



# FEDERAL REGISTER

---

Vol. 83

Wednesday,

No. 133

July 11, 2018

Pages 32061–32190

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see [www.ofr.gov](http://www.ofr.gov).

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at [www.fdsys.gov](http://www.fdsys.gov), a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, [gpocusthelp.com](mailto:gpocusthelp.com).

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see [bookstore.gpo.gov](http://bookstore.gpo.gov).

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 83 FR 12345.

**Postmaster:** Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 202-512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 202-512-1800  
Assistance with public single copies 1-866-512-1800  
(Toll-Free)

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

Email [FRSubscriptions@nara.gov](mailto:FRSubscriptions@nara.gov)  
Phone 202-741-6000



# Contents

## Federal Register

Vol. 83, No. 133

Wednesday, July 11, 2018

### African Development Foundation

#### NOTICES

Meetings:

Board of Directors, 32072

### Army Department

#### NOTICES

Meetings:

Army Education Advisory Committee, 32100–32101

U.S. Army Science Board, 32101–32102

### Centers for Disease Control and Prevention

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32124–32128

Charter Renewals:

Advisory Committee on Breast Cancer in Young Women, 32124

Meetings:

Advisory Council for the Elimination of Tuberculosis, 32124

Board of Scientific Counselors, National Center for Injury Prevention and Control, 32126

### Children and Families Administration

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32128–32130

### Civil Rights Commission

#### NOTICES

Meetings:

West Virginia Advisory Committee, 32072

### Commerce Department

See Foreign-Trade Zones Board

See International Trade Administration

See National Oceanic and Atmospheric Administration

### Copyright Office, Library of Congress

#### PROPOSED RULES

Streamlining the Administration of Digital Audio Recording Technology Royalty Accounts and Electronic Royalty Payment Processes, 32068–32069

### Council on Environmental Quality

#### PROPOSED RULES

Implementation of the Procedural Provisions of the National Environmental Policy Act, 32071

### Defense Department

See Army Department

See Engineers Corps

### Employment and Training Administration

#### NOTICES

Program Year 2018 Workforce Innovation and Opportunity Act Section 167, National Farmworker Jobs Program Formula Modifications and Allotments, 32151–32155

### Energy Department

See Federal Energy Regulatory Commission

### Engineers Corps

#### NOTICES

Meetings:

Inland Waterways Users Board, 32102–32103

### Environmental Protection Agency

#### RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

California; Chico Redesignation Request and Maintenance Plan for the 2006 24-hour PM<sub>2.5</sub> Standard, 32064–32067

West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; Correction, 32062–32064

#### NOTICES

Meetings:

Human Studies Review Board, 32121

### Federal Aviation Administration

#### RULES

Establishment of Restricted Areas:

R–5602A and R–5602B; Fort Sill, OK, 32061–32062

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Safety Assurance System External Portal, 32184–32185

Request To Release Airport Property:

Charleston International Airport, Charleston, SC, 32184

### Federal Energy Regulatory Commission

#### NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32111–32113, 32119–32120

Applications:

City of Pasadena, CA, 32105–32106

Columbia Gas Transmission, LLC, 32114

Public Service Co. of Colorado, 32110–32111

Blanket Authorization Requests:

Transwestern Pipeline Co., LLC, 32107–32108

Combined Filings, 32103–32105, 32107–32110, 32117–32118

Environmental Assessments; Availability, etc.:

Birch Power Co., 32104–32105

Natural Gas Pipeline Company of America, LLC,

Proposed Sabine Pass Compression Project, 32114–32116

Environmental Site Reviews:

Yuba County Water Agency; Project No. 2246–065—California, 32119

Filings:

Lansing Board of Water and Light, 32109

Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorizations:

Bowfin KeyCon Energy, LLC, 32113

Bowfin KeyCon Power, LLC, 32118–32119

Tenaska Pennsylvania Partners, LLC, 32117

Tracel Energy Marketing Limited Partnership 1, 32117

## Institution of Section 206 Proceedings:

Monongahela Power Co., Potomac Edison Co., West Penn Power Co., et al., 32119

## Meetings:

Kinetica Deepwater Express, LLC, Kinetica Energy Express, LLC; Technical Conference, 32113

## Petition for Declaratory Order:

Shell Pipeline Company LP, 32120–32121

## Refund Effective Dates:

ISO New England, Inc., 32106–32107

PJM Interconnection, LLC, 32113

Staff Attendance, 32116–32117

**Federal Reserve System****NOTICES**

## Changes in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding Company, 32121–32122

Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 32122

**Federal Transit Administration****NOTICES**

## FY 2018 Competitive Funding Opportunity:

Public Transportation on Indian Reservations Program; Tribal Transit Program, 32185–32189

**Fish and Wildlife Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Pre-Acquisition Tracking System, 32138–32140

**Food and Drug Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Guidance for Industry on Formal Meetings with Sponsors and Applicants for Prescription Drug User Fee Act Products, 32130–32132

Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping, 32132–32134

## Guidance:

Smallpox (Variola Virus) Infection: Developing Drugs for Treatment or Prevention, 32136–32137

## Meetings:

Drug Safety and Risk Management Advisory Committee and the Anesthetic and Analgesic Drug Products Advisory Committee, 32134–32136

**Foreign-Trade Zones Board****NOTICES**

## Reorganizations under Alternative Site Frameworks:

Foreign-Trade Zone 157, Casper, WY, 32073

Foreign-Trade Zone 31, Granite City, IL, 32073

## Subzone Applications:

Albany Safran Composites LLC, Foreign-Trade Zone 81, Portsmouth, NH, 32072–32073

**Government Ethics Office****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Executive Branch Personnel Public Financial Disclosure Report, 32122–32123

Modified Executive Branch Confidential Financial Disclosure Report, 32123–32124

**Health and Human Services Department**

*See* Centers for Disease Control and Prevention

*See* Children and Families Administration

*See* Food and Drug Administration

*See* National Institutes of Health

**Housing and Urban Development Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Production of Material or Provision of Testimony by HUD in Response to Demands in Legal Proceedings Among Private Litigants, 32137–32138

**Indian Affairs Bureau****NOTICES**

## Meetings:

Advisory Board for Exceptional Children, 32140

**Interior Department**

*See* Fish and Wildlife Service

*See* Indian Affairs Bureau

*See* Land Management Bureau

*See* Office of Natural Resources Revenue

**International Trade Administration****NOTICES**

Antidumping or Countervailing Duty Investigations, Orders, or Reviews:

Cast Iron Soil Pipe Fittings from the People's Republic of China, 32075–32078

Certain Folding Gift Boxes from the People's Republic of China, 32073–32074

Certain New Pneumatic Off-the-Road Tires from the People's Republic of China, 32078–32081

Certain Tin Mill Products from Japan, 32074–32075

Polyethylene Terephthalate Film, Sheet and Strip from the United Arab Emirates, 32079–32080

**International Trade Commission****NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:

Polytetrafluoroethylene Resin from India, 32150

**Justice Department****NOTICES**

Proposed Consent Decrees:

Clean Air Act, 32150–32151

**Labor Department**

*See* Employment and Training Administration

**Land Management Bureau****NOTICES**

Plats of Survey:

Wyoming, 32141

**Library of Congress**

*See* Copyright Office, Library of Congress

**National Institutes of Health****NOTICES**

Meetings:

National Cancer Institute; Cancellation, 32137

**National Oceanic and Atmospheric Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Application for Commercial Fisheries Authorization, 32081–32082

Environmental Impact Statements; Availability, etc.:  
Coral Reef Conservation Program; Scoping Period Announcement, 32099–32100

Marine Mammal Stock Assessment Reports, 32093–32099  
Takes of Marine Mammals Incidental to Specified Activities:  
Annapolis Passenger Ferry Dock Project, Washington, 32082–32093

**National Science Foundation****NOTICES**

Interagency Arctic Research Policy Committees Draft Principles for Conducting Research in the Arctic, 32155–32156

**Nuclear Regulatory Commission****NOTICES**

Exemptions and Combined License Amendments:  
Southern Nuclear Operating Co., Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Changes to Building Gap between Nuclear Island and Adjacent Buildings, 32156–32157

**Office of Natural Resources Revenue****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Indian Oil and Gas Valuation, 32141–32150

**Overseas Private Investment Corporation****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 32157–32158

**Postal Regulatory Commission****PROPOSED RULES**

Periodic Reporting, 32069–32071

**Postal Service****NOTICES**

Product Changes:  
Priority Mail Express and Priority Mail Negotiated Service Agreement, 32158

**Securities and Exchange Commission****NOTICES**

Applications:  
Blackstone/GSO Floating Rate Enhanced Income Fund, et al., 32174–32179

DMS ETF Trust I, et al., 32167–32168  
Meetings; Sunshine Act, 32161–32162  
Self-Regulatory Organizations; Proposed Rule Changes:  
Cboe BZX Exchange, Inc., 32158–32167  
Cboe EDGX Exchange, Inc., 32168–32172  
New York Stock Exchange, LLC, 32172–32174  
The Nasdaq Stock Market, LLC, 32158

**State Department****NOTICES**

Designations as Foreign Terrorist Organizations:  
al-Ashtar Brigades (AAB), aka Saraya al-Ashtar, 32179  
Designations as Specially Designated Global Terrorists:  
al-Ashtar Brigades (AAB), aka Saraya al-Ashtar, 32179–32180

**Surface Transportation Board****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
Rail Carrier Financial Reports, 32180–32181

**Trade Representative, Office of United States****NOTICES**

Procedures to Consider Requests for Exclusion of Particular Products from the Determination of Action Pursuant to Section 301:  
China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, 32181–32184

**Transportation Department**

*See* Federal Aviation Administration  
*See* Federal Transit Administration

**United States Institute of Peace****NOTICES**

Meetings, 32190

**Reader Aids**

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

**CFR PARTS AFFECTED IN THIS ISSUE**

---

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

**14 CFR**

73.....32061

**37 CFR**

**Proposed Rules:**

201.....32068

**39 CFR**

**Proposed Rules:**

3050.....32069

**40 CFR**

52 (2 documents) .....32062,

32064

81.....32064

**Proposed Rules:**

1500.....32071

1501.....32071

1502.....32071

1503.....32071

1504.....32071

1505.....32071

1506.....32071

1507.....32071

1508.....32071

# Rules and Regulations

Federal Register

Vol. 83, No. 133

Wednesday, July 11, 2018

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

The Code of Federal Regulations is sold by the Superintendent of Documents.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 73

[Docket No. FAA-2017-0144; Airspace Docket No. 17-ASW-2]

RIN 2120-AA66

#### Establishment of Restricted Areas R-5602A and R-5602B; Fort Sill, OK

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes two restricted areas, R-5602A and R-5602B, over a portion of the Fort Sill, OK, R-5601 restricted area complex in support of emerging kinetic and directed energy weapons training requirements for the United States (U.S.) Army Fires Center of Excellence at Fort Sill. This additional airspace allows for the segregation of hazardous activities from non-participating air traffic.

