of these products. This waiver however, is set to expire June 30, 2018. In order to continue to promote trading of these options classes, the Exchange proposes to extend the fee waiver through December 31, 2018.

FLEX Asian and Cliquet Flex Trader Incentive Program

By way of background, a FLEX Trader is entitled to a pro-rata share of the monthly compensation pool based on the customer order fees collected from customer orders traded against that FLEX Trader's orders with origin codes other than ''C'' in FLEX Broad-Based Index Options with Asian or Cliquet style settlement (''Exotics'') each month (''Flex Trader Incentive Program''). The Fees Schedule provides that the Flex Trader Incentive Program is set to expire either by June 30, 2018 or until total average daily volume in Exotics exceeds 15,000 contracts for three consecutive months, whichever comes first. The Exchange notes that total average daily volume in Exotics has not yet exceeded 15,000 contracts for three consecutive months. The Exchange also has determined that it no longer wishes to maintain this program and as such does not intend to extend the program past June 30, 2018. As such, the Exchange proposes to remove the program (currently set forth in Footnote 42) from the Fees Schedule.

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.[5] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[6] 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,[7] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes it's appropriate to continue to waive the VIX and Select Sector Index License Surcharge for Clearing Trading Permit Holder Proprietary VIX and Select Sector orders that have a premium of $0.10 or lower and have series with an expiration of 7 calendar days or less because the Exchange wants to continue encouraging Firms to roll and close over positions close to expiration at low premium levels. Particularly, the Exchange believes it's reasonable to waive the entire $0.10 per contract surcharge because without the waiver of the surcharge, firms are less likely to engage in these transactions, as opposed to other VIX and Select Sector transactions, due to the associated transaction costs. The Exchange believes it's equitable and not unfairly discriminatory to limit the waiver to Clearing Trading Permit Holder Proprietary orders because they contribute capital to facilitate the execution of VIX and Select Sector customer orders with a premium of $0.10 or lower and series with an expiration of 7 calendar days or less. Finally, the Exchange believes it's reasonable, equitable and not unfairly discriminatory to provide that the surcharge will be waived through December 2018, as it gives the Exchange additional time to evaluate if the waiver is continuing to have the desired effect of encouraging these transactions.

The Exchange believes extending the waiver of ETH Trading Permit and Bandwidth Packet fees for one of each type of Trading Permit and Bandwidth Packet, per affiliated TPH through December 31, 2018 is reasonable, equitable and not unfairly discriminatory, because those respective fees are being waived in their entirety, which promotes and encourages trading during the ETH session and applies to all ETH TPHs. The Exchange believes it's also reasonable, equitable and not unfairly discriminatory to waive fees for Login IDs related to waived Trading Permits and/or Bandwidth Packets in order to promote and encourage ongoing participation in ETH and also applies to all ETH TPHs.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to extend the waiver of all transaction fees for RLG, RLV, RUI, AWDE, FTEM, FXTM and UKXM transactions, including the Floor Brokerage fee, the License Index Surcharge and CFLEX Surcharge Fee, because the respective fees are being waived in their entirety, which promotes and encourages trading of these products which are still relatively new and applies to all TPHs.

The Exchange believes eliminating the FLEX Asian and Cliquet Flex Trading Incentive Program is reasonable, equitable and not unfairly discriminatory because the program is not providing the desired result of incentivizing FLEX Traders to trade FLEX Asian and Cliquet options. The Exchange believes the proposed change is not unfairly discriminatory because it will apply equally to all Flex Traders.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed changes are intended to either extend existing fee waivers or eliminate from the Fees Schedule a program that is expiring on June 30, 2018 and apply to all TPHs uniformly. The proposed changes only affect trading on Cboe Options. The Exchange believes the proposed change therefore does not raise any competitive issues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(4).

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[8] and subparagraph (f)(6) Rule 19b–4 thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative for 30 days after the date of filing. However Rule 19b–4(f)(6)(iii)[11] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay to permit the applicable fee waivers to be extended on a timely basis and without interruption and to update its rule text to reflect the sunsetting of the FLEX Trader Incentive Program as scheduled. The Commission believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because the proposal to extend to December 31, 2018 temporary incentives designed to encourage trading in the above-discussed products and trading sessions, and to remove obsolete text concerning the FLEX Trader Incentive Program, does not raise any new or novel issues. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CBOE–2018–051 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–CBOE–2018–051. 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–CBOE–2018–051 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

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[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83577; File No. SR–MIAX–2018–13]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 602, Appointment of Market Makers

July 2, 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 26, 2018, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 is filing a proposal to amend Rule 602, Appointment of Market Makers, to specify the new method by which Lead Market Makers[3] (''LMMs'') and Registered Market Makers[4] (''RMMs'') request appointments to one or more classes of option contracts traded on the Exchange.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Lead Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the Exchange's Rules with respect to Lead Market Makers. *See* Exchange Rule 100.

[4] The term ''Registered Market Maker'' means a Member registered with the Exchange for the purpose of making markets in securities traded on the Exchange, who is not a Lead Market Maker and is vested with the rights and responsibilities specified in Chapter VI of the Exchange's Rules with respect to Registered Market Makers. *See* Exchange Rule 100.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend MIAX Options Rule 602, Appointment of Market Makers, to specify the new method by which LMMs and RMMs would request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a). The Exchange believes this proposal would improve the efficiency of the appointment process for both the Exchange and for these types of Market Makers.[5] Other option exchanges also specify a method which governs the appointment of market makers to classes of option contracts traded on the exchange, however, these methods, while generally automated, differ somewhat across exchanges.[6]

Once a Member [7] has qualified as either an LMM or an RMM, such Market Maker may request an appointment (or, following an appointment, relinquishment from an appointment) in one or more option classes pursuant to Rule 602. Currently, an LMM or RMM may request such an appointment by contacting Exchange staff, either by phone or via email, identifying those classes of option contracts in which the Market Maker is seeking an appointment. A Primary Lead Market Maker (''PLMM''),[8] however, goes through a different, more extensive appointment process. Accordingly, the Exchange intentionally excluded PLMMs from this proposal. The Exchange believes it is appropriate to exclude PLMMs from this new appointment method because the Board or designated committee appoints only one PLMM to each options class traded on the Exchange, as opposed to the multiple number of LMMs and RMMs, and because of the heightened obligations associated with performing the responsibilities of a PLMM.[9] Because of the heightened responsibilities of PLMMs, the Exchange believes that it is appropriate to have a different method for PLMMs on the one hand, and LMMs and RMMs on the other hand, with respect to the method by which appointments (and relinquishments of appointments) are requested.

According to the Exchange's current practice, with respect to LMMs and RMMs, after the LMM or RMM contacts Exchange staff either by phone or via email, the Exchange staff then delivers that request to the Board or a committee designated by the Board for its approval. Upon the decision of the Board or committee designated by the Board regarding that appointment, Exchange staff then notifies the Market Maker of the determination, with such notification being made the next business day. The Exchange notes that it is not proposing to make any changes to timing of the notification, which will continue to be made the next business day.

Specifically, Rule 602(a) provides that ''[t]he Board or a committee designated by the Board shall appoint Market Makers to one or more classes of option contracts traded on the Exchange.'' [10] In addition to having the authority to appoint one PLMM to each options class, ''[t]he Exchange will impose an upper limit on the aggregate number of Market Makers that may quote in each class of options (''Class Quoting Limit'' or ''CQL'').'' Currently, the CQL is set at fifty (50) Market Makers per option class but the Exchange may ''increase the CQL for an existing or new option class if the President determines that it would be appropriate.'' [11] Further, Rule 602(c)(2) provides that ''Market Makers requesting an appointment in a class of options will be considered for the appointment in accordance with paragraphs (a), (b) and (f) of this Rule 602, provided the number of Market Makers appointed in the options class does not exceed the CQL.''

In making appointments of Market Makers to one or more classes of option contracts traded on the Exchange, the Board or designated committee shall consider the financial resources available to the Market Maker; the Market Maker's experience and expertise in market making or options trading; the preferences of the Market Maker to receive appointment(s) in specific option class(es); and the maintenance and enhancement of competition among Market Makers in each class of option contracts to which they are appointed.[12] Rule 602(c)(2) also states that, when the number of Market Makers appointed in the options class equals the CQL, all other Market Makers requesting to be appointed in that options class will be wait-listed in the order in which they submitted their request.[13]

Under the current Rule, ''[t]he Board or designated committee may suspend or terminate any appointment of a Market Maker under this Rule [602] and may make additional appointments or change the option classes included in a Market Maker's appointed classes whenever, in the Board's or designated committee's judgment, the interests of a fair and orderly market are best served by such action.'' [14] Moreover, the Exchange ''shall periodically conduct an evaluation of Market Makers to determine whether they have fulfilled performance standards relating to, among other things, quality of markets, competition among Market Makers, observance of ethical standards, and administrative factors. The Exchange may consider any relevant information, including but not limited to the results of a Market Maker evaluation questionnaire, trading data, a Market Maker's regulatory history and such other factors and data as may be

[5] The term ''Market Makers'' refers to ''Lead Market Makers,'' ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[6] *See, e.g.,* Cboe BZX Exchange, Inc. (''Cboe BZX'') Rules 22.3(a),(b) (Market Maker Registration); *see also* Nasdaq PHLX, LLC (''Nasdaq Phlx'') Rule 3212(b) (Registration as a Market Maker); Nasdaq Options Market (''NOM''), Chapter VII (Market Participants), Section 3(a),(b) (Continuing Market Maker Registration); NYSE American, LLC (''NYSE American''), Rule 923NY (Appointment of Market Makers).

[7] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[8] A ''Primary Lead Market Maker'' is a Lead Market Maker appointment by the Exchange to act as the Primary Lead Market Maker for the purpose of making markets in securities traded on the Exchange. The Primary Lead Market Maker is vested with the rights and responsibilities specified in Chapter VI of these Rules with respect to Primary Lead Market Makers. *See* Exchange Rule 100.

[9] *See,* for example, Exchange Rules 603 and 604 for certain heightened obligations of PLMMs.

[10] *See* Rule 602(a).

[11] *See* Rule 602(c).

[12] *See* Rule 602(a).

[13] *See* Rule 602(c)(2).

[14] *See* Rule 602(e).

pertinent in the circumstances.'' [15] If the Exchange finds that a Market Maker has not met the performance standards, the Exchange may take action, including suspending, terminating or restricting a Market Maker's appointment or registration.[16]

The Exchange proposes to amend MIAX Options Rule 602 solely to specify the new method by which LMMs and RMMs would request appointments to (or relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a). In particular, the Exchange proposes to adopt Interpretations & Policies .02 to Rule 602 to provide that, ''Lead Market Makers and Registered Market Makers shall request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a) via an Exchange approved electronic interface, which request must be submitted prior to 6:00 p.m. Eastern Time of the business day immediately preceding the next trading day. The Exchange approved electronic interface will also ensure that, before any appointment request (or relinquishment of an appointment) is approved, the CQL established by Rule 602 has not been exceeded. Appointments (and relinquishments of appointments) shall become effective on the day after the request is submitted, provided that it has been approved. Approvals and denials of appointments (and relinquishment of appointments) shall be communicated by the Exchange via the same Exchange approved electronic interface through which the request was made.''

The Exchange believes that requiring LMMs and RMMs to use an Exchange approved electronic interface to request appointments to one or more classes of option contracts would enable LMMs and RMMs to streamline the process by which they request appointments (and relinquishment of appointments) and get notified of approvals or denials related to such requests, which, in turn, would reduce the time and resources expended by such Market Makers and the Exchange on the appointment process.

The Exchange also believes this proposal would provide LMMs and RMMs with more efficient access to the securities in which they want to make markets and disseminate competitive quotations, which would provide additional liquidity and enhance competition in those securities. The Exchange would retain the ability to suspend or terminate any appointment of a Market Maker if necessary to maintain a fair and orderly market.[17] The Exchange also notes that the proposed changes to Rule 602 are similar in some respects to the rules of other exchanges [18] and therefore raises no new or novel issues. Furthermore, the Exchange notes that it is only proposing to specify the new method by which LMMs and RMMs would request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange pursuant to Rule 602(a), and would not change the substantive provisions of the rules including the CQL, quoting requirements, or the Exchange's ability to make additional appointments or change the option classes included in a Market Maker's requested appointment whenever, in the Board's or designated committee's judgment, the interests of a fair and orderly market are best served by such action.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [19] in general, and furthers the objectives of Section 6(b)(5) of the Act [20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

The Exchange believes that the proposed rule change removes impediments to a free and open market because it would streamline the process by which LMMs and RMMs request appointments to (and relinquishment of appointments from) one or more classes of option contracts traded on the Exchange and offer LMMs and RMMs the ability to manage their appointments in a more efficient manner, through use of an automated tool. The Exchange believes the proposed change would reduce the burden on both LMMs and RMMs, and Exchange staff, which would result in a fair and reasonable use of resources to the benefit of all market participants. In particular, the proposal to require LMMs and RMMs to use an Exchange approved electronic interface to request to be appointed to a class, and to make changes thereto, is consistent with Act because it would provide LMMs and RMMs with more efficient access to the securities in which they want to make markets. The Exchange also believes that allowing LMMs and RMMs to request relinquishment from appointments using the same process used by LMMs and RMMs to request appointments, would serve to promote just and equitable principles of trade and benefit investors and the public interest by establishing a more systematic way for LMMs and RMMs to manage their appointments and provide more clarity with respect to the process.

In addition, the Exchange believes that improving the efficiency of the process by which LMMs and RMMs request appointments and relinquishment of appointments on an automated basis without having to manually contact Exchange staff is likewise consistent with the Act. First, the Board or a designated committee will continue to have responsibility for approving the appointments requested by LMMs and RMMs in one or more classes of options contracts traded on the Exchange. The Board or a designated committee would continue to consider the relevant factors and conduct an evaluation of Market Makers prior to their appointment. [21] In addition, as noted above, the Exchange would continue to have authority to suspend or terminate any Market Maker appointment in the interest of a fair and orderly market, including, if necessary to prevent fraudulent and manipulative acts and practices and protect investors, or if a Market Maker does not satisfy its obligations with respect to an appointment.[22] Furthermore, the

[15] *See* Rule 602(f).

[16] *See id.*

[17] *See* Rule 602(e).