**DATES:** *Effective date:* 0901 UTC, September 13, 2018.

**FOR FURTHER INFORMATION CONTACT:** Colby Abbott, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the

safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish the restricted area airspace at Fort Sill, OK, to enhance aviation safety and accommodate essential U.S. Army hazardous high trajectory surface-to-surface kinetic weapons employment and above-the-horizon directed energy laser operations conducting counter unmanned aircraft systems (UAS) activities.

##### History

The FAA published a notice of proposed rulemaking for Docket No. FAA-2017-0144 in the **Federal Register** (82 FR 30805; July 3, 2017), to establish two restricted areas overlying a portion of the Fort Sill, OK, R-5601 restricted area complex, and extending slightly eastward, to support an emerging high trajectory kinetic and directed energy laser weapons training mission. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. One comment was received.

##### Discussion of Comment

While supportive of the overall concept, the commenter suggested combining the two proposed restricted areas with the R-5601 restricted areas they overlie into a single restricted area. The commenter felt this would allow all pilots, participants and non-participants, to better identify the restricted areas easier. The FAA agrees that having only one area would make it easier for both participating and non-participating pilots to identify the restricted area airspace overhead Fort Sill, OK, on charts; however, that would restrict navigable airspace from non-participants unnecessarily. It is the FAA's policy to sub-divide Special Use Airspace areas, when feasible, if activation of the entire area is not required by the user to prevent unnecessarily restricting navigable airspace. In this case, subdividing the restricted area airspace into two subareas as proposed, R-5602A and R-5602B, is appropriate due to the types of hazardous activities to be conducted and the airspace requirements for those activities.

The planned surface-to-air directed energy laser fires will require both the R-5602A and R-5602B areas to be activated to fully contain directed energy beams as they transit between

40,000 feet mean sea level (MSL) and 60,000 feet MSL. The altitudes are defined relative to MSL to highlight that the proposed areas would be used for other than aircraft operations. However, the planned surface-to-surface artillery fires will only require the R-5602A area, which overlies where the artillery firing points and impact areas are located within the existing Fort Sill R-5601 restricted area complex, to be activated. The proposed subdivided configuration allows R-5602B to remain available for non-participating air traffic access when directed energy laser activities are not being conducted.

As noted in the NPRM, restricted areas R-5602A and R-5602B will enable the U.S. Army to leverage the advanced technology weapons capabilities for training soldiers in emerging field artillery and air defense artillery missions.

##### The Rule

The FAA is amending 14 CFR part 73 by establishing restricted areas R-5602A and R-5602B overlying a portion of the R-5601 restricted area complex located at Fort Sill, OK, and extending approximately 8 nautical miles (NM) east of the restricted area complex. The new restricted areas support the U.S. Army fielding advanced technology high trajectory kinetic and directed energy laser weapons and training for emerging field artillery and air defense artillery missions. The restricted areas are described below.

R-5602A is established to contain high trajectory surface-to-surface kinetic weapons employment using existing firing points and impact areas, with occasional directed energy laser fires passing through a portion of R-5602A before entering the R-5602B restricted area. The lateral boundaries for R-5602A overlie the R-5601A, R-5601B, and a portion of R-5601F restricted areas, extending upward from 40,000 feet MSL to 60,000 feet MSL. The altitudes are defined relative to MSL to highlight that the restricted area is to be used for other than aircraft operations.

R-5602B is established solely to contain directed energy laser fires intended to destroy adversary UAS. The target UAS will operate in the lower R-5601 restricted areas since R-5602B is not approved for aviation activity. The boundaries for R-5602B extend a shelf of restricted area airspace approximately 8 NM eastward beyond the R-5601A

and R-5601F eastern boundaries, extending upward from 40,000 feet MSL to 60,000 feet MSL. Again, the altitudes are defined relative to MSL to highlight that the restricted area is to be used for other than aircraft operations.

The time of designation for R-5602A and R-5602B is "By NOTAM 0830-1630, Monday-Friday; other times by NOTAM." The expected usage for R-5602A is approximately 8 hours per day most weekdays, consistent with in-garrison training requirements. The expected usage for R-5602B is approximately 25 days per year.

During times when the restricted areas are not needed by the using agency, the airspace will be returned to the FAA controlling agency, Fort Worth Air Route Traffic Control Center (ARTCC), and will be available for access by other airspace users.

### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that 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 establishing two restricted areas, R-5602A and R-5602B, which partially overlay portions of the R-5601 restricted area complex at Fort Sill, OK, qualifies for FAA adoption in accordance with FAA Order 1050.1F, paragraphs 8-2 and 9-2, *Adoption of Other Agencies' National Environmental Policy Act Documents, and Written Re-evaluations*, and 7400.2L, paragraph 32-2-3. The purpose of creating and utilizing the restricted areas is to safely segregate private and commercial aircraft from above-the-horizon hazardous laser activities while supporting the U.S. Army emerging high trajectory kinetic and directed energy laser weapons training mission. The FAA, after conducting an independent review and

evaluation of the United States Army's April 2018 Final Supplemental Environmental Assessment for the Permanent Creation and Utilization of Restricted Areas R-5602A and R-5602B at Fort Sill, Oklahoma, has determined that the Army's Final Supplemental EA and its supporting documentation adequately assesses and discloses the environmental impacts of the proposed action. Based on the evaluation for potential environmental impact in the above-mentioned Supplemental EA, the FAA, as the Cooperating Agency, concluded that adoption of the EA for the Permanent Creation and Utilization of Restricted Area R-5602A/B is authorized in accordance with 40 CFR 1506.3, *Adoption*. Accordingly, FAA adopts the Army's Supplemental EA and is issuing a Finding of No Significant Impact and Record of Decision (FONSI/ROD) for the project as a Cooperating Agency. The FONSI/ROD documents the FAA's determination that the project, as proposed, would not result in significant impacts to the human environment and that an Environmental Impact Statement (EIS) is therefore not necessary. A copy of the Supplemental EA and FONSI/ROD is available upon request by contacting Gregory L. Hines, Operations Support Group, Central Service Center, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, Texas 76177, telephone: (817) 222-5866.

### List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

### PART 73—SPECIAL USE AIRSPACE

- 1. The authority citation for part 73 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.

#### § 73.56 [Amended]

- 2. Section 73.56 is amended as follows:

\* \* \* \* \*

#### R-5602A Fort Sill, OK [New]

**Boundaries.** Beginning at lat. 34°46'45" N, long. 98°17'01" W; to lat. 34°38'15" N, long. 98°17'01" W; to lat. 34°38'15" N, long. 98°37'57" W; to lat. 34°40'54" N, long. 98°37'56" W; to lat. 34°42'07" N, long. 98°37'20" W; to lat. 34°43'21" N, long. 98°36'02" W; to lat. 34°43'30" N, long. 98°35'40" W; to lat. 34°45'03" N, long. 98°29'46" W; to lat. 34°46'15" N, long.

98°25'01" W; to lat. 34°47'00" N, long. 98°17'46" W; to the point of beginning.

**Designated altitudes.** 40,000 feet MSL to 60,000 feet MSL.

**Time of designation.** By NOTAM 0830-1630, Monday-Friday; other times by NOTAM.

**Controlling agency.** FAA, Fort Worth ARTCC.

**Using agency.** U.S. Army, Commanding General, U.S. Army Fires Center of Excellence (USAFCE) and Fort Sill, Fort Sill, OK.

#### R-5602B Fort Sill, OK [New]

**Boundaries.** Beginning at lat. 34°49'30" N, long. 98°08'43" W; to lat. 34°36'36" N, long. 98°08'43" W; to lat. 34°38'15" N, long. 98°17'01" W; to lat. 34°46'06" N, long. 98°17'01" W; to the point of beginning.

**Designated altitudes.** 40,000 feet MSL to 60,000 feet MSL.

**Time of designation.** By NOTAM 0830-1630, Monday-Friday; other times by NOTAM.

**Controlling agency.** FAA, Fort Worth ARTCC.

**Using agency.** U.S. Army, Commanding General, U.S. Army Fires Center of Excellence (USAFCE) and Fort Sill, Fort Sill, OK.

Issued in Washington, DC, on July 2, 2018.

**Rodger A. Dean Jr.,**

*Manager, Airspace Policy Group.*

[FR Doc. 2018-14783 Filed 7-10-18; 8:45 am]

**BILLING CODE 4910-13-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2011-0511; FRL-9980-36—Region 3]

### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Revised Motor Vehicle Emission Budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-Hour Ozone Maintenance Areas; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This document corrects an error in the language of a final rule pertaining to Environmental Protection Agency (EPA)'s approval of the revised motor vehicle emissions budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-hour ozone maintenance areas. The previous rulemaking amended the maintenance plans' 2009 and 2018 motor vehicle emissions budgets (MVEBs) submitted by the State of West Virginia.

**DATES:** This final correcting amendment is effective on July 11, 2018.



**FOR FURTHER INFORMATION CONTACT:**

Gregory Becoat, (215) 814-2046 or by email at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:** On September 15, 2011 (76 FR 56795), EPA published a direct final rulemaking action announcing the approval of revised mobile emissions budgets for the Charleston, Huntington, Parkersburg, Weirton, and Wheeling 8-hour ozone maintenance areas. In the **Federal Register** document at 76 FR 56795, EPA inadvertently approved incorrect emissions budgets for the Charleston and Wheeling maintenance areas. The correct budgets EPA meant to include were the budgets in West Virginia's 2011 submission, available in the docket for this rulemaking action and at [www.regulations.gov](http://www.regulations.gov).

On December 22, 2011 (76 FR 79539), EPA published a correction notice; however, the incorrect emissions budgets for the Charleston and Wheeling maintenance areas were still inadvertently included again in 40 CFR 52.2532. The intent of this rulemaking notice is to correct those emissions budgets in 40 CFR 52.2532. This action corrects the erroneous language. EPA does not expect adverse comments on this document as we are simply correcting a technical error in the MVEBs table previously approved on December 22, 2011 in 76 FR 79539. The Charleston maintenance area (Kanawha and Putnam Counties) MVEBs for 2018 volatile organic compounds (VOCs) were previously 13.5 tons per day (tpd) and are being corrected to 13.7 tpd. The Wheeling maintenance area (Marshall and Ohio Counties) MVEBs for 2018 VOCs were previously 7.7 tpd and are being corrected to 9.1 tpd.

In the rulemaking published in the **Federal Register** on December 22, 2011 in 76 FR 79539 on page 79541 paragraphs 52.2532(a) and (e) are corrected. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making this rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(3)(B).

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a significant regulatory action and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)). Because the agency has made a good cause finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of

the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of July 11, 2018.

EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to 40 CFR 52.2532 for West Virginia is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 52**

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

Dated: June 21, 2018.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

**Subpart XX—West Virginia**

- 2. In § 52.2532, paragraphs (a) and (e) are revised to read as follows:

**§ 52.2532 Motor vehicle emissions budgets.** emissions budgets (MVEBs) for the Charleston, West Virginia 8-hour ozone maintenance area submitted by the Secretary of the Department of Environmental Protection on March 14, 2011:  
 (a) EPA approves the following revised 2009 and 2018 motor vehicle

| Applicable geographic area                          | Year | Tons per day (tpd) VOC | Tons per day (tpd) NO <sub>x</sub> |
|---|------|------------------------|------------------------------------|
| Charleston Area (Kanawha and Putnam Counties) ..... | 2009 | 16.7                   | 38.9                               |
| Charleston Area (Kanawha and Putnam Counties) ..... | 2018 | 13.7                   | 17.1                               |

\* \* \* \* \*  
 (e) EPA approves the following revised 2009 and 2018 motor vehicle emissions budgets (MVEBs) for the Wheeling, West Virginia 8-hour ozone maintenance area submitted by the Secretary of the Department of Environmental Protection on March 14, 2011:

| Applicable geographic area                       | Year | Tons per day (tpd) VOC | Tons per day (tpd) NO <sub>x</sub> |
|--|------|------------------------|------------------------------------|
| Wheeling Area (Marshall and Ohio Counties) ..... | 2009 | 10.4                   | 9.1                                |
| Wheeling Area (Marshall and Ohio Counties) ..... | 2018 | 9.1                    | 3.1                                |

\* \* \* \* \*  
 [FR Doc. 2018-14743 Filed 7-10-18; 8:45 am]  
 BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[EPA-R09-OAR-2018-0181; FRL-9980-49-Region 9]

**Approval and Promulgation of Air Quality State Implementation Plans; California; Chico Redesignation Request and Maintenance Plan for the 2006 24-Hour PM<sub>2.5</sub> Standard**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to approve, as a revision of the California state implementation plan (SIP), the State’s request to redesignate the Chico nonattainment area to attainment for the 2006 24-hour fine particulate matter (PM<sub>2.5</sub>) National Ambient Air Quality Standard (NAAQS or “standard”). The EPA is also taking final action to approve the PM<sub>2.5</sub> maintenance plan and the determination that contributions from motor vehicle emissions in the Chico nonattainment area are insignificant. The EPA is approving this revision because it meets the requirements of the Clean Air Act (CAA or “the Act”) and EPA guidance for such plans.

**DATES:** This rule is effective on August 10, 2018.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R09-OAR-2018-0181. All documents in the docket are listed on

the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.  
**FOR FURTHER INFORMATION CONTACT:** Ginger Vagenas, Air Planning Office (AIR-2), Environmental Protection Agency, Region IX, (415) 972-3964, [vagenas.ginger@epa.gov](mailto:vagenas.ginger@epa.gov).

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

**Table of Contents**

- I. Background
- II. Today’s Final Actions
- III. What are the effects of today’s actions?
- IV. Statutory and Executive Order Reviews

**I. Background**

On July 18, 1997, the EPA established the first air quality standards for PM<sub>2.5</sub>.<sup>1</sup> The EPA promulgated an annual standard at a level of 15.0 micrograms per cubic meter (µg/m<sup>3</sup>) based on a 3-year average of annual mean PM<sub>2.5</sub> concentrations. In the same rulemaking, the EPA promulgated a 24-hour standard of 65 µg/m<sup>3</sup> based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006, the EPA retained the annual average

NAAQS at 15.0 µg/m<sup>3</sup> but revised the 24-hour PM<sub>2.5</sub> NAAQS to 35 µg/m<sup>3</sup>, based on the 3-year average of the 98th percentile of 24-hour concentrations.<sup>2</sup>

Effective December 14, 2009, the EPA established initial air quality designations under subpart 1 of the Act for most areas in the United States for the 2006 24-hour PM<sub>2.5</sub> NAAQS, including the Chico area.<sup>3 4</sup> Under subpart 1, within three years of the effective date of designations, states with areas designated as nonattainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS are required to submit SIP revisions that, among other elements, provide for implementation of reasonably available control measures (RACM), reasonable further progress (RFP), attainment of the standard as expeditiously as practicable but no later than five years from the nonattainment designation (in this instance, no later than December 14, 2014), as well as contingency measures.<sup>5 6</sup> Prior to the due date for

<sup>2</sup> 71 FR 61144.

<sup>3</sup> All 1997 and 2006 PM<sub>2.5</sub> NAAQS areas were designated under subpart 1 of the Act. Subpart 1 contains the general requirements for nonattainment areas for any pollutant governed by a NAAQS and is less prescriptive than the other subparts of title I, part D. See 74 FR 58688 (November 13, 2009).

<sup>4</sup> The boundaries for this area are described in 40 CFR 81.305.

<sup>5</sup> See CAA sections 172(a)(2), 172(c)(1), 172(c)(2), and 172(c)(9).

<sup>6</sup> In response to a decision issued by the D.C. Circuit (*Natural Resources Defense Council v. EPA*, 706 F.3d 428 (D.C. Cir. 2013)), the EPA subsequently identified all PM<sub>2.5</sub> nonattainment areas for the 1997 and 2006 NAAQS as “moderate” nonattainment areas under subpart 4 and established a new SIP submission date of December 31, 2014, for moderate area attainment plans and for any additional attainment-related or nonattainment new source review plans necessary for areas to comply with the requirements applicable under subpart 4. We also noted that the moderate area

<sup>1</sup> 62 FR 38652.

these submissions, the California Air Resources Board (CARB or “State”) requested that the EPA make a determination that, based on quality assured and certified data from the 2008–2010 period, the Chico PM<sub>2.5</sub> nonattainment area had attained the 2006 24-hour PM<sub>2.5</sub> NAAQS.<sup>7</sup> In addition to requesting a finding of attainment, the State requested that the EPA suspend the attainment-related planning requirements.

Effective October 10, 2013, the EPA determined that the Chico nonattainment area had attained the 2006 24-hour PM<sub>2.5</sub> standard based on the 2010–2012 monitoring period.<sup>8</sup> Based on that determination and pursuant to 40 CFR 51.1004(c), the requirements for this area to submit an attainment demonstration, together with RACM, an RFP plan, and contingency measures for failure to meet RFP and attainment deadlines were suspended for so long as the area continued to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS or until the area is redesignated to attainment.<sup>9</sup> The EPA subsequently issued a determination that the Chico PM<sub>2.5</sub> nonattainment area had attained the 2006 24-hour PM<sub>2.5</sub> NAAQS by the applicable attainment date of December 31, 2015, based on 2013–2015 data.<sup>10</sup> On December 18, 2017, CARB submitted the “Chico, CA/Butte County PM<sub>2.5</sub> Nonattainment Area Redesignation Request and Maintenance Plan” (“Chico PM<sub>2.5</sub> Plan” or “Plan”) and requested that the EPA redesignate the Chico PM<sub>2.5</sub> nonattainment area to attainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS.

On May 9, 2018, the EPA issued a notice of proposed rulemaking to approve California’s request to redesignate the Chico PM<sub>2.5</sub> nonattainment area to attainment for the 2006 24-hour PM<sub>2.5</sub> standard, as well as proposing to approve California’s 10-year maintenance plan for the area.<sup>11</sup> We also proposed to determine that the emission contributions from motor vehicles are insignificant. The proposed rulemaking set forth the basis for determining that California’s redesignation request meets the CAA requirements for redesignation for the 2006 24-hour PM<sub>2.5</sub> standard and

provided an extensive background on the 2006 24-hour PM<sub>2.5</sub> standard, CAA requirements for redesignation for the 2006 24-hour PM<sub>2.5</sub> standard, and their relationship to air quality in the Chico nonattainment area.

Our proposed rulemaking also described the complete, quality-assured, and certified air quality monitoring data for the Chico nonattainment area for 2014–2016 showing that this area continued to attain the 2006 24-hour PM<sub>2.5</sub> standard. Certified data for 2017 and preliminary data for 2018 from non-regulatory monitors available on CARB’s real-time website are also consistent with continued attainment of the standard.<sup>12</sup>

The EPA’s proposed action provided a 30-day public comment period. During this period, we received one anonymous comment. After reviewing the comment, we determined that it was outside the scope of our proposed action and that it fails to identify any material issue necessitating a response. The comment has been added to the docket for this action and is accessible at <https://www.regulations.gov/docket?D=EPA-R09-OAR-2018-0181>.

## II. Today’s Final Actions

Based on our review of the Chico PM<sub>2.5</sub> Plan submitted by CARB, air quality monitoring data, and other relevant materials, and for the reasons described in our proposed rule, the EPA is approving under CAA section 107(d)(3)(D) the State’s request to redesignate the Chico PM<sub>2.5</sub> nonattainment area to attainment for the 2006 24-hour PM<sub>2.5</sub> NAAQS. We are doing so based on our conclusion that the area has met the five criteria for redesignation under CAA section 107(d)(3)(E): (1) The area has attained the 24-hour PM<sub>2.5</sub> NAAQS in the 2014–2016 time period and has continued to attain the PM<sub>2.5</sub> standard since that time; (2) the relevant portions of the California SIP are fully approved; (3) the improvement in air quality is due to permanent and enforceable reductions in emissions; (4) California has met all requirements applicable to the Chico PM<sub>2.5</sub> nonattainment area with respect to section 110 and part D of the CAA; and (5) the Chico PM<sub>2.5</sub> Plan meets the requirements of section 175A of the CAA.