[18] *See e.g.,* Phlx Rule 3212(b) (''A PSX Market Maker may become registered in an issue by entering a registration request via an Exchange approved electronic interface with PSX's systems or by contacting PSX Market Operations. Registration shall become effective on the day the registration request is entered''); Phlx Rule 3220(a) (''A market maker may voluntarily terminate its registration in a security by withdrawing its two-sided quotation from PSX. A PSX Market Maker that voluntarily terminates its registration in a security may not re-register as a market maker for one (1) business day.''). *See also* BZX Options Rules 22.3(b) (''An Options Market Maker may become registered in a series by entering a registration request via an Exchange approved electronic interface with the Exchange's systems by 9:00 a.m. Eastern time. Registration shall become effective on the day the registration request is entered''); NOM, Chapter VII, Section 3(b) (''An Options Market Maker may become registered in an option by entering a registration request via a Nasdaq approved electronic interface with Nasdaq's systems. Registration shall become effective on the day the registration request is entered.'').

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *See supra* notes 10–14.

[22] *See* Rule 602(e). *See also* Rule 600(c) (regarding the Exchange's ability to suspend or terminate a Market Maker's registration based on ''a determination that such Member has failed to properly perform as a Market Maker.'').

Exchange approved electronic interface utilized by LMMs and RMMs to request an appointment will ensure that, before any additions to a Market Maker's appointment are approved, the CQL established by Rule 602 has not been exceeded. Accordingly, the Exchange believes this proposal is consistent with Section 6(b) of the Exchange Act.[23]

The proposed rule change would not result in unfair discrimination, as it applies to all LMMs and RMMs equally. As noted above, the Exchange intentionally excluded PLMMs from this proposal. The Exchange believes it isn't unfairly discriminatory to exclude PLMMs from this new appointment method because the Board or designated committee appoints only one PLMM to each options class traded on the Exchange, as opposed to the multiple number of LMMs and RMMs, and because of the heightened obligations associated with performing the responsibilities of a PLMM.[24] Because of these heightened responsibilities of PLMMs, the Exchange believes that it is not unfairly discriminatory to treat PLMMs differently from LMMs and RMMs with respect to the method by which appointments (and relinquishments of appointments) are requested.

Further, the proposed rule change would reduce the burden on LMMs and RMMs to manage their appointments, and thus provide greater liquidity to the Exchange while reducing the time and resources expended by such Market Makers and the Exchange on the appointment process. Nevertheless, Market Makers would still be required to comply with certain obligations to maintain their status as a Market Maker, including that they provide continuous, two-sided quotations in their appointed securities.[25]

Finally, as noted above, specifying the method of the appointment process would also align the rules of the Exchange with the rules of other options exchanges, where Market Makers presently have the ability to select and make changes to their appointments and registrations via an exchange-approved electronic interface.[26] The Exchange believes this consistency across exchanges would remove impediments to and perfect the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the appointment process.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX Options 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 because it provides the same enhancement to a group of similarly situated market participants—LMMs and RMMs. The proposed rule change would reduce the burden on these Market Makers to manage their appointments and thus provide greater liquidity to the Exchange while reducing the time and resources expended by such Market Makers and the Exchange on the appointment process.

The Exchange does not believe the proposed rule change would help these Market Makers to the detriment of market participants on other exchanges, particularly because the proposed appointment process for LMMs and RMMs is meant to simply create a more efficient process by which such Market Makers can request an appointment, and it is similar to the appointment and registration processes for market makers already in place on other exchanges.[27] LMMs and RMMs would still be subject to the same obligations with respect to its appointment; however, the proposed rule change would make the appointment process more efficient for such Market Makers. The Exchange believes that the proposed rule change would relieve any burden on, or otherwise promote, competition, as it would enable LMMs and RMMs to streamline the process by which they request appointments (and relinquishment of appointments) and get notified of approvals or denials related to such requests, which, in turn, would reduce the time and resources expended by such Market Makers and the Exchange on the appointment process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act[28] and Rule 19b–4(f)(6)[29] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–MIAX–2018–13 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–MIAX–2018–13. 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

[23] 15 U.S.C. 78f(b).

[24] *See supra* note 9.

[25] *See* Rule 604.

[26] *See supra* notes 6 and 18.

[27] *Id.*

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 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.

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–MIAX–2018–13 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14545 Filed 7–6–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form 12b–25, SEC File No. 270–071, OMB Control No. 3235–0058

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The purpose of Form 12b–25 (17 CFR 240.12b–25) is to provide notice to the Commission and the marketplace that a registrant will be unable to timely file a required periodic report or transition report pursuant to the Securities Exchange Act of 1934 (15 U.S.C 78a *et seq.*) or the Investment Company Act of 1940 (15 U.S.C. 80a *et seq.*). If all the filing conditions of the form are satisfied, the registrant is granted an automatic filing extension. Approximately 3,432 registrants file Form 12b–25 and it takes approximately 2.5 hours per response for a total of 8,580 burden hours.

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14652 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83579; File No. SR–IEX–2018–13]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to the IPO Auction Processes for Trading in an IEX-Listed Security That Is the Subject of an Initial Public Offering

July 2, 2018.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on June 22, 2018, Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The 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

(a) Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to modify Rules 11.280(h)(8) and 11.350(e), which collectively govern the IPO Auction processes for trading in an IEX-listed security that is the subject of an initial public offering (''IPO'').[6] The Exchange is also proposing to modify certain definitions in Rule 11.350(a) regarding IPO Auction market data that is disseminated in IEX Auction Information.[7] The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[8] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[9]

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below.

[30] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] Pursuant to section 12(f)(1)(G)(i)–(ii) of the Securities Exchange Act, a security is the subject of an initial public offering if the offering of the subject security is registered under the Securities Act of 1933, the issuer of the security, immediately prior to filing the registration statement with respect to the offering, was not subject to the reporting requirements of the Act, and the initial public offering of such security commences at the opening of trading on the day on which such security commences trading on the national securities exchange with which such security is registered. See 15 U.S.C. 78l(f)(1)(G).

[7] *See* Rule 11.350(a)(9).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4.

The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Overview

On August 4, 2017, the Commission approved a proposed rule change filed by the Exchange to adopt rules governing auctions in IEX-listed securities (''IEX Auctions''), including provisions governing the initial public offering (''IPO'') of IEX-listed securities.[10] The Exchange intends to launch a listings program for corporate issuers. During the process of designing the IPO Auction, the Exchange conducted a thorough review of the auction rules of the New York Stock Exchange (''NYSE''), NYSE Arca, Inc. (''NYSE Arca''), Nasdaq Stock Market, LLC (''Nasdaq''), Cboe BZX Exchange, Inc. (''Cboe BZX''), and the London Stock Exchange (''LSE''), as well as discussions with a variety of buy-side and sell-side market participants, including large banks and broker dealers, electronic market makers, asset managers, and institutional investors.

The purpose of this proposed rule change is to modify the IPO Auction rules and certain IPO Auction market data that is disseminated in IEX Auction Information to offer issuers, underwriters, and market participants a more transparent IPO Auction process. The proposed changes, discussed below in detail, are designed to enhance the price discovery process by augmenting certain of the Exchange's automated and manual processes governing IPO Auctions with certain manual IPO Auction processes utilized by the NYSE.[11] Specifically, the Exchange is proposing to increase transparency to market participants regarding the supply and demand for an IPO security by requiring the lead underwriter, or broker-dealer serving in the role of financial advisor for securities being priced pursuant to Rule 11.280(h)(9) (collectively, the ''underwriter'') to provide an Upper and Lower IPO Price Band (collectively, the ''IPO Price Band'') to the Exchange for publication, which may be updated by the underwriter as necessary to reflect the price range within which the underwriter anticipates the IPO Auction match will occur. The IPO Price Band will be published by the Exchange via IEX Auction Information on the Exchange's proprietary data feeds,[12] as well as the applicable Securities Information Processor (''SIP'').[13] Additionally, the Exchange is proposing to constrain the Reference Price for the IPO Auction by the latest published IPO Price Band, which will provide information about Imbalance Shares [14] and Paired Shares [15] at a price that better reflects where the underwriter believes the IPO Auction match is anticipated to occur, and thus will invite offsetting interest within such range.

IEX IPO Auction

For trading in an IEX-listed security that is the subject of an IPO, or the initial pricing of any other security pursuant to Rule 11.280(h)(9),[16] the Exchange will conduct an IPO Auction pursuant to Rules 11.350(e) and 11.280(h)(8). Specifically, Users may submit Auction Eligible Orders [17] for execution in the IPO Auction at the start of the Order Acceptance Period,[18] which begins at 8:00 a.m.[19] All Auction Eligible Orders designated for participation in the IPO Auction will be queued on the IPO Auction Book [20] until the scheduled auction match, at which time they will be eligible for execution in the IPO Auction. Pursuant to Rule 11.350(e)(2)(A), the Exchange will begin to disseminate IEX Auction Information via electronic means at the start of the Display Only Period,[21] which begins thirty (30) minutes prior to the scheduled IPO Auction match, and will be updated every one second thereafter.[22] The Exchange will attempt to conduct an IPO Auction for all IEX-listed securities at the scheduled auction match time in accordance with the clearing price determination process set forth in Rule 11.350(e)(2)(C). Auction Eligible Orders will be ranked and maintained in accordance with IEX auction priority, pursuant to Rule 11.350(b).

The Exchange will generally attempt to conduct an IPO Auction beginning at 10:15 a.m. Pursuant to Rule 11.280(g)(7), IEX will declare a regulatory halt before the start of the Pre-Market Session for a security that is the subject of an IPO on IEX, and therefore there will be no Continuous Book for such security. The Order Acceptance Period for an IPO Auction may be extended at the time of the auction match pursuant to Rules 11.350(e)(2)(B)(i)–(iv):

- Automatically for five (5) minutes when there are unmatched shares from market orders on the IPO Auction Book;
- Automatically for five (5) minutes when the Indicative Clearing Price [23] at the time of the IPO Auction match differs by the greater of five percent (5%) or fifty cents ($0.50) from any of the previous fifteen (15) Indicative Clearing Price disseminations;
- Automatically during the Pre-Launch Period [24] when the IPO Auction match price is above (below) the upper (lower) price band selected by the underwriter pursuant to proposed Rule 11.280(h)(8), until the clearing price is within such bands; or
- Manually upon request from the underwriter at any time prior to the auction match.

Furthermore, Rule 11.280(h)(8) governs the process for resuming from a trading halt initiated under Rule 11.280(g)(7) for a security that is the subject of an IPO. Thus, in addition to the systemic processes described above that govern the IPO Auction match, there is a series of procedural steps to complete an IPO Auction, which include input from and coordination

[10] *See* Securities Exchange Act Release No. 81316 (August 4, 2017), 82 FR 37474 (August 10, 2017). *See also* Rule 11.350(e).

[11] *See* NYSE Rule 15 (Pre-Opening Indications and Order Imbalance Information). *See also* information regarding the NYSE IPO auction process available at: *https://www.nyse.com/publicdocs/nyse/listing/IPO_infographic.pdf.*

[12] *See* Rules 11.330(a)(1)–(3), and 11.350(a)(9).

[13] The Exchange is a participant of the quotation and transaction reporting plan governing Tape B Securities (''CTA Plan''). Pursuant to the CTA Plan, the CTA SIP, in relevant part, consolidates quote and trade data from all markets trading IEX-listed securities. The Exchange intends to leverage the existing Trading Status message (Category T Type S) offered by the CTA SIP to disseminate a Trading Range Indication message that reflects the IPO Price Band.

[14] *See infra* note 22.

[15] *Id.*

[16] Pursuant to Rule 11.280(h)(9), the process for halting and initial pricing of a security that is the subject of an IPO shall also be available for the initial pricing of any other security that has not been listed on a national securities exchange or traded in the over-the-counter market pursuant to FINRA Form 211 immediately prior to the initial pricing, provided that a broker-dealer serving in the role of financial advisor to the issuer of the securities being listed is willing to perform the functions under IEX Rule 11.280(h)(8) that are performed by an underwriter with respect to an IPO.

[17] *See* Rule 11.350(a)(2).

[18] *See* Rule 11.350(a)(29). The Exchange is proposing to make a clarifying change in proposed Rule 11.280(h)(8)(A) to explicitly state that Auction Eligible Orders are accepted during the Order Acceptance Period for an IPO Auction, rather than simply ''orders''.

[19] All times are in Eastern Time.

[20] *See* Rule 11.350(a)(1)(C). For an IPO Auction, the IPO Auction Book would include Market-On-Open, Limit-On-Open, and market orders with a time-in-force of DAY, as well as limit orders with a time in-force of DAY, GTX, GTT, SYS, FOK, or IOC.

[21] *See* Rule 11.350(a)(5).

[22] *See* Rule 11.350(a)(9).

[23] *See* Rule 11.350(a)(9)(E).

[24] *See* Rule 11.280(h)(8).

with the IPO underwriter. Specifically, pursuant to Rule 11.280(h), thirty (30) minutes after the start of the Display Only Period, unless extended by the underwriter, the security will enter a Pre-Launch Period of indeterminate duration. The Pre-Launch Period will end immediately after the transition to the Regular Market Session following the IPO Auction match,[25] pending:

• Notification from the underwriter that the security is ready to trade and subsequent approval of the Indicative Clearing Price at the time of such notification;

• Selection of a price band, comprised of an upper (lower) price between $0.00 and $0.50 above (below) the approved Indicative Clearing Price, which explicitly constrains the IPO Auction match price; and

• Validation that each of the conditions for the extension of the Order Acceptance Period set forth in Rules 11.350(e)(2)(B)(i)–(iv) are not satisfied.

Rule 11.350(a)(9) defines the various data fields that are disseminated in IEX Auction Information for IEX Auctions, including the data that is disseminated during the Display Only Period for an IPO Auction. IEX Auction Information contains the current status of price, size, imbalance information, auction collar information, and other relevant information related to the IPO Auction. Specifically, IEX Auction Information for an IPO Auction contains the following data elements:

• *Reference Price:* The single price at or within the Reference Price Range at which orders on the IPO Auction Book would match if the IPO Auction were to occur at that time of dissemination. The Reference Price is set to the price that maximizes the number of the shares from orders on the Auction Book to be executed in the auction. If more than one price maximizes the number of shares that will execute resulting in an auction price range, the Reference Price is set to the price at or within such range that is not lower (higher) than the most aggressive unexecuted buy (sell) order. If more than one price satisfies the above conditions, the Reference Price is set to the price closest or equal to either the Volume Based Tie Breaker (if such range includes prices in the Reference Price Range) or the Reference Price Range (if such range does not include prices in the Reference Price Range) at the time of dissemination. In the case of an IPO Auction, the Reference Price shall be the same as the Auction Book Clearing Price (because there is no Continuous Book prior to an IPO Auction).

• *Paired Shares*: The number of shares from orders on the IPO Auction Book that can be matched with other orders on the IPO Auction Book at the Reference Price at the time of dissemination.