Under CAA section 110(k)(3), the EPA is also approving the Chico PM<sub>2.5</sub> Plan

as a revision to the California SIP. The EPA finds that the maintenance demonstration shows that the area will continue to attain the 2006 24-hour PM<sub>2.5</sub> NAAQS for at least 10 years beyond redesignation (*i.e.*, through 2030) and that the contingency provisions, which describe the actions that the Butte County Air Quality Management District (BCAQMD) will take in the event of a future monitored violation, meet all applicable requirements for maintenance plans and related contingency provisions in CAA section 175A. The EPA is also taking final action to approve the emission determination that contributions from motor vehicle emissions in the Chico nonattainment area are insignificant. The EPA is finalizing these actions because the SIP revision meets the requirements of the CAA, its implementing regulations, and EPA guidance for such plans.

## III. What are the effects of today’s actions?

The EPA’s approval of California’s redesignation request changes the legal designation of a portion of Butte County (the Chico nonattainment area) for the 2006 24-hour PM<sub>2.5</sub> NAAQS, found at 40 CFR part 81, from nonattainment to attainment. Approval of BCAQMD’s associated SIP revision also incorporates a plan for maintaining the 2006 24-hour PM<sub>2.5</sub> NAAQS in the Chico area through 2030 into the California SIP. The maintenance plan identifies contingency measures to remedy any future violations of the 2006 24-hour PM<sub>2.5</sub> NAAQS.

As a result of the EPA’s motor vehicle insignificance finding, the Butte County Association of Governments is no longer required to perform regional emissions analyses for either directly emitted PM<sub>2.5</sub> or nitrogen oxides as part of future PM<sub>2.5</sub> conformity determinations for the 2006 24-hour PM<sub>2.5</sub> NAAQS for the Chico area. The EPA’s insignificance finding should, however, be noted in the transportation conformity documentation that is prepared for this area. Areas with insignificant regional motor vehicle emissions for a pollutant or precursor are still required to make a conformity determination that satisfies other relevant conformity requirements such as financial constraint, timely implementation of transportation control measures, and project level conformity.

## IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the

attainment deadline under subpart 4 is no later than December 31, 2015. See 79 FR 31566 (June 2, 2014).

<sup>7</sup> Letter from James N. Goldstene, Executive Officer, CARB, to Jared Blumenfeld, Regional Administrator, EPA Region IX, dated June 2, 2011.

<sup>8</sup> 78 FR 55225 (September 10, 2013).

<sup>9</sup> For more information on the regulatory basis for determining attainment of the NAAQS, see the proposed determination of attainment at 77 FR 65651 (October 30, 2012).

<sup>10</sup> 82 FR 21711 (May 10, 2017).

<sup>11</sup> 83 FR 21238.

<sup>12</sup> CARB’s real-time AQMS (Air Quality and Meteorological Information System) database can be found at: <https://www.arb.ca.gov/aqms2/aqms2.php>. AQMS provides a combination of preliminary real-time data from both non-regulatory and regulatory monitors in addition to historical regulatory data.

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

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

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

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

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or

an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). We offered to consult with the Enterprise Rancheria of Maidu Indians of California, the Berry Creek Rancheria of Maidu Indians of California, the Mooretown Rancheria of Maidu Indians of California, and the Mechoopda Indian Tribe of Chico Rancheria, which have lands within the Chico PM<sub>2.5</sub> nonattainment area. The tribes did not respond to the EPA's offer to consult.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 10, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

#### List of Subjects

##### 40 CFR Part 52

Environmental protection, Air pollution control, Ammonia, Incorporation by reference, Intergovernmental relations, Nitrogen

dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

##### 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: June 26, 2018.

**Deborah Jordan,**

*Acting Regional Administrator, Region IX.*

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

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

##### Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(506) to read as follows:

##### § 52.220 Identification of plan—in part.

\* \* \* \* \*

(c) \* \* \*

(506) The following plan was submitted on December 18, 2017, by the Governor's designee.

(i) [Reserved]

(ii) *Additional materials.* (A) Butte County Air Quality Management District.

(1) "Chico, CA/Butte County PM<sub>2.5</sub> Nonattainment Area Redesignation Request and Maintenance Plan," adopted October 26, 2017.

(2) [Reserved]

#### PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

##### Subpart C—Section 107 Attainment Status Designations

■ 4. Section 81.305 is amended by revising the entry for "Chico, CA" in the table entitled "California—2006 24-Hour PM<sub>2.5</sub> NAAQS [Primary and secondary]" to read as follows:

##### § 81.305 California.

\* \* \* \* \*

CALIFORNIA—2006 24-HOUR PM<sub>2.5</sub> NAAQS  
 [Primary and secondary]

| Designated area   | Designation <sup>a</sup> |             | Classification    |      |
|---|--------------------------|-------------|-------------------|------|
|   | Date <sup>1</sup>        | Type        | Date <sup>2</sup> | Type |
| Chico, CA:<br>Butte County (part) .....   | August 10,<br>2018.      | Attainment. |                   |      |
| That portion of Butte County which lies west of the line described as follows: (Mount Diablo Base and Meridian) Beginning at the intersection of the Butte-Yuba county line and the township line common to T18N R6E and T19N R6E, west to the township line common to T18N R6E and T19N R6E, then north along the range line common to R5E and R6E, then west along the township line common to T21N and T20N, then north along the range line common to R4E and R5E, then west along the township line common to T24N and T23N to the Butte-Tehama County boundary. |                          |             |                   |      |
| *   | *                        | *           | *                 | *    |

<sup>a</sup> Includes Indian Country located in each county or area, except as otherwise specified.

<sup>1</sup> This date is 30 days after November 13, 2009, unless otherwise noted.

<sup>2</sup> This date is July 2, 2014, unless otherwise noted.

\* \* \* \* \*

[FR Doc. 2018-14445 Filed 7-10-18; 8:45 am]

BILLING CODE 6560-50-P

# Proposed Rules

Federal Register

Vol. 83, No. 133

Wednesday, July 11, 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.

## LIBRARY OF CONGRESS

### Copyright Office

#### 37 CFR Part 201

[Docket No. 2018–6]

#### Streamlining the Administration of DART Royalty Accounts and Electronic Royalty Payment Processes

**AGENCY:** U.S. Copyright Office, Library of Congress.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Copyright Office is proposing to establish a regulation regarding its procedures for closing out royalty payments accounts under section 1005, and updating its regulations governing online payment procedures for cable, satellite, and digital audio recording technology (“DART”) statements of account to no longer require that payments be made in a single lump sum. These amendments are intended to improve the efficiency of the Copyright Office’s Licensing Division operations.

**DATES:** Written comments must be received no later than 11:59 p.m. Eastern Time on August 10, 2018.

**ADDRESSES:** For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office website at <https://www.copyright.gov/rulemaking/dartfunds>. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office using the contact information below for special instructions.

**FOR FURTHER INFORMATION CONTACT:** Regan A. Smith, General Counsel and Associate Register of Copyrights, by email at [regans@copyright.gov](mailto:regans@copyright.gov), or Jalyce Mangum, Attorney-Advisor, by email at

[jmang@copyright.gov](mailto:jmang@copyright.gov). Each can be contacted by telephone by calling (202) 707–8350.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. The Audio Home Recording Act of 1992 and DART Royalty Funds

The Audio Home Recording Act of 1992 (AHRA)<sup>1</sup> amended title 17 to “provide a legal and administrative framework within which digital audio recording technology may be made available to consumers,”<sup>2</sup> including to implement a royalty payment system regarding the importation, manufacture, and distribution of digital audio recording devices or media. Digital audio recording devices are defined as “any machine or device of a type commonly distributed to individuals for use by individuals . . . that is capable of[] making a digital audio copied recording for private use.”<sup>3</sup> Congress intended “importers and manufacturers” to “bear the cost of royalty fees,” which would then be distributed to owners of the rights to musical works and sound recordings.<sup>4</sup> The AHRA also requires digital audio recording devices to incorporate copying controls to prevent piracy of digital audio recordings.<sup>5</sup> Manufacturers, importers, and distributors of devices with proper copying controls and who pay royalties are not liable for copyright infringement to the extent their products are used to make copies of sound recordings.<sup>6</sup>

Congress delegated to the Copyright Office and the Copyright Royalty Tribunal (“CRT”)—a predecessor to the system administered by the Copyright Royalty Judges (“CRJs”)—authority to administer the royalty system under chapter 10.<sup>7</sup> Under section 1003, the importer or manufacturer of a digital audio recording device or media must file a notice with the Register of Copyrights, as well as quarterly and

annual statements of account with respect to distribution, accompanied by royalty payments.<sup>8</sup> The Register receives all royalty payments and, after deducting the reasonable costs incurred for administering this license, deposits the balance with the Treasury of the United States.<sup>9</sup> These royalty payments are divided between a sound recording fund and a musical works fund, which are in turn subdivided into various subfunds, referred to collectively as the DART subfunds.<sup>10</sup> The royalty payments attributed to these subfunds are allocated to copyright owners pursuant to distribution orders issued in proceedings before the CRJs, as described in section 1007 and in various provisions of chapter 8 of title 17. The Licensing Division of the Copyright Office administers the DART subfunds and distributes them pursuant to the CRJs’ distribution orders.<sup>11</sup>

After the CRJs have issued a final distribution order with respect to a DART subfund, and the Licensing Division has distributed the royalty funds pursuant to that order, small royalty balances can still be attributed to these subfunds unless they have been formally closed out by the Copyright Office. These attributions can occur as a result of subsequent deposits made by payees, or, more often, in the course of routine review and adjustments made in the years following each appropriation, for example, when anticipated contract expenditures or other overhead expenses come in slightly under budget.

Maintaining these small amounts in separate funds creates administrative expenses for the Licensing Division, and the transaction costs associated with distributing such small amounts of money can exceed the amount of money remaining in these accounts. Under section 1005, the Copyright Office may, “in the Register’s discretion,” close out the royalty payments account for a calendar year four years after the close of that year, and attribute “any funds remaining in [the] account and any subsequent deposits that would otherwise be attributable to that

<sup>1</sup> See Public Law 102–563, 106 Stat. 4237 (1992).

<sup>2</sup> H.R. Rep. No. 102–873(I), at 9 (1992).

<sup>3</sup> 17 U.S.C. 1001(3).