• *Imbalance Shares:* The number of shares from orders on the IPO Auction Book that may not be matched with other orders on the IPO Auction Book at the Reference Price at the time of dissemination.

• *Imbalance Side:* The buy/sell direction of any imbalance at the time of dissemination.

• *Indicative Clearing Price:* The single price at which Auction Eligible Orders would match if the IPO Auction were to occur at the time of dissemination pursuant to the procedures for determining the clearing price set forth in the applicable auction rule. In the case of an IPO Auction, the Indicative Clearing Price shall be the same as the Auction Book Clearing Price (because there is no Continuous Book prior to an IPO Auction).

• *Auction Book Clearing Price:* The single price at which orders on the IPO Auction Book would match if the IPO Auction were to occur at the time of dissemination pursuant to the procedures for determining the clearing price set forth in the applicable auction rule. If shares from market orders would remain unexecuted, IEX shall disseminate an indicator for ''market buy'' or ''market sell.''

• *Scheduled Auction Time:* The projected time of the auction match.

• *Extension Number:* The total number of automatic Order Acceptance Period extensions the IPO Auction has received.

• The Exchange notes that IEX Auction Information includes data fields for a Collar Reference Price, Lower Auction Collar, and Upper Auction Collar, all of which will be set zero (0) for an IPO Auction, because collars do not apply to the IPO Auction.

Proposed Changes

Each field disseminated in IEX Auction Information is strategically tailored to the IEX Auction model. Specifically, IEX Auction Information is designed to provide transparent and reliable information regarding the price and size of the pending auction match that allows participants to enter new auction-specific interest or adjust continuous trading behavior as they iterate towards the clearing price.[26] As discussed above, in the case of an IPO Auction, there is no Continuous Book, and thus IEX Auction Information is designed to provide transparency regarding the state of the Auction Book. However, it is IEX's understanding that in an IPO Auction, a large portion of the Auction Eligible Orders that will be participating are represented by the underwriter and participating syndicate members, both on a proprietary and agency basis, that typically have made a firm commitment to purchase the securities and place them with investors. This process of allocating shares to interested investors, or ''book building'', is managed by the lead underwriter in advance of the IPO Auction process, allowing for the underwriter to assess investor demand before determining the issue price for the security, and the subsequent IPO Auction process.

At the time of the IPO Auction, as a result of the book building process, IEX understands that the syndicate typically has explicit interest from clients and indications of excess demand from investors that were seeking more shares than they were allocated, as well as supply from investors that received an allocation and intend to sell in the IPO Auction. The underwriter is typically responsible for coordinating with participating syndicate members to account for the aggregate share supply and investor demand leading up to and during the IPO Auction process. As a result, the IPO Auction Book, and therefore IEX Auction Information, conveys only a partial representation of the supply and demand for an IPO security until a material portion of the interest represented by the underwriter enters the Auction Book. Accordingly, between the start of the Display Only Period and the start of the Pre-Launch Period, the Exchange is proposing to increase transparency to market participants regarding the supply and demand for an IPO security by requiring the underwriter to provide the Exchange with an IPO Price Band for publication, which would reflect the price range within which the underwriter anticipates the IPO Auction match to occur. When published, the IPO Price Band would be disseminated via the SIP and IEX Auction Information.[27]

As proposed, in determining the IPO Price Band, the underwriter would take into account all Auction Eligible Orders for the IPO Auction, including all orders on the Exchange's Order Book, as well as the underwriter's own interest, and

[25] *See* Rule 11.350(e)(3).

[26] *See* Securities Exchange Act Release No. 80583 (May 3, 2017) 82 FR 21634 (May 9, 2017) (SR–IEX–2017–10).

[27] *See* proposed Rule 11.280(h)(8)(B). *See also* NYSE Rule 15(a), which provides for a similar function.

interest otherwise represented by the underwriter.[28] If the current published IPO Price Band spread is greater than $1.00, the underwriter shall make best efforts to provide the Exchange with an updated IPO Price Band with a spread of $1.00 or less for publication before the IPO Auction match.[29] In order to allow market participants a reasonable opportunity to adjust their Auction Eligible Orders in response to a published IPO Price Band, a minimum of one minute must elapse between publication of the last IPO Price Band and the IPO Auction match.[30]

The Exchange proposes to integrate the IPO Price Band into IEX Auction Information in several ways that are designed to enhance transparency and guide the price discovery process within the IPO Price Band as market participants iterate towards a clearing price. First, the Exchange proposes to publish the Upper IPO Price Band and Lower IPO Price Band as the Upper Auction Collar and Lower Auction Collar, respectively, unless the underwriter has not provided an IPO Price Band to the Exchange for publication, in which case the Upper and Lower Auction Collar will be equal to the Volume Based Tie Breaker, which is equal to the issue price in the case of an IPO Auction.[31] Similarly, the Exchange proposes to amend the Collar Reference Price definition to be equal to the Volume Based Tie Breaker (*i.e.,* the issue price), unless such price is above (below) the most current Upper (Lower) IPO Price Band published by the Exchange, in which the case the Collar Reference Price shall be equal to the Upper (Lower) IPO Price Band. As proposed, the Collar Reference Price will provide market participants a signal regarding the issue price relative to the IPO Price Band provided by the underwriter, which would inform market participants regarding the state of supply and demand for the IPO security.

Furthermore, in the case of an IPO Auction, the Exchange proposes to change the definition of Reference Price Range to be equal to the prices between and including the most current IPO Price Band published by the Exchange, unless the underwriter has not provided the Exchange with an IPO Price Band for publication, in which case the Reference Price Range will be equal to the Volume Based Tie Breaker. The Reference Price Range is used to constrain the Reference Price at which the Exchange disseminates Paired Shares and Imbalance Shares. Accordingly, if but for the constraint, the Reference Price would be above (below) the Upper (Lower) IPO Price Band, the Reference Price would be equal to the Upper (Lower) IPO Price Band, and thus the Exchange would disseminate Paired Shares and Imbalance Shares at the Upper (Lower) IPO Price Band, which would solicit interest willing to offset the imbalance at prices at or within the IPO Price Band.[32] For example, at the start of the Display Only Period, the IPO Price Band and therefore the Reference Price Range is $12.00 by $13.00, and the Indicative Clearing Price is $10.00. The Reference Price, which would be constrained by the Reference Price Range, would be equal to the Lower IPO Price Band of $12.00, and thus the Exchange would show Paired Shares and Imbalance Shares at $12.00.[33] In the case of a buy imbalance, this would solicit additional offsetting interest to sell at or higher than the Lower IPO Price Band, and thus guiding the clearing price at or within the IPO Price Band, which would reflect all Auction Eligible Orders for the IPO Auction, including all orders on the Exchange's Order Book, as well as the underwriter's own interest, and interest represented by the underwriter.

Assuming the same facts above but excluding the proposed changes regarding the IPO Price Band illustrates the benefits of the proposed change. For example, at the start of the Display Only Period, the Auction Book Clearing Price and therefore the Reference Price and Indicative Clearing Price are all $10.00. However, when accounting for the underwriter's own interest and interest represented by the underwriter, shares are maximized between $12.00 and $13.00 (*i.e.,* the underwriter has or represents more aggressive buy interest that intends to participate in the IPO Auction between $12.00 and $13.00). However, IEX Auction Information does not currently provide a mechanism for the underwriter to broadly disseminate the effect of the underwriter's own interest and interest represented by the underwriter on the potential price of the IPO Auction match. Thus, in the case of a buy imbalance, IEX Auction Information would solicit additional offsetting interest to sell at or higher than $10.00, thus guiding the price discovery process based on a partial representation of the interest that intends on participating in the IPO Auction. Therefore, as described above, the Exchange is proposing to increase transparency by enabling the underwriter to broadly disseminate an indication regarding the potential price of the IPO Auction match that accounts for the underwriter's own interest and interest represented by the underwriter.

Pursuant to proposed Rule 11.280(h)(8)(C), at least fifteen (15) minutes after the start of the Display Only Period,[34] the underwriter shall advise the Exchange to enter a ''Pre-Launch Period'' of indeterminate duration.[35] As proposed, the Exchange is shortening the minimum Display Only Period from thirty (30) minutes to fifteen (15) minutes, in order to facilitate the commencement of fair and orderly trading in securities that are the subject of an IPO, by providing greater flexibility to begin trading earlier in certain cases, such as smaller IPOs, where an extended Display Only Period is not necessary for order entry and the development of price stability. At the same time, the proposed change will permit a longer Display Only Period in cases where extensive order entry is still occurring or where price stability has not yet developed. The Pre-Launch Period and the Display Only Period shall end, and the security shall be released for trading by IEX when the following conditions are all met, and the requirements of Rule 11.350(e)(2) are satisfied:

- All market orders will be executed in the IPO Auction;

[28] *See* proposed Rule 11.280(h)(8)(B)(i). *See also* NYSE Rule 15(b)(2), which includes similar language that is specific to the NYSE's manual trading floor-based model.

[29] *See* proposed Rule 11.280(h)(8)(B)(ii). *See also* NYSE Rule 15(e)(3), which imposes a substantially similarly requirements on the DMM to make best efforts to narrow the pre-opening indication spread to $1.00.

[30] *See* proposed Rule 11.280(h)(8)(B)(iii). *See also* NYSE Rule 15(e)(4), which imposes a series of temporal restriction on the opening of a security following publication of a pre-opening indication.

[31] *See* Rule 11.350(a)(33), which defines the Volume Based Tie Breaker for an IPO Auction as being equal to the issue price.

[32] The Exchange proposes to make a conforming change to the definition of Reference Price set forth in proposed Rule 11.350(a)(9)(A), which would constrain the Reference Price by the Upper and Lower IPO Price Bands, and thus the Reference Price will no longer necessarily be the same as the Auction Book Clearing Price and the Indicative Clearing Price.

[33] The Exchange notes that this example assumes the underwriter has provided the Exchange with an IPO Price Band for publication immediately at the start of the Display Only Period. However, it is possible that the underwriter does not provide the Exchange with the first IPO Price Band for publication until after the start of the Display Only Period, in which case, between the start of the Display Only Period and publication of the first IPO Price Band, the Reference Price would be equal to the Volume Based Tie Breaker, which is defined as the issue price for the IPO security.

[34] *See supra* note 21.

[35] The Exchange is also proposing to make a conforming change to Rule 11.350(a)(5) to reflect the shorter minimum display only period.

• The underwriter has selected a final IPO Price Band that is at or within the last published IPO Price Band;

• The IPO Auction clearing price is at or within the IPO Price Band selected by the underwriter under the immediately preceding bullet point; and

• IEX receives notice from the underwriter of the IPO that the security is ready to trade.

Under proposed Rule 11.280(h)(8)(D), the failure to satisfy the conditions of proposed Rule 11.280(h)(8)(C) would result in a delay of the release for trading of the IPO, and a continuation of the Pre-Launch Period, during which the underwriter may provide one or more updated IPO Price Bands to the Exchange for publication pursuant to proposed Rule 11.280(h)(8)(B), until all of the conditions of proposed Rule 11.280(h)(8)(C) have been satisfied.[36] In addition, because the IPO Auction is conditioned on the underwriter manually giving the Exchange notice that the IPO security is ready to trade, the Exchange is proposing to specify that the Scheduled Auction Time data field in IEX Auction Information is not specified.[37]

As described above, the Exchange is proposing to move away from a predominantly automated IPO Auction mechanism towards a more manual process that is designed to account for the underwriter's unique and fundamental role in the IPO process. Accordingly, the Exchange is proposing to eliminate the automated five (5) minutes extensions of the Order Acceptance Period for IPO Auctions that are set forth in Rule 11.350(e)(2)(B), described above.[38] The existing automated extension processes were originally designed to systematically accommodate unexpected imbalances and sharp price movements leading into an IPO Auction match by allowing market participants an additional five (5) minute period to enter, cancel, and/or adjust Auction Eligible Orders and iterate towards a new equilibrium price. However, proposed Rule 11.280(h)(8)(D) is designed to enable the underwriter, who plays a unique and central role in the IPO process, an opportunity to extend the price discovery process in response to unexpected changes in the composition of the IPO Auction Book that would impact the price of the IPO Auction match after the start of the Pre-Launch Period.

Further, constraining the IPO Auction by the IPO Price Band provides a mechanism to protect the IPO Auction match from occurring at a price that is outside of the expected auction price range provided by the underwriter as communicated to participants via IEX Auction Information and the SIP. Moreover, proposed Rule 11.280(h)(8)(D) is also designed to provide enhanced transparency to market participants regarding unexpected imbalances and sharp price movements leading into an IPO Auction match by allowing the underwriter to provide one or more updated IPO Price Bands to the Exchange for publication, pursuant to proposed Rule 11.280(h)(8)(B), reflecting the new price range within which the IPO Auction match is anticipated to occur after accounting for all Auction Eligible Orders for the IPO Auction, including all orders on the Exchange's Order Book, as well as the underwriter's own interest and interest represented by the underwriter.[39] The Exchange believes such increased transparency would facilitate a more informed price discovery process as market participants iterate towards a new equilibrium price after an unexpected change in the composition of the IPO Auction Book that impacts the clearing price.

In addition, the Exchange is proposing to eliminate the existing underwriter price band selection process set forth in Rule 11.280(h)(8)(A)(iii) (described above), in light of the enhanced IPO Price Band selection process set forth in proposed Rule 11.280(h)(8)(C)(ii), which serves a substantially similar function. Specifically, during the Pre-Launch Period, proposed Rule 11.280(h)(8)(C)(ii) requires the underwriter to select an IPO Price Band at or within the last published IPO Price Band (that the underwriter must make best efforts to narrow to a spread of $1.00 or less before the IPO Auction match)[40] that would serve as an explicit constraint on the IPO Auction match price pursuant to proposed Rule 11.280(h)(8)(C)(iii), which is eligible to occur only after the Exchange receives notice from the underwriter that the security is ready to trade pursuant to proposed Rule 11.280(h)(8)(C)(iv).

Similarly, as described above, during the Pre-Launch Period, existing Rule 11.280(h)(8)(A)(iii) requires, as a condition to execution of the IPO Auction, notification from the underwriter that the security is ready to trade and subsequent approval of the Indicative Clearing Price at the time of such notification. Further, the underwriter must select a price band, comprised of an upper (lower) price between $0.00 and $0.50 above (below) the approved Indicative Clearing Price, which explicitly constrains the IPO Auction match price. Therefore, the Exchange believes the proposed elimination of the existing underwriter price band selection process does not substantively alter the IPO Auction functionality in that the enhanced IPO Price Band selection process set forth in proposed Rule 11.280(h)(8)(C)(ii), which requires the underwriter to select an IPO Price Band at or within the last published IPO Price Band (that the underwriter must make best efforts to narrow to a spread of $1.00 or less before the IPO Auction match), serves a substantially similar function, while facilitating a more robust price discovery process that more fully reflects supply and demand to determine the price and timing of the IPO Auction match.

Consistent with current Rule 11.280(h)(8)(B), pursuant to proposed Rule 11.280(h)(8)(D), the underwriter, with concurrence of IEX, may determine at any point during the IPO Auction process up through the conclusion of the Pre-Launch Period to postpone and reschedule the IPO. Market participants may continue to enter orders and order cancellations for participation in the IPO Auction during the Pre-Launch Period until the auction match.

Lastly, the Exchange is proposing Supplemental Material .01 to Rule 11.280(h)(8) that addresses the jurisdictional issue posed by an underwriter for a security that is the subject of an IPO on IEX that is not an approved Member of the Exchange. Specifically, proposed Supplemental Material .01 states that the underwriter for a security that is the subject of an IPO on IEX must be a Member of the

[36] The Exchange is proposing to make a conforming change to the conditions for extending the Order Acceptance Period for an IPO Auction as set forth in proposed Rule 11.350(e)(2)(B)(iii) and Rule 11.350(e)(2)(C)(iv).

[37] The Exchange notes that market participants will be able to assess the timing of the IPO Auction match by monitoring the Indicative Clearing Price and the current IPO Price Band; as the IPO Price Band narrows, and the Indicative Clearing Price moves within the IPO Price Band, the IPO Auction can be considered imminent.

[38] The Exchange proposes to remove IPO's from the Extension Number field within IEX Auction Information because, as proposed, there will no longer be automated extension of the Order Acceptance Period. *See* proposed Rule 11.350(a)(9)(K).

[39] The Exchange notes that when the underwriter provides an updated IPO Price Band to the Exchange for publication, the underwriter would also be subject to proposed Rules 11.280(h)(8)(B)(ii)–(iii), requiring the underwriter to make best efforts to provide an IPO Price Band with a spread of $1.00 or less before the IPO Auction match, and allowing a minimum of one minute to elapse after publication of the updated IPO Price Band and the IPO Auction match to allow market participants time to account for the updated IPO Price Band.

[40] *See supra* note 29.

Exchange, or appoint a Member of the Exchange to perform the functions under Rule 11.280(h)(8) that are performed by the underwriter with respect to the IPO Auction.[41] Proposed Supplemental Material .01 is designed to ensure the enforceability of the Exchange's rules governing the underwriter's responsibilities during the IPO Auction process as proposed, which as described above, are designed to promote transparency and price discovery for securities that are the subject of an IPO on the Exchange. The Exchange believes that absent the provisions set forth Supplemental Material .01, an underwriter that is not a Member of the Exchange would not be legally bound by the Exchange's rules and therefore could fail to satisfy the obligations of the underwriter under proposed Rule 11.280(h)(8).

2. Statutory Basis

IEX believes that the proposed rule changes are consistent with the provisions of Section 6(b)[42] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[43] in particular, in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes that the proposed changes are consistent with the protection of investors and the public interest in that they are designed to increase transparency to market participants regarding the supply and demand for an IPO security by requiring the underwriter to provide the Exchange with IPO Price Bands for broad dissemination. Furthermore, the Exchange believes the proposed changes remove impediments to and perfect the mechanism of a free and open market and national market system by enhancing the price discovery process in the IPO Auction by providing IEX Auction Information that is more reflective of the aggregate supply and demand for a security, as described in the Purpose section. Specifically, by constraining the Reference Price for the IPO Auction by the latest published IPO Price Band, the Exchange will provide information regarding Imbalance Shares and Paired Shares at a price that reflects all orders on the Order Book, as well as the underwriter's own interest and interest represented by the underwriter.

The Exchange also believes that the proposed rule changes governing the publication of underwriter's selection of an IPO Price Band are consistent with the protection of investors and the public interest. Specifically, the Exchange believes that requiring the underwriter to consider all interest on the Order Book, as well as the underwriter's own interest and interest represented by the underwriter, is designed to ensure that the IPO Price Band provides a more accurate representation of the aggregate supply and demand for the IPO security. Moreover, the Exchange believes that it is consistent with the protection of investors and the public interest to require that the underwriter make best efforts to provide an IPO Price Band for publication with a spread of $1.00 or less before the IPO Auction match, as well as mandating that a minimum of one minute to elapse between the time of the last IPO Price Band publication and the IPO Auction match. Specifically, the Exchange believes the narrower spread and one-minute window will allow market participants a reasonable opportunity to adjust their Auction Eligible Orders in response to the last IPO Price Band, which more accurately reflects the aggregate supply and demand for the IPO security in final moments before the IPO Auction match.

Furthermore, the Exchange believes the proposed rule change to shorten the minimum Display Only Period from thirty (30) minutes to fifteen (15) minutes is consistent with the protection of investors and the public interest in that it is designed to facilitate the commencement of orderly trading in securities that are the subject of an IPO by providing greater flexibility to begin trading earlier in certain cases, such as smaller IPOs, where an extended Display Only Period is not necessary to allow for order entry and the development of price stability, while at the same time avoiding unnecessary temporal constraints on the price discovery process in cases where extensive order entry is still occurring or where price stability has not yet developed.

The Exchange believes it is consistent with the protection of investors and the public interest to eliminate the automated five (5) minute extension of the Order Acceptance Period and provide for a manual extension process that requires the underwriter to provide one or more updated IPO Price Bands to the Exchange for publication. The Exchange believes the proposed changes acknowledge the unique and central role of the underwriter in the IPO Process, and allow for the underwriter to transparently respond to unexpected changes in the composition of the IPO Auction Book that would impact the price of the IPO Auction match after the start of the Pre-Launch Period. Moreover, the Exchange believes the increased transparency would facilitate a more informed price discovery process as market participants iterate towards a new equilibrium price after an unexpected change in the composition of the IPO Auction Book that impacts the clearing price. Similarly, the Exchange further believes that constraining the IPO Auction by the IPO Price Band is consistent with the protection investors and the public interest in that it provides a mechanism to protect the IPO Auction match from occurring at a price that is outside of the expected auction price range that has been communicated to participants via IEX Auction Information and the SIP, which fosters price transparency and continuity.

Furthermore, the Exchange believes that eliminating the existing underwriter price band selection process set forth in Rule 11.280(h)(8)(A)(iii), in light of the proposed IPO Price Band selection and publication process, is consistent with the protection of investors and the public interest in that the proposed rules governing the selection and publication of an IPO Price Band serves a substantially similar function, while facilitating a more robust price discovery process that more fully reflects supply and demand to determine the price and timing of the IPO Auction match.

Lastly, the Exchange believes that proposed Supplemental Material .01 to Rule 11.280(h)(8) is consistent with the protection of investors and the public interest, in that the proposed supplemental material is designed to ensure the enforceability of the Exchange's rules governing the underwriter's responsibilities during the IPO Auction process as proposed, which as described above, are designed to promote transparency and price discovery for securities that are the subject of an IPO on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposed rule

[41] The Exchange expects that an underwriter appointing such Member would share with the Member all information necessary for the Member to adequately perform the functions required under Rule 11.280(h)(8).

[42] 15 U.S.C. 78f.

[43] 15 U.S.C. 78f(b)(5).

changes are similar to certain rules of the NYSE.[44] Thus, the Exchange believes there are no new inter-market competitive burdens imposed as a result of the proposed rule changes, which are designed to augment certain of the Exchange's automated and manual processes governing IPO Auctions with certain manual IPO Auction processes utilized by the NYSE. To the contrary, the Exchange believes the proposed changes may serve as a catalyst for competition in the market for IPOs by providing underwriters a familiar tool for managing the IPO auction process while simultaneously enhancing IPO Auction transparency for market participants.

In addition, the Exchange does not believe that the proposed changes will have any impact on intra-market competition. Specifically, as discussed above, the proposed changes are designed to increase transparency to market participants regarding the supply and demand for an IPO security by requiring the underwriter to provide the Exchange with the proposed IPO Price Band for broad publication. Broad publication of the IPO Price Band and the proposed integration with IEX Auction Information is designed to enhance price discovery in the IPO Auction process, to the benefit of all market participants, by providing information about Imbalance Shares and Paired Shares at a price that better reflects where the underwriter believes the IPO Auction match is anticipated to occur, and thus inviting offsetting interest within such range. Moreover, the Exchange notes that the proposed IPO Price Band will be disseminated via IEX Auction Information, which is available free of charge through the Exchange's existing proprietary data feeds.[45] Moreover, the proposed IPO Price Band will be disseminated via the SIP,[46] which is a widely consumed data product.[47] Accordingly, the proposed changes would apply to all Members on a fair and equal basis, in that all market participants have an equal opportunity to consume IEX Auction Information and/or SIP data. Accordingly, the Exchange believes there are no intra-market competitive burdens imposed as a result of the proposed rule changes.

Lastly, the Exchange believes that proposed Supplemental Material .01 to Rule 11.280(h)(8) does not result in any undue burden on competition, as any qualified market participant may become a Member of the Exchange free of charge,[48] or may alternatively enter into private arrangements to appoint any approved Exchange Member to perform the functions under Rule 11.280(h)(8) that are performed by the underwriter with respect to the IPO Auction.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated this rule filing as non-controversial under Section 19(b)(3)(A)[49] of the Act and Rule 19b–4(f)(6)[50] thereunder. Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6) thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[51] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2018–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2018–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2018–13, and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14546 Filed 7–6–18; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

[44] *See supra* notes 11, 27–30.

[45] *See* Rule 11.330.

[46] *See supra* note 9 [sic].

[47] *See, e.g.,* CTA SIP Tape A & B subscriber/household metrics.

[48] *See* the IEX Fee Schedule, which currently provides for free Membership on the Exchange, available at *https://iextrading.com/trading/fees/.*

[49] 15 U.S.C. 78s(b)(3)(A).

[50] 17 CFR 240.19b–4(f)(6).

[51] 15 U.S.C. 78s(b)(2)(B).

[52] 17 CFR 200.30–3(a)(12).

100 F Street NE, Washington, DC 20549–2736

Extension:

Form 40–F, SEC File No. 270–335, OMB Control No. 3235–0381

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form 40–F (17 CFR 249.240f) is used by certain Canadian issuers to register a class of securities under Section 12 of the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78*l*) or as an annual report pursuant to Section 13(a) or 15 (d) of the Exchange Act (15 U.S.C. 78m(a) or 78o(d)). The information required in the Form 40–F is used by investors in making investment decisions with respect to the securities of such Canadian companies. We estimate that Form 40–F takes approximately 429.93 hours per response and is filed by approximately 132 respondents. We estimate that 25% of the 429.93 hours per response (107.48 hours) is prepared by the issuer for a total reporting burden of 14,187 (107.48 hours per response × 132 responses).

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14653 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83584; File No. SR–CBOE–2018–049]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Concerning MSCI EAFE Index Options and MSCI Emerging Markets Index Options

July 2, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 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 its Fees Schedule. The text of the proposed rule change is available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Fees Schedule, effective July 2, 2018. Particularly, the Exchange is proposing to adopt a customer transaction fee for MSCI EAFE Index (MXEA) options and MSCI Emerging Markets Index (MXEF) options (''MSCI Options''). Currently, the Exchange does not assess any customer transaction fees for MSCI options. The Exchange is proposing to adopt a $0.25 per contract fee for customer transaction fees for transactions in MSCI Options. The Exchange notes that the proposed fee amount is in line with customer transaction fees assessed on other index products.[3]

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.[4] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[5] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

In particular, the proposed change is reasonable because the proposed fee amount is within the range of amounts assessed on other index products (*e.g.,* OEX Weeklys, XEO Weeklys and Sector Indexes).[6] The proposed change to the customer MSCI options transaction fees is equitable and not unfairly discriminatory because it applies uniformly to all customer transactions in MSCI options. The Exchange also believes it's reasonable, equitable and not unfairly discriminatory that the proposed fee amount is still less than the amount assessed for MSCI options for other market participants because Customer order flow enhances liquidity on the Exchange for the benefit of all market participants.

[3] *See* Cboe Options Fees Schedule, Index Options Rate Table and Specified Proprietary Index Options Rate Table.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] *See* Cboe Options Fees Schedule, Specified Proprietary Index Options Rate Table—Underlying Symbol List A and Sector Indexes.

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 does not believe that the proposed change to customer MSCI options transaction fees will cause any unnecessary burden on intramarket competition because, while customers are assessed different, and often lower, fee rates than other market participants, Customer order flow enhances liquidity on the Exchange for the benefit of all market participants. Moreover, the options industry has a long history of providing preferential pricing to Customers, and the Exchange's current Fees Schedule currently does so in many places. Additionally, the proposed Customer fee amount will be applied equally to all Customers (meaning that all Customers will be assessed the same amount for MSCI Options). The Exchange does not believe that the proposed changes to the customer MSCI Options transaction fees will cause any unnecessary burden on intermarket competition because the change only affects trading on Cboe Options. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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 [7] and paragraph (f) of Rule 19b–4 [8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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–CBOE–2018–049 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–CBOE–2018–049. 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–CBOE–2018–049 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14549 Filed 7–6–18; 8:45 am]

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[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form 10–Q, SEC File No. 270–49, OMB Control No. 3235–0070

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the office of Management and Budget for approval of extensions on the following:

Form 10–Q (17 CFR 249.308a) is filed by issuers of securities to satisfy their quarterly reporting obligations pursuant to Section 13 or 15(d) of the Exchange Act (''Exchange Act'') (15 U.S.C. 78m or 78o(d)). The information provided by Form 10–Q is intended to ensure the adequacy of information available to investors about an issuer. Form 10–Q takes approximately 187.43 hours per response to prepare and is filed by approximately 22,907 respondents. We estimated that 75% of the approximately 187.43 hours per response (140.57 hours) is prepared by the company for an annual reporting burden of 3,220,037 hours (140.57 hours per response x 22,907 responses).

Written 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 burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14650 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83585; File No. SR–CBOE–2018–050]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule To Adopt a Financial Incentive Program for Lead Market-Makers Appointed in MSCI EAFE Index Options and MSCI Emerging Markets Index Options

July 2, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') 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 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 its Fees Schedule to adopt a financial incentive program for Lead Market-Makers appointed in MSCI EAFE Index (MXEA) options and MSCI Emerging Markets Index (MXEF) options (collectively, MSCI options), effective July 2, 2018.