<sup>4</sup> S. Rep. No. 102–294, at 39 (1992); see also 17 U.S.C. 1006(a)(1).

<sup>5</sup> 17 U.S.C. 1002(a).

<sup>6</sup> See *Alliance of Artists and Recording Cos. v. Gen. Motors Co.*, 162 F. Supp. 3d 8, 10 (D.D.C. 2016).

<sup>7</sup> See 17 U.S.C. 1003; see also S. Rep. No. 102–294, at 39 (“Administration of the royalty system is the dual responsibility of the Copyright Office and the CRT”).

<sup>8</sup> 17 U.S.C. 1003(b), (c)(1), (c)(3).

<sup>9</sup> *Id.* at 1005.

<sup>10</sup> *Id.* at 1006(b).

<sup>11</sup> See, e.g., Order Granting Claimants’ Request for Partial Distribution of 2005 Through 2008 DART Music Funds Royalties, Docket No. 2010–8 CRB DD 2005–2008 (MW), available at <https://www.crb.gov/orders/2011/04411-order-granting-claimants-partial-distribution.pdf> (last visited May 16, 2018).

calendar year as attributable to the succeeding calendar year.”<sup>12</sup> In practice, the Register has not previously established a procedure to exercise this discretion. The Copyright Office now proposes to close out funds or subfunds at any time four years after the close of the calendar year for a given fund, if that fund is subject to a final distribution order. In accordance with section 1005, the Register will treat any funds remaining in such account or subsequent deposits as attributable to the closest succeeding calendar year. The Office proposes to codify this practice in its proposed rule, and seeks comment on this proposal.

#### *B. Payment of Royalty Fees by Electronic Funds Transfer*

The Licensing Division administers various statutory licensing schemes, including those requiring the submission of statements of account by cable systems, satellite carriers, and manufacturers or importers of digital audio recording devices and media.<sup>13</sup> Pursuant to its statutory authority, the Copyright Office has set out the requirements for payment of royalty fees under each of these statutory licenses by regulation.<sup>14</sup> One such requirement for all of these statutory licenses is that “[a]ll royalty fees shall be paid by a single electronic funds transfer.”<sup>15</sup> This language became effective in 2006, as part of the final rule requiring remitters to pay royalty payments by electronic funds transfer (“EFT”).<sup>16</sup>

In practice, however, the Office has found that the requirement that remitters make royalty payments for multiple statements of account in a single, lump sum payment is unnecessarily restrictive and has hampered ongoing modernization efforts. Accordingly, the Office proposes to remove the requirement that filers submit multiple SOAs in a single EFT payment for the relevant statutory licenses, specifically, by amending 37 CFR 201.11(f)(1), 201.17(k)(1), and 201.28(h)(1) to remove the requirement that royalty fees must be paid in “a single” payment. The current regulatory requirement that funds be submitted through EFT will remain in place.

Because the Office seeks to implement this reform expeditiously for reasons of administrative efficiency, it is separating this minor proposed change from a larger ongoing rulemaking,

noticed in December 2017, that proposes to address a wider and more complex set of issues related to statement of account reporting practices, particularly the section 111 license for cable systems.<sup>17</sup> The Office has extended the public comment period for that December 2017 NPRM to October 4, 2018.<sup>18</sup> Meanwhile, while the change removing the requirement that royalty fees must be paid in “a single” payment is intended to be technical, the Office solicits public comment on this discrete issue as part of this current rulemaking.

#### **List of Subjects in 37 CFR Part 201**

Copyright, General provisions.

#### **Proposed Regulations**

For the reasons set forth in the preamble, the Copyright Office proposes amending 37 CFR part 201 as follows:

#### **PART 201—GENERAL PROVISIONS**

- 1. The authority citation for part 201 continues to read as follows:

**Authority:** 17 U.S.C. 702.

##### **§ 201.11 [Amended]**

- 2. Amend § 201.11 by removing “a single” from paragraph (f)(1).

##### **§ 201.17 [Amended]**

- 3. Amend § 201.17 by removing “a single” from paragraph (k)(1) introductory text.

##### **§ 201.28 [Amended]**

- 4. Amend § 201.28 by removing “a single” from paragraph (h)(1) introductory text.
- 5. Add § 201.31 to read as follows:

##### **§ 201.31 Procedures for closing out royalty payments accounts in accordance with the Audio Home Recording Act.**

(a) *General.* This section prescribes rules pertaining to the close out of royalty payments accounts in accordance with 17 U.S.C. 1005.

(b) In the Register’s discretion, four years after the close of any calendar year, the Register of Copyrights may close out the royalty payments account for that calendar year, including any sub-accounts, that are subject to a final distribution order under which royalty payments have been disbursed. Following closure of an account, the Register will treat any funds remaining in that account, or subsequent deposits that would otherwise be attributable to that calendar year, as attributable to the succeeding calendar year.

Dated: July 2, 2018.

**Regan A. Smith,**

*General Counsel and Associate Register of Copyrights.*

[FR Doc. 2018–14543 Filed 7–10–18; 8:45 am]

**BILLING CODE 1410–30–P**

## **POSTAL REGULATORY COMMISSION**

### **39 CFR Part 3050**

**[Docket No. RM2018–10; Order No. 4696]**

#### **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 Seven). This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* September 5, 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
- II. Proposal Seven
- III. Notice and Comment
- IV. Ordering Paragraphs

#### **I. Introduction**

On June 29, 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.<sup>1</sup> The Petition identifies the proposed analytical changes filed in this docket as Proposal Seven.

#### **II. Proposal Seven**

*Background.* The Proposal Seven objective is to “reorganize Cost Segment 3 and certain mail processing cost pools

<sup>12</sup> 17 U.S.C. 1005.

<sup>13</sup> See 17 U.S.C. 111(d)(1), 119(b)(1), 122(a)(5), 1003(c).

<sup>14</sup> 37 CFR 201.11(f)(1), 201.17(k)(1), 201.28(h)(1).

<sup>15</sup> *Id.*

<sup>16</sup> Electronic Payment of Royalties, 71 FR 45739 (Aug. 10, 2006).

<sup>17</sup> Statutory Cable, Satellite, and DART License Reporting Practices, 82 FR 56926, 56935–36 (Dec. 1, 2017).

<sup>18</sup> Statutory Cable, Satellite, and DART License Reporting Practices, 83 FR 26229 (Jun. 6, 2018).

<sup>1</sup> Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Seven), June 29, 2018 (Petition).

to reflect operational changes and to better classify clerk and mail handler work activities.” Petition at 1.

Since its inception, the current Cost Segment 3 methodology has divided clerk and mail handler costs into costs incurred at “MODS” offices, NDCs and “non-MODS” facilities. Petition, Proposal Seven at 1. Within each office group, the Cost Segment 3 model divides mail processing activities into activity-based cost pools. *Id.* The cost pools allow for distinct causal assignments of volume-variable costs to products for activities with distinct product mixes and/or distinct roles in the mail processing system. *Id.* The Postal Service states “[i]mprovements to the non-MODS cost methodology introduced activity-based mail processing cost pools which currently offer finer activity detail than the corresponding MODS cost pools.” *Id.* at 2. The Postal Service notes:

The primary operational distinction is between “Function 1” mail processing (*i.e.* mail processing at plants) and “Function 4” activities (processing, window service, and other activities at customer service facilities including post offices, stations, and branches) and that [a] significant aim of this proposal is to align the Cost Segment 3 office groups with this operational distinction, and to provide a common set of cost pools for reporting Function 4 costs based on the non-MODS cost pools.

*Id.*

The Postal Service states “[m]ail processing cost pools also require periodic revision to maintain consistency with Postal Service operations. This proposal includes several mail processing cost pool changes intended to improve the treatment of certain new equipment, as well as to prepare for the eventual withdrawal of other equipment from service.” *Id.* at 2–3.

**Proposal.** The Postal Service proposes the following actions to reorganize MODS and non-MODS office groups for the Cost Segment 3 model, and to revise certain mail processing cost pools for MODS plant and NDCs (formerly BMCs):

1. Redefine the “MODS” office group to include only MODS-reporting plants, with other offices assigned to the non-MODS group. (footnote omitted)

2. Consolidate LDC 15 LCREM operations (currently in cost pool LD15PLNT) into the D/BCS cost pool.

3. Consolidate the FSM/1000 cost pool into the AFSM100 cost pool.

4. Consolidate the 1FLATPRP cost pool (MODS operation 035) into the AFSM100 cost pool.

5. Collect operations for the Low-Cost Universal Sorter (LCUS) and Sack Sorting Machine in new LCUS–SSM cost pools for

MODS offices and NDCs, supplanting the current MODS 1SACKS\_M cost pool as well as the NDC SSM cost pool.

6. Eliminate the current plant MECPARC and NDC NMO cost pools.

7. Reorganize the APBSPRIO and APBS OTH cost pools such that the former includes all applicable parcel (TPH) operations, limiting the latter to bundle (NATPH) operations.

8. Move NDC LDC 14 manual Priority Mail distribution operations from the OTHR cost pool to the MANP cost pool. (footnote omitted)

9. Employ non-MODS methodology to assign all Function 4 costs to cost pools, including costs pools currently in the MODS office group. (footnote omitted)

10. Realign facility space categories and distribution keys in conjunction with labor cost changes.

*Id.* at 3–4.

**Rationale and impact:** The Postal Service lists separately the rationale for each revision in Proposal Seven as follows:

1. *Redefine the “MODS” office group to include only MODS-reporting plants, with other offices assigned to non-MODS group.* Redefinition will “make it easier to analyze mail processing costs at post offices, stations, and branches under a common set of cost pools. The offices that are proposed to shift to the non-MODS group, [are] nearly all of the mail processing costs which are in “Function 4” (LDC41–49) cost pools.” *Id.* at 5. This will provide a more consistent treatment of Function 4 costs. “Currently, costs for otherwise similar activities—particularly manual mail processing at customer service facilities—may be treated differently depending on whether they occur at a MODS or non-MODS finance number.” *Id.* at 6.

2. *Consolidate LDC15LCREM operations in cost pool LD15PLNT into the D/BCS cost pool.* The Low-Cost Reject Encoding Machine (LCREM) cost pool is assigned to a small cost pool and will be included with other LCREM operations already included in LDC 11, currently part of the much larger D/BCS cost pool. *Id.* at 6.