The text of the proposed rule change is available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to adopt a financial incentive program for Lead Market-Makers appointed in MSCI EAFE Index (MXEA) options and MSCI Emerging Markets Index (MXEF) options (collectively, MSCI options), effective July 2, 2018. More specifically, the Exchange proposes to provide a financial incentive to any Market-Maker that is appointed as a Lead Market-Maker (''LMM'') in MXEA and/or MXEF (''MSCI LMM'') and meet a heightened quoting standard, to be set forth in the Fees Schedule.[3] MSCI LMM(s) that meet the heightened quoting standard (which shall be explained herein), will receive $20,000 per month/per product.

By way of background, pursuant to Rule 8.15(a), the Exchange may approve one or more Market-Makers to act as LMMs in a class for which a Designated Primary Market-Maker (''DPM'') has not been appointed, for a term of no less than the time until the end of the then-current expiration cycle. In addition to a LMM's requirement to fulfill all obligations of a Market-Maker under the Exchange Rules, a LMM must also satisfy heightened quoting obligations set forth in Rule 8.15(b).

The Exchange proposes to provide in the Fees Schedule that through December 31, 2018, if a MSIC LMM meets the heightened standard described below, the LMM in each class will receive $20,000 per month, per their respective appointed class. Specifically, the LMM will receive $20,000 per month/per class if it provides continuous electronic quotes that meet or exceed the following heightened quoting standards in at least 90% of the MXEA and/or MXEF series it must quote pursuant to Rule 8.15(b) 90% of the time in a given month:

Premium level	Expiring 7 days or less		Near term 8 days to 60 days		Mid term 61 days to 270 days		Long term 271 days or greater	
	Width	Size	Width	Size	Width	Size	Width	Size
$0–$5.00	$3.00	5	$1.50	20	$2.50	15	$5.00	10
$5.01–$15.00	6.00	3	3.00	15	5.00	10	10.00	7
$15.01–$50.00	15.00	2	7.50	10	10.00	7	20.00	5
$50.01–$100.00	25.00	1	15.00	7	20.00	5	30.00	3
$100.01–$200.00	40.00	1	25.00	3	35.00	3	48.00	2
Greater Than $200.01	60.00	1	40.00	1	50.00	1	72.00	1

The Exchange may consider other exceptions to this quoting standard based on demonstrated legal or regulatory requirements or other mitigating circumstances. For purposes of the financial benefit, MSCI LMM(s) will not be obligated to satisfy the heightened quoting standard shown above. Rather, the MSCI LMM(s) will only receive the financial benefit if they satisfy the abovementioned heightened quoting standard. If a MSCI LMM does not meet the heightened quoting standard, then it simply will not receive the financial benefit for that month. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] MSCI LMMs would serve as MSCI LMMs during the RTH session only.

Exchange notes however, that with respect to quoting obligations, MSCI LMM(s) must still comply with the continuous quoting obligation and other obligations of Market-Makers and LMMs described in Cboe Options Rules.[4] The Exchange believes the proposed financial incentive for the additional quoting standard set forth in the Fees Schedule and described above, will further encourage MSCI LMMs to provide significant liquidity in MSCI options. Additionally, the Exchange notes that it expects that TPHs may need to undertake expenses to be able to quote at a significantly heightened standard in these classes, such as purchase additional bandwidth. The Exchange notes that the proposed financial incentive program for MSCI LMM(s) is similar to the rebate program adopted for ETH LMMs and SPX Select Market-Makers, as both programs offer financial benefits for meeting heightened quoting standards.[5]

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.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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,[8] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities.

The Exchange believes it is reasonable to offer MSCI LMM(s) that meet a certain heightened quoting standard (described above) $20,000 per month, per product, given the potential added costs that MSCI LMM(s) may need to undertake in order to satisfy that heightened quoting standard (*e.g.,* having to purchase additional bandwidth). The Exchange also wishes to ensure the LMM(s) is incentivized to provide liquid and active markets in the MSCI products to encourage its growth. Additionally, if a MSCI LMM does not satisfy the heightened quoting standard, then it simply will not receive the $20,000 per class for that month.

The Exchange believes it is equitable and not unfairly discriminatory to only offer the financial incentive to MSCI LMM(s) because it benefits all market participants trading in MSCI options to encourage MSCI LMMs to satisfy the heightened quoting standards, which may increase liquidity and provide more trading opportunities and tighter spreads. Indeed, the Exchange notes that the LMM provides a crucial role in providing quotes and the opportunity for market participants to trade MSCI products, which can lead to increased volume, thereby providing a robust market.

The Exchange notes that without the proposed financial incentive, there would not be sufficient incentive for Trading Permit Holders to undertake an obligation to quote an heightened levels, which could result in lower levels of liquidity. The MSCI LMM incentive program is also reasonable, as it designed to encourage increased quoting to add liquidity in MSCI products, thereby protecting investors and the public interest.

The Exchange lastly notes that a similar financial incentive program was adopted for appointed LMMs in ETH and SPX Select Market-Makers.[9]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition that are not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while the financial incentive is offered only to certain market participants (*i.e.,* appointed MSCI LMM(s) that meet a heightened quoting standard), those market participants must meet heightened quoting standards to receive the financial incentive. Additionally, MSCI LMM(s) may incur additional costs to meet the heightened quoting standard. The Exchange believes the proposed financial incentive encourages those market participants to bring liquidity to the Exchange in MSCI options (which benefits all market participants).

The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because MSCI options are proprietary products that will only be traded on Cboe Options. To the extent that the proposed changes make Cboe Options a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become Cboe Options market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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[10] and paragraph (f) of Rule 19b–4[11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings 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

[4] *See e.g.,* Cboe Options Rule 8.7 and Rule 8.15.

[5] *See* Cboe Options Fees Schedule, Footnotes 38 and 49.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f(b)(4).

[9] *See* Cboe Options Fees Schedule, Footnote 38, Cboe Options Rule 6.1A and Footnote 49.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f).

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2018–050 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–CBOE-2018–050. 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–CBOE–2018–050 and should be submitted on or before July 30, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14550 Filed 7–6–18; 8:45 am]

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[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form SE, SEC File No. 270–289, OMB Control No. 3235–0327

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Form SE (17 CFR 239.64) is used by registrants to file paper copies of exhibits, reports or other documents that would be difficult or impossible to submit electronically, as provided in Rule 311 of Regulation S–T (17 CFR 232.311). The information contained in Form SE is used by the Commission to identify paper copies of exhibits. Form SE is filed by individuals, companies or other entities that are required to file documents electronically. Approximately 19 registrants file Form SE and it takes an estimated 0.10 hours per response for a total annual burden of 2 hours (0.10 hours per response × 19 responses).

Written 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 imposed by the collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

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 control number.

Please direct your written comment to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Candace Kenner, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: July 3, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14654 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83588; File No. SR–NASDAQ–2017–128]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To List and Trade the Shares of the Western Asset Total Return ETF

July 3, 2018.

On December 20, 2017, The Nasdaq Stock Market LLC (''Nasdaq'') 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 list and trade shares of the Western Asset Total Return ETF, a series of Legg Mason ETF Investment Trust, under Nasdaq Rule 5735. The proposed rule change was published for comment in the **Federal Register** on January 9, 2018.[3] The Commission has received no comments on the proposed rule change.

On February 21, 2018, pursuant to Section 19(b)(2) of the 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] On April 6, 2018, the Commission instituted proceedings under Section 19(b)(2)(B) of the Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[8] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 82439 (Jan. 3, 2018), 83 FR 1062.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 82757, 83 FR 8532 (Feb. 27, 2018).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 83007, 83 FR 15883 (Apr. 12, 2018).

[8] 15 U.S.C. 78s(b)(2).

days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. As noted earlier, the proposed rule change was published for notice and comment in the **Federal Register** on January 9, 2018. July 8, 2018, is 180 days from that date, and September 6, 2018, is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider this proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[9] designates September 6, 2018, as the date by which the Commission should either approve or disapprove the proposed rule change (File Number SR–NASDAQ–2017–128).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14667 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–83582; File No. SR–IEX–2018–11]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the Structure of its Fee Schedule and Make Several Conforming and Clarifying Changes, Pursuant to IEX Rule 15.110(A) and (C)

July 2, 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 29, 2018, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to modify the structure of its Fee Schedule and make several conforming and clarifying changes, pursuant to IEX Rule 15.110(a) and (c), in order to provide more clarity to market participants regarding the fees assessed for executions on the Exchange. Changes to the Fee Schedule pursuant to this proposal are effective upon filing and will be operative on July 1, 2018.

The text of the proposed rule change is available at the Exchange's website at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statement may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the structure of its Fee Schedule and make minor conforming changes, pursuant to IEX Rule 15.110(a) and (c), in order to provide more clarity to market participants regarding the fees assessed for executions on the Exchange. The Exchange's existing Fee Schedule requires market participants to determine which of the Exchange's Fee Codes are applicable to any given transaction, and then calculate the applicable fee that will be assessed depending on the applicable Fee Code combination. After informal discussions with various market participants, the Exchange is proposing to provide more clarity to market participants regarding the fees assessed for executions on the Exchange by amending the structure of its Fee Schedule to explicitly provide each possible Fee Code combination, along with the associated fee applicable to such transaction. The Exchange is also proposing to make several minor substantive changes to the Fee Schedule and related rules to enhance the consistency and clarity of the Exchange's Fee Schedule.

Existing Fee Schedule

In an effort to incentivize Members [6] to submit displayed orders to the Exchange, the Exchange currently charges a fee of $0.0003 per share (or 0.30% of the total dollar value of the transaction for securities priced below $1.00) to Members for executions on IEX that provide or take resting interest with displayed priority (*i.e.,* an order or portion of a reserve order that is booked and ranked with display priority on the Order Book).[7] Furthermore, the Exchange currently charges $0.0009 per share (or 0.30% of the total dollar value of the transaction for securities priced below $1.00) to Members for executions on IEX that provide or take resting interest with non-displayed priority (*i.e.,* an order or portion of a reserve order that is booked and ranked with non-displayed priority on the Order Book).[8]

Moreover, in order to reduce the variability in fees to access liquidity on the Exchange and thereby incentivize Members to route more orders to the Exchange that are executable at the far side of the NBBO,[9] the Exchange assesses a deterministic Spread-Crossing Remove Fee of $0.0003 per share to all executions at or above $1.00 that result from removing liquidity with a buy (sell) order that is executable at the NBO (NBB).[10] The Exchange does not charge

[9] *Id.*

[10] 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] 15 U.S.C. 78s(b)(1).

[5] 17 CFR 240.19b–4.

[6] *See* Rule 1.160(s).

[7] This pricing is referred to by the Exchange as ''Displayed Match Fee'' with a Fee Code of 'L' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[8] This pricing is referred to by the Exchange as the ''Non-Displayed Match Fee'' with a Fee Code of 'I' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[9] As defined by Regulation NMS Rule 600(b)(42). 17 CFR 242.600.

[10] This pricing is referred to by the Exchange as the ''Spread-Crossing Remove Fee'', with a Fee Code of ''N'' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website. The Exchange notes that if an order—based on market conditions, User instructions, applicable

any fee to Members for executions on IEX when the adding and removing order originated from the same Exchange Member,[11] and all executions below $1.00 are assessed a fee equal to 0.30% of the total dollar value of the transaction.[12]

Furthermore, to incentivize additional resting liquidity on IEX, including displayed liquidity, the Exchange charges the maximum fee allowable pursuant to Regulation NMS for certain executions that appear to be part of a deliberate trading strategy that targets resting liquidity during periods of quote instability. Specifically, the Exchange charges a Crumbling Quote Remove Fee (''CQRF'') of $0.0030 (or 0.3% of the total dollar value of the transaction for securities priced below $1.00) to orders that remove resting liquidity during periods of quote instability, as defined in Rule 11.190(g), if such orders constitute at least 5% of the Member's volume executed on IEX and at least 1 million shares, on a monthly basis, measured on a per market participant identifier (''MPID'') basis.[13] Orders that exceed the 5% and 1 million share thresholds are assessed the CQRF per each incremental share executed that exceeds the threshold.[14]

In addition to the fees assessed for trading on the continuous market, the Exchange also assesses fees for orders that execute in an IEX Auction for securities listed on the Exchange pursuant to Rule 11.350, as well as for orders that execute in the Opening Process for non-IEX-listed securities pursuant to Rule 11.231.[15] For orders that execute in an IEX Auction for securities listed on the Exchange:

- Executions in the Opening Auction[16] receive Fee Code ''O'', and are assessed a fee of $0.0003 per share, unless the order was displayed on the Continuous Book during the Pre-Market Session,[17] in which case the execution also receives Fee Code ''L'', and is not charged a fee.
- Executions in the Closing Auction[18] receive Fee Code ''C'', and are assessed a fee of $0.0003 per share, unless the order was displayed on the Continuous Book during the Regular Market Session,[19] in which case the execution also receives Fee Code ''L'', and is not charged a fee.
- Executions in a Halt Auction[20] or Volatility Auction[21] receive Fee Code ''H'', and are assessed a fee of $0.0003 per share;[22] and
- Executions in an IPO Auction[23] receive Fee Code ''P'', and are assessed a fee of $0.0003 per share.[24]

For orders that execute in the Opening Process for non-IEX-listed securities pursuant to Rule 11.231:

- Orders resting on the Cross Book[25] that execute in the Opening Process receive Fee Code ''X'', and are assessed a fee of $0.0009 per share;
- Non-displayed orders resting on the Continuous Book that execute in the Opening Process receive Fee Code ''X'', and are assessed a fee of $0.0009 per share; and
- Displayed orders resting on the Continuous Book that execute in the Opening Process receive Fee Codes ''X'' and ''L'', and are assessed a fee of $0.0003 per share.

In addition to the fees described above, the Exchange also offers a Market Quality Incentive Program that offers certain fee-based incentives for Members that provide meaningful and consistent support to market quality and price discovery by extensive quoting at and/or near the NBBO in IEX-listed securities for a significant portion of the day.[26] Specifically, a Member that satisfies the quoting criteria for one or more of the following tiers in each security listed on IEX over the course of the month that the security is listed on IEX may be designated as an ''IEMM'':

- Inside Tier IEMM: One or more of its MPIDs has a displayed order entered in a principal capacity of at least one round lot resting on the Exchange at the NBB and/or the NBO for an average of at least 20% of Regular Market Hours (the ''NBBO Quoting Percentage''); and/or
- Depth Tier IEMM: One or more of its MPIDs has a displayed order entered in a principal capacity of at least one round lot resting on the Exchange at the greater of 1 minimum price variation (''MPV'') or 0.03% (*i.e.,* 3 basis points) away from the NBBO (or more aggressive) for an average of at least 75% of Regular Market Hours (the ''Depth Quoting Percentage'').

Members that are designated as an IEMM qualify for the Displayed Match Fee Discount as well as the Non-Displayed Match Fee Discount. Specifically, for Inside Tier IEMMs, the Displayed Match Fee Discount and the Non-Displayed Match Fee Discount results in a $0.0001 discount for each execution subject to the Displayed Match Fee and the Non-Displayed Match Fee, respectively, with no cap on aggregate monthly savings. Furthermore, Depth Tier IEMMs will receive a $0.0001 discount for each execution subject to the Displayed Match Fee and the Non-Displayed Match Fee, up to $20,000.00 in aggregate savings per month.[27]

Proposed Changes

After informal discussions with various market participants, the Exchange is proposing to provide more clarity to market participants regarding the fees assessed for executions on the Exchange by amending the structure of its Fee Schedule to provide an overarching framework for interpreting the Exchange's Fee Codes, as well as explicitly enumerating each possible Fee Code combination, along with the associated fee applicable to such transaction. The Exchange is also proposing to make several conforming changes to the Fee Schedule and related rules to account for the updated structure.

The Exchange proposes to continue utilizing standard FIX tag 9730 (Trade Liquidity Indicator) to populate the applicable Fee Codes for executions on

IEX Rules and/or the Act and the rules and regulations thereunder—is not executable at the far side of the NBBO, such order will not be eligible for the Spread-Crossing Remove Fee. *See* Securities Exchange Act Release No. 83147 (May 1, 2018) 83 FR 20118 (May 7, 2018) (SR–IEX–2018–09).

[11] This pricing is referred to by the Exchange as the ''Internalization Fee'' with a Fee Code of 'S' provided by the Exchange on execution reports. Orders from different market participant identifiers of the same broker dealer, with the same Central Registration Depository registration number, are treated as originating from the same Exchange Member. *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[12] *See* the Investors Exchange Fee Schedule, available on the Exchange public website.

[13] This pricing is referred to by the Exchange as the ''Crumbling Quote Remove Fee Indicator'' with a Fee Code of 'Q' provided by the Exchange on execution reports. *See* the Investors Exchange Fee Schedule, available on the Exchange public website. *See also* 17 CFR 242.610(c).

[14] *See* Securities Exchange Act Release No. 81484 (August 25, 2017), 82 FR 41446 (August 31, 2017) (SR–IEX–2017–27).

[15] *See* Securities Exchange Act Release No. 82127 (November 20, 2017), 82 FR 56089 (November 27, 2017) (SR–IEX–2017–40), and Securities Exchange Act Release No. 81502 (August 30, 2017), 82 FR 42141 (September 6, 2017) (SR–IEX–2017–28), respectively. The Exchange does not yet have any IEX-listed securities, but intends on launching a listings program for corporate issuers.

[16] *See* Rule 11.350(c).

[17] *See* Rule 1.160(z).

[18] *See* Rule 11.350(d).

[19] *See* Rule 1.160(gg).

[20] *See* Rule 11.350(e).

[21] *See* Rule 11.350(f).

[22] The Exchange also notes that there is no Continuous Book prior to a Halt, Volatility, or IPO auction, and thus no opportunity for a Member to have a displayed order on the Continuous Book that is executed in such auctions.

[23] *See* Rule 11.350(e).

[24] *See supra* note 13.

[25] *See* Rule 11.231(a).

[26] *See* Rule 11.170(a).

[27] *See* Securities Exchange Act Release No. 82636 (February 6, 2018), 83 FR 6059 (February 12, 2018) (SR–IEX–2018–02). *See also* the Investors Exchange Fee Schedule, available on the Exchange public website.

the Exchange.[28] Furthermore, the Exchange is proposing to divide the Exchange's Fee Codes into ''Base Fee Codes'', one of which shall be supplied on every execution report, and ''Additional Fee Codes'', one or more of which may be provided on an execution report, as applicable. The first position in the Last Liquidity Indictor tag would always contain a Base Fee Code. The second through fourth positions would contain one or more Additional Fee Codes, as applicable, that serve to modify the Base Fee Code in the first position.

As in the existing Fee Schedule, all proposed fees identify cost per share executed unless otherwise specified, and footnotes provide further explanatory text or indicate variable rate changes, provided the conditions in the footnote are met. The rates listed in the proposed Base Rates table apply unless a Member's transaction is assigned an Additional Fee Code. If a Member's transaction is assigned an Additional Fee Code, the rates listed in the Fee Code Combinations and Associated Fees table will apply. Executions below $1.00 are assessed a fee of 0.30% of TDV unless the Fee Code Combination results in a FREE execution. For executions on routable orders, the Exchange passes-through in full any fees charged by/rebates received from away venues (''Cost'') to the Member and adds the IEX fee (*i.e.,* a $0.0001 charge per share).

The Exchange also proposes to adopt the following definitions that are substantially like the Exchange's existing definitions governing transaction fees:

- ''Fee Code'' is identified on each execution report message from the Exchange in the Trade Liquidity Indicator (FIX tag 9730) field.
- ''MPID'' means a market participant identifier.
- ''TDV'' means the total dollar value of the execution calculated as the execution price multiplied by the number of shares executed in the transaction.
- ''Quote instability'' is defined in IEX Rule 11.190(g).[29]
- ''CQRF Threshold'' means the Crumbling Quote Remove Fee Threshold. The threshold is equal to 5% of the sum of a Member's total monthly executions on IEX if at least 1,000,000 shares during the calendar month, measured on an MPID basis.
- ''Spread-crossing eligible order'' means a buy order that is executable at the NBO or a sell order that is executable at the NBB after accounting for the order's limit (if any), peg instruction (if any), market conditions, and all applicable rules and regulations.[30]

The proposed Base Fee Codes and Additional Fee Codes, as well as the corresponding fees, are as follows:

Base fee codes	Description	Executions at or above $1.00	Executions below $1.00
I, X	Standard Match Fee	$0.0009	0.30% of TDV.
L	Reduced Match Fee	0.0003	0.30% of TDV.
O, C, H, P	Auction Match Fee	0.0003	0.30% of TDV.
Alpha	Routing and removing liquidity (all routing options)	Cost + $0.0001	

Additional fee codes	Description	Fee
S	Internalization Fee: Member executes against resting liquidity provided by such Member	FREE
Q	Crumbling Quote Remove Fee: Removes liquidity during periods of quote instability at or within the NBBO above the CQRF Threshold, measured on an MPID basis.	$0.0030
N	Spread-Crossing Eligible Remove Fee: Removes liquidity with a spread-crossing eligible order	$0.0003
D	Discounted Single-Price Cross Fee: Displayed interest resting on the Continuous Book executes in a cross or auction.	FREE

Fee Codes ''I'' and ''X'' are currently identified as the Non-Displayed Match Fee and the Opening Match Fee, respectively, and would both be referred to as the Standard Match Fee, as proposed. Furthermore, Fee Code ''L'' is currently identified as the Displayed Match Fee, and would be referred to as the Reduced Match Fee, as proposed. The Exchanges notes these amendments reflect only changes in nomenclature, and do not represent substantive changes to the fees assessed for execution on the Exchange. Moreover, similar to the existing Fee Schedule, the Exchange proposes to append footnote 1 to each Fee Code combination that includes Fee Code ''Q''. Footnote 1 states that executions with Fee Code Q that exceed the CQRF Threshold are subject to the Crumbling Quote Remove Fee identified in the Fee Code Modifiers table. Executions with Fee Code Q that do not exceed the CQRF Threshold are subject to the fees identified in the Fee Code Combinations and Associated Fees table.

The Exchange is proposing to make one minor conforming change to the fees assessed for displayed order's resting on the Continuous Book that are executed in the Opening Process for non-IEX-listed securities pursuant to Rule 11.231 in order to enhance the consistency and clarity of the Exchange's Fee Schedule. Specifically, as described above, a displayed order resting on the Continuous Book that is executed in the Opening Process for non-IEX-listed securities is currently charged the Displayed Match Fee (or the Reduced Match Fee, as proposed). In contrast, a displayed order resting on the Continuous Book that is executed in an Opening or Closing Auction for IEX-listed securities is not charged a fee. However, as proposed, the Opening Process utilizes the Base Fee Code of ''X'', which would conflict with the Base Fee Code of ''L'' for displayed executions. Thus, the Exchange is

[28] *See* the Investors Exchange FIX Specification, available on the Exchange's public website.

[29] The Exchange notes the proposed definition of ''Quote instability'' is a new definition, and is simply a cross reference to Rule 11.190(g). *See* Rule 11.190(g).

[30] The Exchange notes that the proposed definition of ''Spread-crossing eligible order'' is a new definition, and is intended to provide market participants further clarity regarding the conditions associated with the Spread-Crossing Remove Fee. *See* Securities Exchange Act Release No. 83147 (May 1, 2018) 83 FR 20118 (May 7, 2018) (SR–IEX–2018–09).

proposing to harmonize the fees charged to displayed orders resting on the Continuous Book that are executed in the Opening Process or the Opening or Closing Auction, by introducing Additional Fee Code ''D'' (Discounted Single-Price Cross Fee), representing displayed interest resting on the Continuous Book that executes in a single price cross (*i.e.,* in Opening Process, or an IEX Auction), and is not charged a fee.[31]

The Exchange believes that offering such displayed orders resting on the Continuous Book free execution in the Opening Process is consistent with the protection of investors and the public interest in that it may have the effect of incentivizing Members that seek execution in the Opening Process to enter displayed interest, thereby contributing to the public price discovery process to the benefit of all market participants. Furthermore, the proposed change creates consistency in the Exchange's fee for similarly situated orders in that displayed orders resting on the Continuous Book that are executed as part of a single-priced cross will receive the same free execution.

In addition to the Base Fee Code and Additional Fee Code framework described above, the Exchange is also proposing to provide a table of all possible Fee Code combinations and their associated fees, which explicitly sets forth each of the fees associated with each Fee Code combination. This table is designed to provide market participants an authoritative source on how to interpret the Fee Code's assigned by the Exchange on each execution report. Consistent with the foregoing, the proposed Fee Code combinations and associated fees are as follows: [32]

Fee Codes	Description	Fee
I	Adds or removes non-displayed liquidity	$0.0009
L	Adds or removes displayed liquidity	$0.0003
IS	Member executes against resting non-displayed liquidity provided by such Member	FREE
IQ*	Removes non-displayed liquidity during periods of quote instability	$0.0009
IN	Removes non-displayed liquidity with a spread-crossing eligible order	$0.0003
LS	Member executes against resting displayed liquidity provided by such Member	FREE
LQ*	Removes displayed liquidity during periods of quote instability	$0.0003
LN	Removes displayed liquidity with a spread-crossing eligible order	$0.0003
ISQ*	Member removes non-displayed liquidity provided by such Member during periods of quote instability	FREE
ISN	Member removes non-displayed liquidity provided by such Member with a spread-crossing eligible order	FREE
IQN*	Removes non-displayed liquidity during periods of quote instability with a spread-crossing eligible order	$0.0003
LSQ*	Member removes displayed liquidity provided by such Member during periods of quote instability	FREE
LSN	Member removes non-displayed liquidity provided by such Member with a spread-crossing eligible order	FREE
LQN*	Removes displayed liquidity during periods of quote instability with a spread-crossing eligible order	$0.0003
ISQN*	Member removes non-displayed liquidity provided by such Member during periods of quote instability with a spread-crossing eligible order.	FREE
LSQN*	Member removes non-displayed liquidity provided by such Member during periods of quote instability with a spread-crossing eligible order.	FREE
X	Opening Process for Non-Listed Securities (''Opening Process'')	$0.0009
XD	Displayed interest resting on the Continuous Book executes in the Opening Process	FREE
O	Opening Auction, IEX-listed security	$0.0003
OD	Displayed interest resting on the Continuous Book executes in the Opening Auction	FREE
C	Closing Auction, IEX-listed security	$0.0003
CD	Displayed interest resting on the Continuous Book executes in the Closing Auction	FREE
H	Halt or Volatility Auction, IEX-listed security	$0.0003
P	IPO Auction, IEX-listed security	$0.0003

Lastly, in order to enhance the consistency and clarity of the Exchange's Fee Schedule, IEX proposes to make conforming changes to the description of the IEMM Program in both the Fee Schedule and Rule 11.170(a)(3) to account for the changes described above, as well as to clarify the application of the Spread-Crossing Eligible Remove Fee. Specifically, the Exchange is changing the name of the Non-Displayed Match Fee Discount and the Displayed Match Fee Discount to the Standard Match Fee Discount and Reduced Match Fee Discount, respectively, which conforms to the nomenclature of the proposed Base Rate's. Furthermore, the Exchange is clarifying that Members that qualify as IEMMs will receive a $0.0001 discount on executions that receive the Spread-Crossing Eligible Remove Fee, subject to any applicable Depth Tier aggregate monthly savings cap. The Spread-Crossing Eligible Remove Fee Code of ''N'' is an additional Fee Code applied to execution that remove resting liquidity (either displayed, or non-displayed), and thus, such executions would also receive the applicable Base Fee Code, but would be subject to the Spread-Crossing Eligible Remove Fee as set forth in the proposed table of Fee Code combinations and associated fees.

The Exchange believes the proposed changes do not substantively change the IEMM Program, as executions qualifying for the Spread-Crossing Eligible Remove Fee are a logical subset of executions that satisfy the conditions of the Standard Match Fee (when removing non-displayed liquidity) or the Reduced Match Fee (when removing displayed liquidity). Thus, to provide clarity regarding the application of the Spread-Crossing Eligible Remove Fee, the Exchange proposes to amend the Fee Schedule to explicitly enumerate the Spread-Crossing Eligible Remove Fee Discount for Members that qualify as an IEMM. Accordingly, as proposed, unless an IEMM otherwise qualifies for a lower rate, IEMMs will receive the following rates for executions during continuous trading in securities priced at or above $1.00.

[31] *See* proposed Additional Fee Code ''D'', Discounted Single-Price Cross: displayed interest resting on the Continuous Book executes in a cross or auction.

[32] The Exchange has included an asterisk to denote a Fee Code combination that will have proposed footnote 1 appended. As described above, Footnote 1 states that executions with Fee Code Q that exceed the CQRF Threshold are subject to the Crumbling Quote Remove Fee of $0.0030, as identified in the Fee Code Modifiers table. Executions with Fee Code Q that do not exceed the CQRF Threshold are subject to the fees identified in the Fee Code Combinations and Associated Fees table.