3. *Consolidate FSM/1000 into AFSM 100 cost pool.* This is to provide for the phase-out of remaining operations for UFSM 1000 equipment. Continuing decline is expected and the activity in FSM/1000 cost pools no longer has a material effect on mail processing costs. *Id.* at 6–7.

4. *Consolidate the 1FLATPRP cost pool (MODS operation 035) into the AFSM100 cost pool.* This is to harmonize treatment of 1FLATPRP (MODS operation 035) with other flat preparation operations in the Cost Segment 3.1 model. The declining scale of remaining FSM/10000 operations no longer justifies separate treatment of 1FLATPRP. *Id.* at 7.

5. *Collect operations for the low-Cost Universal Sorter (LCUS) and Sack sorting Machine in new LCUS–SSM cost pools for MODS offices and NDCs, supplanting the current MODS 1SACKS\_M cost pool as well as the NDC SSM cost pool.* Consolidation should limit the potential impact of clocking

errors within LCUS operations and also facilitate computation of operation-specific piggyback costs. *Id.* at 8.

6. *Eliminate the current plant MECPARC and NDC NMO cost pools.* “[T]here are no other valid plant operations remaining in the MECPARC cost pool after the universal sorter operations have been gathered into the new LCUS–SSM cost pool.” New automated parcel equipment would be assigned to the APBSPRIO cost pool. Therefore, “there will be no valid workhours for the NDC NMO cost pool going forward.” *Id.* at 9.

7. *Reorganize the APBSPRIO and APBS OTH cost pools.* Moving minor parcel operations with a small number of workhours from APBS OTH to APBSPRIO will be consistent with the treatment of other parcel operations and reinforce the conceptual definition of APBS as the automated bundle sorting cost pool. *Id.*

8. *Move NDC LDC 14 manual Priority Mail distribution operations from the OTHR cost pool to the MANP cost pool.* “[T]reating these operations as part of the MANP distribution cost pool will reduce the possibility that mixed-mail costs will be distributed to non-parcels and/or parcel products that receive automated processing.” *Id.* at 10.

9. *Employ non-MODS methodology to assign all Function 4 costs to cost pools, including cost pools currently in the MODS office group.* This will simplify report of Function 4 costs that are currently spread across cost pools in the two office groups defined similarly and reduce cases where costs from similar activities may be treated differently based on their office group. *Id.* at 10. “[T]he larger effective sample sizes from combining MODS Function 4 tallies with non-MODS should result in little or no adverse effect on the coefficients of variation (CVs) for the sample-based cost estimates.” *Id.* at 11.

10. *Realign facility space categories and distribution keys in conjunction with labor cost changes.* “[U]nder the proposed methodology, labor cost pool consolidations would require corresponding consolidations of associated facility space distribution keys and associated space costs (and square footage).” *Id.*

The Postal Service’s estimate of the effect on product costs is presented in Table 1 in the Excel file attached to the Petition. The Postal Service states “[t]he Cost Segment 3 impact includes the effects of the proposal on the Mail Processing, Window Service, and Administrative components[,]” as well as “revisions to distribution keys for piggybacked costs[,]” which “may variously reinforce or offset the direct impact on Cost Segment 3 labor costs.” The impact is small in most cases. *Id.* at 12.

### III. Notice and Comment

The Commission establishes Docket No. RM2018–10 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 Seven no later than September 5, 2018. Pursuant to 39



U.S.C. 505, Lawrence Fenster 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. RM2018–10 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 Seven), filed June 29, 2018.

2. Comments by interested persons in this proceeding are due no later than September 5, 2018.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Lawrence Fenster 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. 2018–14768 Filed 7–10–18; 8:45 am]

**BILLING CODE 7710–FW–P**

#### **COUNCIL ON ENVIRONMENTAL QUALITY**

**40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, and 1508**

[Docket No. CEQ–2018–0001]

RIN 0331–AA03

#### **Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act**

**AGENCY:** Council on Environmental Quality (CEQ).

**ACTION:** Advance notice of proposed rulemaking; extension of comment period.

**SUMMARY:** On June 20, 2018, the Council on Environmental Quality (CEQ) published an advance notice of proposed rulemaking (ANPRM) titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act.” The CEQ is extending the comment period on the ANPRM, which was scheduled to close on July 20, 2018, for 31 days until August 20, 2018. The CEQ is making this change in response to public requests for an extension of the comment period.

**DATES:** Comments should be submitted on or before August 20, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification number CEQ–2018–0001 through the Federal eRulemaking portal at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from <https://www.regulations.gov>. CEQ may publish

any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (*e.g.*, audio, video) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

Comments may also be submitted by mail. Send your comments to: Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503, Attn: Docket No. CEQ–2018–0001.

#### **FOR FURTHER INFORMATION CONTACT:**

Edward A. Boling, Associate Director for the National Environmental Policy Act, Council on Environmental Quality, 730 Jackson Place NW, Washington, DC 20503. Telephone: (202) 395–5750.

**SUPPLEMENTARY INFORMATION:** On June 20, 2018, CEQ published an ANPRM titled “Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act” in the **Federal Register** (83 FR 28591). The original deadline to submit comments was July 20, 2018. This action extends the comment period for 31 days to ensure the public has sufficient time to review and comment on the ANPRM. Written comments should be submitted on or before August 20, 2018.

**Mary B. Neumayr,**

*Chief of Staff, Council on Environmental Quality.*

[FR Doc. 2018–14821 Filed 7–10–18; 8:45 am]

**BILLING CODE 3225–F8–P**

# Notices

Federal Register

Vol. 83, No. 133

Wednesday, July 11, 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.

## AFRICAN DEVELOPMENT FOUNDATION

### Public Quarterly Meeting of the Board of Directors

**AGENCY:** United States African Development Foundation.

**ACTION:** Notice of meeting.

**SUMMARY:** The US African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration. This meeting will occur via telephone as a conference call.

**DATES:** The meeting date is Wednesday, July 18, 11:00 a.m. to 12:30 p.m.

**ADDRESSES:** The meeting location is USADF, 1400 I St. NW, Suite 1000, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Patrick Crooks, 202-233-8803.

**Authority:** Public Law 96-533 (22 U.S.C. 290h).

Dated: July 5, 2018.

**June B. Brown,**  
General Counsel.

[FR Doc. 2018-14745 Filed 7-10-18; 8:45 am]

**BILLING CODE 6117-01-P**

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meetings of the West Virginia Advisory Committee

**AGENCY:** 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 meetings of the West Virginia Advisory Committee to the Commission will convene at 9:00 a.m. (EDT) on Tuesday, July 19, 2018 in

Charleston, WV. The purpose of the briefings is to hear from government officials, advocates, and other stakeholders on the civil rights issues related to collateral consequences of felony convictions in West Virginia.

**DATES:** Thursday, July 19, 2018.

*Time:* 9:00 a.m. to 7:00 p.m.

**ADDRESSES:** Capitol Complex, 1900 Kanawha Blvd. East, Government Organization Committee Room, #215-East, Charleston, WV 25305.

**FOR FURTHER INFORMATION CONTACT:** Ivy Davis at [idavis@usccr.gov](mailto:idavis@usccr.gov) or 202-376-7756.

**SUPPLEMENTARY INFORMATION:** If other persons who plan to attend the briefings require other accommodations, please contact Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov) or 303-866-1040 at least ten (10) working days before the scheduled date of the briefings.

Time will be set aside at the end of meeting 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 19, 2018. Written comments may be mailed to the U.S. Commission on Civil Rights, 1331 Pennsylvania Ave. NW, Suite 1150, Washington, DC 20425, faxed to (303) 866-1050, or emailed to Evelyn Bohor at [ebohor@usccr.gov](mailto:ebohor@usccr.gov).

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=281> and clicking on the "Meeting Details" and "Documents" links. Records generated from these briefings may also be made available by calling the designated federal officer. Persons interested in the work of this advisory committee are advised to go to the Commission's website, [www.usccr.gov](http://www.usccr.gov), or to contact the Commission at the above phone number, email or street address.

### Tentative Agendas

*Tuesday, July 29, 2018; 9 a.m.*

- I. Welcome and Introductions
- II. Panel Testimony on collateral consequences of felony convictions
- III. Open Session
- IV. Adjournment

Dated: July 5, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-14791 Filed 7-10-18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S-97-2018]

### Foreign-Trade Zone 81—Portsmouth, New Hampshire; Application for Subzone, Albany Safran Composites LLC, Rochester, New Hampshire

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Pease Development Authority, Division of Ports and Harbors, grantee of FTZ 81, requesting subzone status for the facilities of Albany Safran Composites LLC, located in Rochester, New Hampshire. 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 5, 2018.

The proposed subzone would consist of the following sites: *Site 1* (50 acres) 85 Innovation Drive, Rochester; and, *Site 2* (27 acres) 216 Airport Drive, Rochester. The proposed subzone would be subject to the existing activation limit of FTZ 81. A notification of proposed production activity has been submitted and is being processed under CFR 400.37 (Doc. B-27-2018).

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](http://www.trade.gov/ftz).

For further information, contact Kathleen Boyce at [Kathleen.Boyce@trade.gov](mailto:Kathleen.Boyce@trade.gov) or (202) 482-1346.

Dated: July 5, 2018.

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2018-14824 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 2054]

#### Reorganization of Foreign-Trade Zone 31 Under Alternative Site Framework; Granite City, Illinois

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ". . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas*, America's Central Port District, grantee of Foreign-Trade Zone 31, submitted an application to the Board (FTZ Docket B-9-2018, docketed February 5, 2018) for authority to reorganize under the ASF with a service area of Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Randolph, St. Clair, and Washington Counties, Illinois, in and adjacent to the St. Louis Customs and Border Protection port of entry, FTZ 31's existing Sites 1, 5 and 7 would be categorized as magnet sites, Site 1 would be expanded, Sites 4 and 6 would be included as part of the expanded Site 1, and Site 3 as well as Subzones 31A and 31C would be removed from the zone;

*Whereas*, notice inviting public comment was given in the **Federal Register** (83 FR 5756, February 9, 2018)

and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 31 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Sites 5 and 7 if not activated within five years from the month of approval.

Dated: July 5, 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, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018-14823 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 2055]

#### Reorganization of Foreign-Trade Zone 157 Under Alternative Site Framework; Casper, Wyoming

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ". . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas*, the Casper/Natrona County International Airport, grantee of Foreign-Trade Zone 157, submitted an application to the Board (FTZ Docket B-8-2017, docketed January 17, 2017) for authority to reorganize under the ASF

with a service area that includes a portion of Natrona County, Wyoming, and FTZ 157's existing Sites 1 and 2 would be categorized as magnet sites;

*Whereas*, notice inviting public comment was given in the **Federal Register** (82 FR 8506-8507, January 26, 2017) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 157 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Site 2 if not activated within five years from the month of approval.

Dated: July 5, 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 Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2018-14822 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-866]

#### Certain Folding Gift Boxes From the People's Republic of China: Continuation of the Antidumping Duty Order

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

**SUMMARY:** As a result of determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain folding gift boxes from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order on certain folding gift boxes from China.

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Keith Haynes, 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) 482-5139.

#### SUPPLEMENTARY INFORMATION:

##### Background

On January 8, 2002, we published the *Order* on certain folding gift boxes from China.<sup>1</sup> On February 1, 2018, we published the notice of initiation of the third sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Because domestic interested parties submitted a complete and adequate response, but respondent interested parties did not participate in the sunset review, we conducted the sunset review on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).<sup>3</sup> As a result of this expedited sunset review, we determined that revocation of the *Order* would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the order be revoked, pursuant to sections 751(c)(1) and 752(c) of the Act.<sup>4</sup> On June 29, 2018, the ITC published its determination, pursuant to section 751(c) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

##### Scope of the Order

The products covered by the *Order* are certain folding gift boxes. Folding gift boxes are a type of folding or knock-down carton manufactured from paper or paperboard. Folding gift boxes are

produced from a variety of recycled and virgin paper or paperboard materials, including, but not limited to, clay-coated paper or paperboard and kraft (bleached or unbleached) paper or paperboard. The scope of the *Order* excludes gift boxes manufactured from paper or paperboard of a thickness of more than 0.8 millimeters, corrugated paperboard, or paper mache. The scope also excludes those gift boxes for which no side of the box, when assembled, is at least nine inches in length.

Folding gift boxes included in the scope are typically decorated with a holiday motif using various processes, including printing, embossing, debossing, and foil stamping, but may also be plain white or printed with a single color. The subject merchandise includes folding gift boxes, with or without handles, whether finished or unfinished, and whether in one-piece or multi-piece configuration. One-piece gift boxes are die-cut or otherwise formed so that the top, bottom, and sides form a single, contiguous unit. Two-piece gift boxes are those with a folded bottom and a folded top as separate pieces. Folding gift boxes are generally packaged in shrink-wrap, cellophane, or other packaging materials, in single or multi-box packs for sale to the retail customer. The scope excludes folding gift boxes that have a retailer's name, logo, trademark or similar company information printed prominently on the box's top exterior (such folding gift boxes are often known as "not-for-resale" gift boxes or "give-away" gift boxes and may be provided by department and specialty stores at no charge to their retail customers). The scope of the *Order* also excludes folding gift boxes where both the outside of the box is a single color and the box is not packaged in shrink-wrap, cellophane, other resin-based packaging films, or paperboard.

Imports of the subject merchandise are classified under Harmonized Tariff Schedules of the United States (HTSUS) subheadings 4819.20.0040 and 4819.50.4060. These subheadings also cover products that are outside the scope of the *Order*. Furthermore, although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

##### Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR

351.218(a), Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year review of this order not later than 30 days prior to the fifth anniversary of the effective date of continuation notice.

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: July 5, 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. 2018-14825 Filed 7-10-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-854]

#### Certain Tin Mill Products From Japan: Continuation of Antidumping Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain tin mill products (tin mill products) from Japan would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order.

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Yasmin Bordas, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3813.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 28, 2000, Commerce published in the **Federal Register** the

<sup>1</sup> See *Notice of Antidumping Duty Order: Certain Folding Gift Boxes from the People's Republic of China*, 67 FR 864 (January 8, 2002) (*Order*).

<sup>2</sup> See *Initiation of Five-Year (Sunset) Reviews*, 83 FR 4641 (February 1, 2018).

<sup>3</sup> See Domestic Interested Parties' letters, "Third Five-Year (Sunset) Review of Antidumping Duty Order on Folding Gift Boxes from the People's Republic of China/The Domestic Industry's Notice of Intent to Participate," dated February 16, 2018, and "Third Five-Year (Sunset) Review of the Antidumping Duty Order on Folding Gift Boxes From the People's Republic of China/Substantive Response to the Notice of Initiation," dated March 5, 2018.

<sup>4</sup> See *Certain Folding Gift Boxes From the People's Republic of China: Final Results of Expedited Third Sunset Review and Continuation of the Antidumping Duty Order*, 83 FR 26414 (June 7, 2018), and accompanying Issues and Decision Memorandum.

<sup>5</sup> See *Investigation No. 731-TA-921 (Third Review): Folding Gift Boxes From China*: 83 FR 30777 (June 29, 2018), and USITC Publication 4800 (July 2018), *Folding Gift Boxes From China: Investigation No. 731-TA-921 (Third Review)*.

AD order on tin mill products from Japan.<sup>1</sup> On May 1, 2017, Commerce published the notice of initiation of the third sunset review of the AD order on tin mill products from Japan, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).<sup>2</sup> Commerce conducted this sunset review on an expedited basis, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2) because it received a complete, timely, and adequate response from a domestic interested party but no substantive responses from respondent interested parties. As a result of the review, Commerce determined, pursuant to sections 751(c)(1) and 752(c) of the Act, that revocation of the AD order would likely lead to a continuation or recurrence of dumping.<sup>3</sup> Commerce, therefore, notified the ITC of the magnitude of the dumping margins likely to prevail should the AD order be revoked. On June 25, 2018, the ITC published notice of its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD order on tin mill products from Japan would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>4</sup>

### Scope of the Order

The products covered by the antidumping duty order are tin mill flat-rolled products that are coated or plated with tin, chromium or chromium oxides. Flat-rolled steel products coated with tin are known as tin plate. Flat-rolled steel products coated with chromium or chromium oxides are known as tin-free steel or electrolytic chromium-coated steel. The merchandise covered by the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS), under HTSUS subheadings 7210.11.0000, 7210.12.0000, 7210.50.0000, 7212.10.0000, and 7212.50.0000 if of non-alloy steel and under HTSUS subheadings 7225.99.0090, and 7226.99.0180 if of alloy steel.

The HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order remains dispositive.<sup>5</sup>

### Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the AD order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD order on tin mill products from Japan.

U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year sunset review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) and 751(d)(2) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

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.*

[FR Doc. 2018-14826 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-063]

### Cast Iron Soil Pipe Fittings From the People's Republic of China: Final Affirmative Countervailing Duty Determination

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

**SUMMARY:** The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of Cast Iron Soil Pipe Fittings (soil pipe fittings) from the People's Republic of China (China). The period of investigation is January 1, 2016, through December 31, 2016.

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Dennis McClure or Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5973 or (202) 482-0339, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

The mandatory respondents in this investigation are Shanxi Xuanshi Industrial Group Co., Ltd. (Shanxi Xuanshi), Shijiazhuang Chengmei Import & Export Co., Ltd. (Shijiazhuang Chengmei), and Wor-Biz International Trading Co., Ltd. (Anhui) (Wor-Biz). On December 19, 2017, Commerce published in the **Federal Register** the *Preliminary Determination* of the countervailing duty (CVD) investigation of cast iron soil pipes from China.<sup>1</sup> In the *Preliminary Determination*, Commerce aligned the final CVD determination with the final determination in the companion antidumping duty (AD) investigation, in accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4).

On January 23, 2018, Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. In accordance with Commerce's practice, if the new deadline falls on a non-business day, the deadline will become the next

<sup>1</sup> See *Certain Tin Mill Products from Japan: Notice of Antidumping Duty Order*, 65 FR 52067 (August 28, 2000).

<sup>2</sup> See *Initiation of Five-Year ("Sunset") Reviews*, 82 FR 20314 (May 1, 2017).

<sup>3</sup> See *Certain Tin Mill Products from Japan: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order*, 82 FR 41933 (September 5, 2017) (*Final Results*).

<sup>4</sup> See *Tin- and Chromium-Coated Steel Sheet from Japan: Investigation No. 701-TA-860 (Third Review)*, USITC Publication 4795 (June 2018); see also *Tin- and Chromium-Coated Steel Sheet from Japan: Determination*, 83 FR 29568 (June 25, 2018).

<sup>5</sup> A full description of the scope of the order is contained in the memorandum to 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, from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, "Issues and Decision Memorandum for the Expedited Sunset Review of the Antidumping Duty Order on Certain Tin Mill Products from Japan" (Issues and Decision Memorandum), dated August 29, 2017.

<sup>1</sup> See *Cast Iron Soil Pipe Fittings from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 82 FR 60178 (December 19, 2017) (*Preliminary Determination*).

business day. Accordingly, the deadline for the final determination of this investigation was revised to July 5, 2018.<sup>2</sup> On April 19, 2018, Commerce released its *Post-Preliminary Analysis*.<sup>3</sup>

A summary of the events that occurred since Commerce published the Preliminary Determination, as well as a full discussion of the issues raised by interested parties for this final determination, can be found in the Issues and Decision Memorandum issued concurrently with this notice.<sup>4</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and 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 Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version are identical in content.

**Scope of the Investigation**

The products covered by this investigation are cast iron soil pipe fittings from China. For a full description of the scope of this investigation, see the "Scope of the Investigation" in Appendix I of this notice. For this final determination, Commerce has issued a scope memorandum addressing interested parties' comments regarding scope issues presented in the case briefs and in subsequent scope comments.<sup>5</sup> Commerce has determined to modify the scope of the investigation to include two additional subheadings of the U.S. Harmonized Tariff Schedule under which subject merchandise may enter. Commerce has also provided a

clarification in the Final Scope Memorandum. For further discussion, see Commerce's Final Scope Memorandum. The scope in Appendix I reflects the final scope language.

**Analysis of Subsidy Programs and Comments Received**

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

**Methodology**

Commerce conducted this investigation in accordance with section 701 of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, Commerce 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.<sup>6</sup> For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making these findings, Commerce relied, in part, on facts otherwise available and, because it finds that one or more respondents did not act to the best of their ability to respond to Commerce's requests for information, Commerce drew an adverse inference where appropriate in selecting from among the facts otherwise available.<sup>7</sup> For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Issues and Decision Memorandum.