IEMM Tier	Standard match fee discount	Reduced match fee discount	Spread-crossing eligible remove fee discount
Inside Tier	$0.0001	$0.0001	$0.0001
Depth Tier	0.0001	0.0001	0.0001

The Exchange also proposes to clarify in the Fee Schedule that IEMMs qualifying for the Depth Tier can receive up to $20,000.00 in aggregate savings, per month, before the discounted rates above no longer apply, and the IEMM is subject to the Base Rates. Furthermore, the Exchange proposed to clarify in both the Fee Schedule and Rule 11.170(a)(3) that if a Member qualifies under both the Inside Tier and the Depth Tier, any earned Standard Match Fee Discount, Reduced Match Fee Discount, and Spread-Crossing Eligible Remove Fee Discount will be aggregated and applied to such Members' executions that are subject to the Standard Match Fee, Reduced Match Fee, or Spread-Crossing Eligible Remove Fee in securities priced at or above $1.00, subject to the applicable Depth Tier aggregate monthly savings cap of $20,000.00.

Finally, the Exchange is proposing to make conforming changes to Rule 11.170(a)(3) in order to explicitly state that for Members that qualify as an IEMM, executions that take liquidity in securities priced at or above $1.00 with a buy order that is executable at the NBO or a sell order that is executable at the NBB after accounting for the order's limit (if any), peg instruction (if any), market conditions, and all applicable rules and regulations (*i.e.,* orders that receive the Spread-Crossing Eligible Remove Fee) will receive a $0.0001 fee reduction, up to $20,000.00 in aggregate savings, per month, inclusive of Reduced Standard Match Fee and Reduced Discounted Match Fee savings. The Exchange believes that these changes do not represent a substantive change to the IEMM Program, but are simply meant to conform to the Exchange's proposed Fee Schedule as discussed above.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b) [33] of the Act in general, and furthers the objectives of Sections 6(b)(4) [34] of the Act, in particular, in that it is designed to 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 proposed fee change is reasonable, fair and equitable, and non-discriminatory.

The proposed changes are designed to provide more clarity to market participants regarding the fees assessed for executions on the Exchange by amending the structure of its Fee Schedule to explicitly provide each possible Fee Code combination, along with the associated fee applicable to such transaction, therefore making the Exchange's Fee Schedule more clear and deterministic to the benefit of all market participants. The Exchange believes the proposed changes enhance the consistency and clarity of the Exchange's Fee Schedule, and do not represent a significant departure from pricing currently offered by the Exchange. As described in the Purpose section, the Exchange is proposing to primarily make formatting changes, and certain conforming edits designed to make the Exchange's rules clearer and more precise.

As described above, as part of the proposed restructuring of the Fee Schedule, the Exchange is proposing to not charge any fee for displayed order's resting on the Continuous Book that are executed in the Opening Process for non-IEX-listed securities pursuant to Rule 11.231. The Exchange believes that offering displayed orders resting on the Continuous Book free execution in the Opening Process is consistent with the protection of investors and the public interest in that it may have the effect of incentivizing Members that seek execution in the Opening Process to enter displayed interest, thereby contributing to the public price discovery process to the benefit of all market participants. Furthermore, the proposed change creates consistency in the Exchange's fees for similarly situated orders in that displayed orders resting on the Continuous Book that are executed as part of a single-priced cross (*i.e.,* the Opening Process or an IEX Auction) will receive the same free execution.

In addition, as described above, the Exchange is also proposing to make conforming changes to the description of the IEMM Program in both the Fee Schedule and Rule 11.170(a)(3) to account for the modified Fee Schedule, as well as to clarify the application of the Spread-Crossing Eligible Remove Fee. The Exchange believes these proposed changes are reasonable, fair and equitable, and non-discriminatory because they do not substantively change the IEMM Program, as executions qualifying for the Spread-Crossing Eligible Remove Fee are a logical subset of executions that satisfy the conditions of the Standard Match Fee (when removing non-displayed liquidity) or the Reduced Match Fee (when removing displayed liquidity). Thus, the proposed changes are primarily designed to provide clarity regarding the application of the Spread-Crossing Eligible Remove Fee in the context of the IEMM program by explicitly enumerating the Spread-Crossing Eligible Remove Fee Discount for Members that qualify as an IEMM.

Furthermore, the Exchange notes that the proposed structure of the Fee Schedule is substantially like the Fee Schedule of other market centers, and therefore does not present any new or novel issues not already considered by the Commission.[35]

Finally, the Exchange believes that the proposed fees are nondiscriminatory because they will continue to apply uniformly to all Members.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act, because, as discussed above, the Exchange is not materially altering the fees assessed for executions on the Exchange. Moreover, the Exchange operates in a highly competitive market in which market participants can readily favor competing venues if fee

[33] 15 U.S.C. 78f.

[34] 15 U.S.C. 78f(b)(4).

[35] *See, e.g.,* the Fee Schedule of Cboe BZX Exchange, Inc., available at *http://markets.cboe.com/us/equities/membership/fee_schedule/bzx/.*

schedules at other venues are viewed as more favorable. Consequently, the Exchange believes that the degree to which IEX fees could impose any burden on competition is extremely limited and does not believe that such fees would burden competition between Members or competing venues in a manner that is not necessary or appropriate in furtherance of the purposes of the Act. Moreover, as noted in the Statutory Basis section, the Exchange does not believe that the proposed changes represent a significant departure from its current fee schedule.

The Exchange does not believe that the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because the Exchange is not materially altering the fees assessed for executions on the Exchange. Furthermore, as noted above, the Exchange notes that the proposed structure of the Fee Schedule is substantially similar to the Fee Schedule of other market centers, and therefore does not present any new intermarket competitive burdens that do not already exist.[36]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) [37] of the Act.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [38] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2018–11 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2018–11. This file number should be included in 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 Section, 100 F Street NE, Washington, DC 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing will also be available for inspection and copying at the IEX's principal office and on its internet website at *www.iextrading.com.* All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only

information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2018–11 and should be submitted on or before July 30, 2018. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–14547 Filed 7–6–18; 8:45 am]

BILLING CODE 8011–01–P

[36] *See supra* note 30.

[37] 15 U.S.C. 78s(b)(3)(A)(ii).

[38] 15 U.S.C. 78s(b)(2)(B).

[39] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

National Small Business Development Centers Advisory Board

AGENCY: Small Business Administration.

ACTION: Notice of open Federal Advisory Committee meeting.

SUMMARY: The SBA is issuing this notice to announce the cancellation of the July 17, 2018 meeting of the Federal Advisory Committee for the Small Business Development Centers Program. Future meetings of the Committee will be publicized as details become available.

FOR FURTHER INFORMATION CONTACT: Anne Reim, Office of Small Business Development Centers, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; *anne.reim@sba.gov;* 202–205–9565.

If anyone wishes to learn more about the Committee, please contact Anne Reim at the information above.

SUPPLEMENTARY INFORMATION: Pursuant to section l0(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), the SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

John Woodard,

White House Liaison.

[FR Doc. 2018–14622 Filed 7–6–18; 8:45 am]

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SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in **DATES**.

DATES: May 1–31, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312, *joyler@srbc.net.* Regular mail inquiries May be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the

consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR 806.22(e) and 806.22(f) for the time period specified above:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Repsol Oil & Gas USA, LLC, Pad ID: REPINE (07 022) T, ABR–201305009.R1, Apolacon Township, Susquehanna County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: May 3, 2018.

2. Chesapeake Appalachia, LLC, Pad ID: BIM, ABR–201311006.R1, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: May 14, 2018.

3. Chief Oil & Gas, LLC, Pad ID: Kupscznk B Drilling Pad, ABR–201311007.R1, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 17, 2018.

4. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 322 Pad E, ABR–201308002.R1, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 4.5000 mgd; Approval Date: May 21, 2018.

5. Chief Oil & Gas, LLC, Pad ID: Garrison West Drilling Pad, ABR–201311010.R1, Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 2.0000 mgd; Approval Date: May 24, 2018.

6. ARD Operating, LLC, Pad ID: Larry's Creek F&G Pad G, ABR–201308007.R1, Mifflin Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

7. ARD Operating, LLC, Pad ID: Elbow F&G Pad D, ABR–201309013.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

8. ARD Operating, LLC, Pad ID: Kenmar HC Pad A, ABR–201309014.R1, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

9. ARD Operating, LLC, Pad ID: Alden Evans Pad A, ABR–201805001, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

10. ARD Operating, LLC, Pad ID: MAC Pad B, ABR–201805002, Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: May 29, 2018.

11. Cabot Oil & Gas Corporation, Pad ID: ThomasR P1, ABR–201305005.R1, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

12. Cabot Oil & Gas Corporation, Pad ID: DiazM P1, ABR–201805003, Springville Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: May 29, 2018.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: July 3, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–14671 Filed 7–6–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No: FAA–2018–0526]

Supplemental Guidance on the Airport Improvement Program (AIP) for Fiscal Years 2018–2020

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

ACTION: Notice.

SUMMARY: The FAA is announcing the process for eligible airport sponsors in two categories to notify the FAA of any supplemental discretionary funding requests. The process includes two distinct deadlines with different submission requirements. The FAA may award supplemental discretionary funding regardless of whether the airport sponsor previously identified the project through the Airports Capital Improvement Plan (ACIP) process during the preceding year.

FOR FURTHER INFORMATION CONTACT: Elliott Black, Director, Office of Airport Planning and Programming, APP–1, at (202) 267–8775.

SUPPLEMENTARY INFORMATION: The Consolidated Appropriations Act, 2018 (hereafter referred to as ''the Act'') appropriated ''an additional amount for ''Grants-In-Aid for Airports'', to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, U.S.C., $1,000,000,000, to remain available through September 30, 2020.'' [1] The Act also stipulated that:

- The Secretary shall distribute funds provided under this heading as discretionary grants to airports;
- The Secretary shall give priority consideration to projects at (a) nonprimary airports that are classified as Regional, Local, or Basic airports and not located within a Metropolitan or Micropolitan Statistical Area as defined by the Office of Management and Budget; or (b) primary airports that are classified as Small Hub or Nonhub airports; and
- The Federal share payable of the costs for which a grant is made under this heading to a nonprimary airport shall be 100 percent.

For grants at primary airports, the normal Federal share applies based on the airport category and project type.

The FAA administers the AIP in accordance with FAA Order 5100.38D, Airport Improvement Program Handbook.[2] The AIP Handbook explains what types of capital projects may be eligible and justified for AIP funding depending on the airport category, project type, and specific category or categories of AIP funding to be requested.

In addition, the FAA normally relies on the ACIP process [3] outlined in FAA Order 5100.39A, Airports Capital Improvement Plan to evaluate and prioritize AIP funding requests, particularly those involving discretionary funds. Because of the unique statutory requirements associated with the supplemental discretionary funding made available by the Act, the FAA is hereby establishing a special process for airports to notify the FAA of any associated funding requests.

The process outlined in this notice relates solely to the selection process. All other applicable rules and requirements apply, including, but not limited to, the requirements for project eligibility and justification, procurement processes, and other requirements as set forth in the FAA orders referenced above.

It is also important to note that this process relates solely to the supplemental discretionary funding provided by the Act and does not relieve any airport sponsor of its responsibilities under the existing ACIP process for any other category of AIP funding. If an airport sponsor has properly submitted its AIP funding requests for Fiscal Years (FY) 2018–2020 and does not want to be considered for supplemental funding, then the airport sponsor does not need to take any other steps in response to this notice. Conversely, the process outlined in this notice does not take the

[1] The Act authorizes the Administrator of the FAA to retain up to 0.5 percent of this amount to fund the award and oversight of these grants.

[2] Available online at: *https://www.faa.gov/airports/aip/aip_handbook/.*

[3] Available online at: *https://www.faa.gov/regulations_policies/orders_notices/index.cfm/go/document.information/documentID/12759.*

place of the normal ACIP process for regular AIP funding requests for FY 2019–2021.

The FAA anticipates issuing grants from this supplemental funding during FYs 2018, 2019, and 2020. However, the FAA cannot predict how much of the funding it will obligate in each fiscal year until the FAA receives and evaluates the requests from airport sponsors.

Any airport identified in the National Plan of Integrated Airport Systems (NPIAS) report [4] is eligible to request supplemental discretionary funding under the Act. However, as noted above, the Act requires the FAA to give ''priority consideration'' to airports meeting certain criteria. The FAA has identified the subset of NPIAS airports that meet the criteria in the Act. That list is available online at: *https://www.faa.gov/airports/aip/aip_supplemental_appropriation/.* The relevant deadlines are:

Deadline #1 (for requests for supplemental funding in FY 2018): By August 8, 2018, any airport meeting the criteria for ''priority consideration'' is invited to notify the FAA's appropriate Airports District Office (ADO) (or regional office (RO) if there is no ADO) of the airport's desire to be considered for FY 2018 supplemental discretionary funding as provided in the Act.

In submitting such notifications to the FAA, the airport sponsor must include the following information via electronic mail (email):

- Name and official three-letter identifier of the airport, its location, and NPIAS number;
- Brief description of the project (no more than 50 words);
- Brief explanation (no more than 500 words) of how the project meets the evaluation criteria set forth later in this notice;
- Target timeframe for grant award and construction start; [5] and
- Brief description (no more than 250 words) explaining how the airport sponsor is using its available AIP entitlement funds.

The FAA requires an explanation of how the airport sponsor is using its entitlement funds because of a statutory requirement. Title 49 U.S.C. 47120 stipulates that the FAA ''. . . shall discourage airport sponsors and airports from using entitlement funds for lower priority projects by giving lower priority to discretionary projects submitted by airport sponsors and airports that have used entitlement funds for projects that have a lower priority than the projects for which discretionary funds are being requested.'' Therefore, as with regular AIP discretionary funds, an airport sponsor may request supplemental funding even if they are using their entitlements on a lower-priority project, but the FAA is required to consider that fact as part of the evaluation process.

If an airport sponsor has already carried over their available entitlements in FY 2018, the FAA may still consider a supplemental funding request for FY 2018, as long as the airport sponsor provides an explanation of their previous decision. The FAA will consider the airport sponsor's explanation including the airport sponsor's future plans for those funds.

It is not necessary to submit a completed OMB Form SF 424, Application for Federal Assistance, or any other documentation prior to Deadline #1. After evaluating all requests, the FAA may encourage an airport sponsor to prepare a final grant application if the FAA believes the project may compete well. For projects not selected in FY 2018, the FAA will retain those requests for reconsideration during FY 2019 or FY 2020.

For Deadline #1, the FAA will only consider grant applications for projects for which airports have already completed all of the required planning, airspace reviews, environmental and other permitting requirements, and engineering design. In addition, the FAA will only consider grant applications for which construction bids will be received in time for the airport sponsor to be administratively prepared to accept a grant by September 1, 2018, with construction starting within 6 months thereafter or no later than March 1, 2019.[6]

The FAA will consider such requests in conjunction with the FAA's existing responsibility to fully obligate all other AIP funds by September 30, 2018, generally for projects that airport sponsors had previously requested through the ACIP process.

Deadline #2 (for requests for supplemental funding in FY 2019 or 2020): By October 31, 2018, any eligible NPIAS airport is invited to notify the FAA's appropriate ADO (or RO if there is no ADO) of the airport sponsor's desire to be considered for supplemental discretionary funding in FY 2019 or FY 2020. The FAA will update the list of airports eligible for ''priority consideration'' after publishing the next update of the NPIAS Report, which the FAA plans to publish in September 2018.

Based on the funding requests received, the FAA will consider such requests with due consideration of the FAA's existing responsibility to fully obligate all other available AIP funds by September 30 of each fiscal year, generally for projects previously requested through the ACIP process.

In submitting such notifications to the FAA, the airport sponsor must include all of the information identified under Deadline #1, plus the following additional information:

- Brief explanation (no more than 250 words) explaining the status of the proposed project, including whether the project has already been approved on the airport's current Airport Layout Plan (ALP), the status of related environmental reviews, other required permitting, and the level of engineering design completed; and
- For airports that do not meet the criteria for ''priority consideration,'' a brief explanation (no more than 500 words) outlining why the airport sponsor believes the FAA should consider the project for this supplemental funding.

Airports must submit the preceding information to the appropriate ADO or RO via electronic mail in order to facilitate timely review and consideration by the FAA. The FAA will consider grant applications for projects where the FAA has a high degree of confidence that the airport sponsor will be administratively prepared to accept a grant by September 1, 2020, or earlier with construction starting within 6 months thereafter [7] or no later than March 1, 2021.

For Airports in Block Grant States or Channeling Act States

For nonprimary airports located in block grant states, the airport sponsor must also provide a copy of its supplemental discretionary funding request to the designated state aeronautical agency. The FAA will consult with state aeronautical agencies, as appropriate, before making decisions regarding requests from nonprimary airports in each state.

The FAA encourages block-grant states (and states with channeling acts regarding Federal funds) to work with

[4] Available online at: *https://www.faa.gov/airports/planning_capacity/npias/reports/media/NPIAS-Report-2017-2021-Appendix-A.xlsx.*

[5] This typically refers to the date of ''Notice to Proceed.'' The FAA recognizes that in certain types of climate, actual construction start may be delayed due to meteorological conditions. The FAA also recognizes that some airport sponsors may request supplemental funding for equipment acquisition rather than actual construction. In such cases, the airport sponsor must provide the associated timeline and key milestones.

[6] Please see footnote 4, which is applicable in this context as well.

[7] See footnote 4, which is applicable in this context as well.

eligible airport sponsors to coordinate potential funding requests. The FAA will consider recommendations from state aeronautical agencies as part of the overall evaluation process.

Evaluation Criteria

The FAA will consider supplemental discretionary funding requests based on (but not limited to) the following criteria:

- Eligibility and justification of the project pursuant to existing AIP eligibility rules;
- Ability of the project to enhance the long-term economic sustainability of the airport; [8]
- The airport sponsor's previous track record in project delivery and grant management (including any issues related to the airport's existing Federal grant obligations);
- Likelihood of the proposed project to be ready to proceed into construction during the same fiscal year as grant award or within 6 months of grant award; [9]
- Ability of the project to compete for regular AIP discretionary funding—*i.e.,* FAA may give higher consideration to projects that might not otherwise get funded or that might not otherwise get funded as soon; and
- For requests from airports that do not meet the statutory criteria for ''priority consideration,'' the strength of the justification for why the FAA should consider the project.

Please note that under both deadlines:

- The FAA will not make its conclusions public or announce any planned grants from the supplemental funding until after completing the required congressional notification for each proposed grant award.
- After evaluating all requests, the FAA may encourage an airport sponsor to prepare a final grant application if the FAA believes the project may compete well.
- Complete and timely grant applications (OMB Form SF 424, including all required information) will still be required as part of the final grant application package in accordance with the applicable statutory and regulatory requirements.

[8] The FAA encourages airport sponsors to provide some level of detail regarding how the project will address unmet aeronautical demand, increase aeronautical revenues, reduce future capital or operating costs, or otherwise strengthen the airport's financial stability (beyond the operational benefits of the immediate proposed capital development). Airport sponsors should also demonstrate how the proposed project is consistent with the airport's existing master plan.

[9] See footnote 4, which is applicable in this context as well.

Issued in Washington, DC, on July 3, 2018.

Elliott Black,

Director, Office of Airport Planning and Programming, Federal Aviation Administration.

[FR Doc. 2018–14675 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2018–0180]

Hours of Service of Drivers: Application for Exemption; Extension of Comment Period; Small Business in Transportation Coalition

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: On June 5, 2018, FMCSA published a notice of exemption application for the Small Business in Transportation Coalition (SBTC), requesting an exemption from the electronic logging device (ELD) requirements for all motor carriers with fewer than 50 employees. (83 FR 26140.) Due to reported technical difficulty with the on-line filing of comments for several days, the comment period is being extended to July 16, 2018, to ensure that all commenters have an opportunity to submit their on-line comments.

DATES: Comments must be received on or before July 16, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2018–0180 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2018–0180), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2018–0180'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you

submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

Issued on: July 2, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–14631 Filed 7–6–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2018–0015]

Mutual Savings Association Advisory Committee

AGENCY: Office of the Comptroller of the Currency (OCC), Department of the Treasury.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The OCC announces a meeting of the Mutual Savings Association Advisory Committee (MSAAC).

DATES: A public meeting of the MSAAC will be held on Tuesday, July 24, 2018, beginning at 1:00 p.m. Eastern Daylight Time (EDT).

ADDRESSES: The OCC will hold the July 24, 2018 meeting of the MSAAC at the OCC's offices at 400 7th Street SW, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Michael R. Brickman, Deputy Comptroller for Thrift Supervision, (202) 649–5420, Office of the Comptroller of the Currency, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: By this notice, the OCC is announcing that the MSAAC will convene a meeting on Tuesday, July 24, 2018, at the OCC's offices at 400 7th Street SW, Washington, DC 20219. The meeting is open to the public and will begin at 1:00 p.m. EDT. The purpose of the meeting is for the MSAAC to advise the OCC on regulatory or other changes the OCC may make to ensure the health and viability of mutual savings associations. The agenda includes a discussion of current topics of interest to the industry.

Members of the public may submit written statements to the MSAAC. The OCC must receive written statements no later than 5:00 p.m. EDT on Tuesday, July 17, 2018. Members of the public may submit written statements to *MSAAC@occ.treas.gov* or by mailing them to Michael R. Brickman, Designated Federal Officer, Mutual Savings Association Advisory Committee, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

Members of the public who plan to attend the meeting should contact the OCC by 5:00 p.m. EDT on Tuesday, July 17, 2018, to inform the OCC of their desire to attend the meeting and to provide information that will be required to facilitate entry into the meeting. Members of the public may contact the OCC via email at *MSAAC@OCC.treas.gov* or by telephone at (202) 649–5420. Members of the public who are hearing impaired should call (202) 649–5597 (TTY) by 5:00 p.m. EDT on Tuesday, July 17, 2018, to arrange auxiliary aids such as sign language interpretation for this meeting.

Attendees should provide their full name, email address, and organization, if any. For security reasons, attendees will be subject to security screening procedures and must present a valid government-issued identification to enter the building.

Dated: July 2, 2018.

Joseph M. Otting,

Comptroller of the Currency.

[FR Doc. 2018–14623 Filed 7–6–18; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open meeting of the Taxpayer Advocacy Panel Special Projects Committee

AGENCY: Internal Revenue Service (IRS) Treasury.

ACTION: Notice of Meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Special Projects 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 Wednesday, August 15, 2018.

FOR FURTHER INFORMATION CONTACT: Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274.

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 a meeting of the Taxpayer Advocacy Panel Special Projects Committee will be held Wednesday, August 15, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Matthew O'Sullivan. For more information please contact Matthew O'Sullivan at 1–888–912–1227 or (510) 907–5274, or write TAP Office, 1301 Clay Street, Oakland, CA 94612–5217 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various special topics with IRS processes.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14646 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will conduct an open meeting and will solicit public comments, ideas, and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Tuesday, August 21, 2018.

FOR FURTHER INFORMATION CONTACT: Gilbert Martinez at 1–888–912–1227 or (737) 800–4060.

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 a meeting of the Taxpayer Advocacy Panel Taxpayer Assistance Center Improvements Project Committee will be held Tuesday, August 21, 2018, at 4:00 p.m. Eastern Time. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent

to participate must be made with Gilbert Martinez. For more information please contact Gilbert Martinez at 1–888–912–1227 or 214–413–6523, or write TAP Office, 3651 S IH–35, STOP 1005 AUSC, Austin, TX 78741, or post comments to the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to the Taxpayer Assistance Centers and public input is welcomed.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14643 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Taxpayer Communications Project 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 Tuesday, August 21, 2018.

FOR FURTHER INFORMATION CONTACT: Antoinette Ross at 1–888–912–1227 or (202) 317–4110.

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 Taxpayer Communications Project Committee will be held Tuesday, August 21, 2018, at 2:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Antoinette Ross. For more information please contact: Antoinette Ross at 1–888–912–1227 or (202) 317–4110, or write TAP Office, 1111 Constitution Avenue NW, Room 1509—National Office, Washington, DC 20224, or contact us at the website: *http://www.improveirs.org.*

The committee will be discussing various issues related to Taxpayer Communications and public input is welcome.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14639 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project 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 Wednesday, August 8, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

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 Tax Forms and Publications Project Committee will be held Wednesday, August 8, 2018, at 2:00 p.m., Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14644 Filed 7–6–18; 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 Thursday, August 30, 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 Thursday, August 30, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. 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: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14638 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project 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 Thursday, August 9, 2018.

FOR FURTHER INFORMATION CONTACT: Otis Simpson at 1–888–912–1227 or 202–317–3332.

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 a meeting of the Taxpayer Advocacy Panel Notices and Correspondence Project Committee will be held Thursday, August 9, 2018, at 1:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues. Otis Simpson. For more information please contact Otis Simpson at 1–888–912–1227 or 202–317–3332, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The agenda will include a discussion on various letters, and other issues related to written communications from the IRS.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14645 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Toll-Free Phone Line Project 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 Tuesday, August 14, 2018.

FOR FURTHER INFORMATION CONTACT: Rosalind Matherne at 1–888–912–1227 or 202–317–4115.

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 Toll-Free Phone Line Project Committee will be held Tuesday, August 14, 2018, at 3:00 p.m. Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Rosalind Matherne. For more information please contact Rosalind Matherne at 1–888–912–1227 or 202–317–4115, or write TAP Office, 1111 Constitution Ave. NW, Room 1509, Washington, DC 20224 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

The committee will be discussing toll-free issues and public input is welcomed.

Dated: July 2, 2018.

Terrie English,

Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–14640 Filed 7–6–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Interest Rate Paid on Cash Deposited To Secure U.S. Immigration and Customs Enforcement Immigration Bonds

AGENCY: Departmental Offices, Treasury.

ACTION: Notice.

SUMMARY: For the period beginning July 1, 2018, and ending on September 30, 2018, the U.S. Immigration and Customs Enforcement Immigration Bond interest rate is 1.88 per centum per annum.

DATES: Rates are applicable July 1, 2018 to September 30, 2018.

ADDRESSES: Comments or inquiries may be mailed to Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328. You can download this notice at the following internet addresses: *http://www.treasury.gov* or *http://www.federalregister.gov*.

FOR FURTHER INFORMATION CONTACT: Adam Charlton, Manager, Federal Borrowings Branch, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5248; Sam Doak, Reporting Team Leader, Federal Borrowings Branch, Division of Accounting Operations, Office of Public Debt Accounting, Bureau of the Fiscal Service, Parkersburg, West Virginia, 26106–1328, (304) 480–5117.

SUPPLEMENTARY INFORMATION: Federal law requires that interest payments on cash deposited to secure immigration bonds shall be ''at a rate determined by the Secretary of the Treasury, except that in no case shall the interest rate exceed 3 per centum per annum.'' 8 U.S.C. 1363(a). Related Federal regulations state that ''Interest on cash deposited to secure immigration bonds will be at the rate as determined by the Secretary of the Treasury, but in no case will exceed 3 per centum per annum or be less than zero.'' 8 CFR 293.2. Treasury has determined that interest on the bonds will vary quarterly and will accrue during each calendar quarter at a rate equal to the lesser of the average of the bond equivalent rates on 91-day Treasury bills auctioned during the preceding calendar quarter, or 3 per centum per annum, but in no case less than zero. [FR Doc. 2015–18545] In addition to this Notice, Treasury posts the current quarterly rate in Table 2b—Interest Rates for Specific Legislation on the TreasuryDirect website.

Gary Grippo,

Deputy Assistant Secretary for Public Finance.

[FR Doc. 2018–14624 Filed 7–6–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0679]

Agency Information Collection Activity: Certification of Change or Correction of Name Government Life Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administrations, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of

information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed from veterans to change or make a correction to the insureds name. The information on the form is required by law.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before September 7, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administrations (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0679'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden 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 through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521; U.S.C. 1904 and 1942.

Title: Certification of Change or Correction of Name Government Life Insurance—VA Form 29–586.

OMB Control Number: 2900–0679.

Type of Review: Extension of a previously approved collection.

Abstract: The form is used by the insured as a certification of change or correction of name. The information on the form is required by law, U.S.C. 1904 and 1942.

Affected Public: Individuals and households.

Estimated Annual Burden: 20 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 120.

By direction of the Secretary.

Cynthia D. Harvey-Pryor,

Department Clearance Officer, Office of Privacy, Quality and Risk, Department of Veterans Affairs.

[FR Doc. 2018–14587 Filed 7–6–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Disability Compensation will meet July 24–25, 2018. The Committee will meet at 1722 Eye Street NW, Washington, DC 20006. The meetings will be held on the Third Floor in the Training Room and will begin at 8:30 a.m. and end at 4:30 p.m. EST. The meetings are open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and on other VA benefits programs. Time will be allocated for receiving public comments. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit one to two page summaries of their comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Stacy Boyd, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Policy Staff (211A), 810 Vermont Avenue NW, Washington, DC 20420 or email at *Stacy.Boyd@va.gov.* Since the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the screening process. Due to an increase in security protocols, you should allow an additional 30 minutes before the meeting begins. Routine escort will be provided until 8:30 a.m. each day. Any member of the public wishing to attend the meeting or seeking additional information should email Stacy Boyd.

Dated: July 3, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–14659 Filed 7–6–18; 8:45 am]

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, JULY

CFR PARTS AFFECTED DURING JULY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List June 27, 2018

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