**Changes Since the Preliminary Determination**

Based on our review and analysis of the comments received from the interested parties, our findings at

verification, and the minor corrections presented at verification, we made certain changes to the respondents' subsidy rate calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

**Final Determination**

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated rates for Shanxi Xuanshi and Wor-Biz, producers/exporters of subject merchandise selected for individual examination in this investigation. With regard to Shijiazhuang Chengmei, for the reasons described in the *Preliminary Determination*, Commerce assigned a rate based entirely on adverse facts available pursuant to section 776 of the Act. No interested party commented on our preliminary decision, and so for purposes of this final determination, we continue to assign Shijiazhuang Chengmei a rate based entirely on AFA.

Section 705(c)(5)(A) of the Act provides that in the final determination, 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. In this investigation, we calculated individual estimated countervailable subsidy rates for Shanxi Xuanshi and Wor-Biz that are not zero, *de minimis*, or based entirely on facts otherwise available. As a result, we calculated the all-others rate based on a weighted average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly ranged values for the merchandise under consideration.<sup>8</sup>

Commerce determines that the following estimated countervailable subsidy rates exist:

| Company   | Subsidy rate (percent) |
|---|------------------------|
| Shanxi Xuanshi Industrial Group Co., Ltd .....        | 34.87                  |
| Wor-Biz International Trading Co., Ltd. (Anhui) ..... | 7.37                   |
| Shijiazhuang Chengmei Import & Export Co., Ltd .....  | 133.94                 |

<sup>2</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, "Deadlines Affected by the Shutdown of the Federal Government" (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

<sup>3</sup> See Memorandum, "Post-Preliminary Analysis of Countervailing Duty Investigation: Cast Iron Soil

Pipe Fittings from the People's Republic of China," dated April 19, 2018 (*Post-Preliminary Analysis*).

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Determination of the Countervailing Duty Investigation of Cast Iron Soil Pipe Fittings from the People's Republic of China" (Issues and Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

<sup>5</sup> See Memorandum, "Countervailing Duty and Less-Than-Fair-Value Investigations of Cast Iron Soil Pipe Fittings from the People's Republic of

China: Final Scope Memorandum" (Final Scope Memorandum), dated concurrently with, and hereby adopted by, this notice.

<sup>6</sup> See sections 771(5)(B) and (D) of the Act regarding financial contribution; see section 771(5)(E) of the Act regarding benefit; see section 771(5A) of the Act regarding specificity.

<sup>7</sup> See sections 776(a), (b), and 782(d) of the Act.

<sup>8</sup> See Memorandum regarding: Calculation of the All-Others Rate for the Final Determination, dated July 5, 2018.

| Company          | Subsidy rate (percent) |
|------------------|------------------------|
| All-Others ..... | 23.28                  |

## Disclosure

We intend to disclose the calculations performed to parties in this proceeding, for this final determination, within five days of the date of publication of our final determination, in accordance with 19 CFR 351.224(b).

## Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to section 703(d)(1)(B) and (d)(2) of the Act, Commerce instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, we issued instructions to CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after April 18, 2018, but to continue the suspension of liquidation of all entries from December 19, 2017, through April 17, 2018.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, will reinstate the suspension of liquidation under section 706(a) of the Act, and will require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

## International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order

(APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of soil pipe fittings from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a CVD order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

## Notification Regarding Administrative Protective Orders

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: July 5, 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 merchandise covered by this investigation is cast iron soil pipe fittings, finished and unfinished, regardless of industry or proprietary specifications, and

regardless of size. Cast iron soil pipe fittings are nonmalleable iron castings of various designs and sizes, including, but not limited to, bends, tees, wyes, traps, drains, and other common or special fittings, with or without side inlets.

Cast iron soil pipe fittings are classified into two major types—hubless and hub and spigot. Hubless cast iron soil pipe fittings are manufactured without a hub, generally in compliance with Cast Iron Soil Pipe Institute (CISPI) specification 301 and/or American Society for Testing and Materials (ASTM) specification A888. Hub and spigot pipe fittings have hubs into which the spigot (plain end) of the pipe or fitting is inserted. Cast iron soil pipe fittings are generally distinguished from other types of nonmalleable cast iron fittings by the manner in which they are connected to cast iron soil pipe and other fittings.

The subject imports are normally classified in subheading 7307.11.0045 of the Harmonized Tariff Schedule of the United States (HTSUS): Cast fittings of nonmalleable cast iron for cast iron soil pipe. They may also be entered under HTSUS 7324.29.0000 and 7307.92.3010. The HTSUS subheadings and specifications are provided for convenience and customs purposes only; the written description of the scope of this investigation is dispositive.

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

- I. Summary
- II. Background
- III. Use of Facts Otherwise Available and Adverse Inferences
- IV. Subsidies Valuation
- V. Analysis of Programs
- VI. Analysis of Comments
  - Comment 1: Whether Commerce Should Use a Tier 1 Benchmark for Shanxi Xuanshi’s Metallurgical Coke Benefit Calculation
  - Comment 2: Whether Commerce Should Use a Tier 1 Benchmark for Shanxi Xuanshi’s Iron Ore Benefit Calculation
  - Comment 3: Whether Commerce Appropriately Averaged Tier 2 Iron Ore Benchmark Prices and Used the Appropriate Benchmark for Transportation
  - Comment 4: Whether Commerce Overstated the Subsidy Rate for Policy Loans, Purchases of Electricity, Pig Iron, and Ferrous Scrap for LTAR
  - Comment 5: Whether Commerce Improperly Applied AFA to the Calculation of the Benefits Attributable to Guangzhou Premier for the Purchase of Pig Iron and Ferrous Scrap for LTAR
  - Comment 6: Whether Commerce Should Consider Shanxi Xuanshi’s Steel Scrap as a Subsidizable Input
  - Comment 7: Whether Commerce Erred in its Policy Loan Benefits Calculation for Shanxi Xuanshi

Comment 8: Whether Commerce Erred in Its Electricity Benefits Calculation for Shanxi Xuanshi

#### VII. Recommendation

[FR Doc. 2018-14827 Filed 7-10-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-913]

#### Certain New Pneumatic Off-The-Road Tires From the People's Republic of China: Amended Final Results of Countervailing Duty Administrative Review, 2015

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

**SUMMARY:** The Department of Commerce (Commerce) is amending the final results of the countervailing duty administrative review of certain new pneumatic off-the-road tires from the People's Republic of China (China) to correct certain ministerial errors. The period of review (POR) is January 1, 2015, through December 31, 2015.

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202-482-5484.

#### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with sections 751(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(b)(5), on April 13, 2018, Commerce published its final results in the countervailing duty administrative review of certain new pneumatic off-the-road tires from China.<sup>1</sup> Guizhou Tyre Co., Ltd. and its affiliate, Guizhou Tyre Import and Export Co., Ltd. (collectively, Guizhou Tyre) timely filed a ministerial error allegation on April 23, 2018, claiming Commerce had improperly failed to include revised land values accepted at verification as minor corrections in the final calculations.<sup>2</sup>

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Final Results of Countervailing Duty Administrative Review, 2015*, 83 FR 16055 (April 13, 2018) (*Final Results*) and accompanying Issues and Decision Memorandum (Final Results IDM).

<sup>2</sup> See Guizhou Tyre's letter to Commerce, "Ministerial Error Submission of Guizhou Tyre Certain New Pneumatic Off-the-Road Tires from China," April 23, 2018 (Guizhou Tyre's Ministerial Error Allegation).

On May 2, 2018, Guizhou Tyre filed its complaint with the U.S. Court of International Trade (CIT) challenging the *Final Results*. On June 19, 2018, the United States sought leave from the CIT to address the ministerial error allegation and a related issue concerning a separate minor correction accepted at verification. On June 20, 2018, the court granted the United States' request.

#### Scope of the Order

The products covered by the scope are new pneumatic tires designed for off-the-road (OTR) and off-highway use. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.70.0010, 4011.62.00.00, 4011.80.1020, 4011.90.10, 4011.70.0050, 4011.80.1010, 4011.80.1020, 4011.80.2010, 4011.80.2020, 4011.80.8010, and 4011.80.8020. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope, which is contained in the Issues and Decision Memorandum accompanying the *Final Results*, is dispositive.<sup>3</sup>

#### Ministerial Errors

Section 751(h) of the Act, and 19 CFR 351.224(f) defines a "ministerial error" as an error "in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." Commerce has now determined that Guizhou Tyre's alleged error is a ministerial error under section 751(h) of the Act and 19 CFR 351.224(f). Specifically, we find that not incorporating revised values regarding the total price paid for certain parcels of land, which were accepted as minor corrections and verified at verification, in our final calculations is an inadvertent omission within the meaning of "ministerial error." We have also determined that we made an additional ministerial error by inadvertently omitting revised loan interest payment data submitted by Guizhou Tyre as a minor correction at verification. To correct these errors, we are amending Guizhou Tyre's subsidy rate for its land-use rights program rate and its subsidy rate for its government policy lending program. See the *Response to Ministerial Error*

<sup>3</sup> For a full description of the scope of the order, see *Final Results IDM*.

Allegations for the revised program rates.<sup>4</sup> These changes result in a change to the net subsidy rate for Guizhou Tyre. Similarly, because the subsidy rate for the non-selected companies in *Final Results*<sup>5</sup> was based on Guizhou Tyre's net subsidy rate, these changes also result in a change to the subsidy rate for the non-selected companies. For a complete discussion of the errors at issue, see the *Response to Ministerial Error Allegations*. The revised net subsidy rates are provided below.

#### Amended Final Results

As a result of correcting the ministerial errors, we determine that Guizhou Tyre's, Xuzhou Xugong's and the non-selected companies' total net countervailable subsidy rates for the period January 1, 2015, through December 31 2015, are as follows:

| Manufacturer/exporter   | Subsidy rate (percent ad valorem) |
|---|-----------------------------------|
| Guizhou Tyre Co., Ltd. and/or Guizhou Tyre Import and Export Co., Ltd ..... | 31.48                             |
| Non Selected Companies <sup>6</sup> ..                                      | 31.48                             |

#### Assessment Rates/Cash Deposits

Normally Commerce would issue appropriate assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the amended final results of review. However, as noted above, Guizhou Tyre has filed its complaint with the CIT challenging the *Final Results* on May 8, 2018, and on May 8, and June 1, 2018, the U.S. Court of International Trade preliminarily enjoined liquidation of certain entries that are subject to the *Final Results*.<sup>7</sup> Accordingly, Commerce will not instruct CBP to assess countervailing duties on those enjoined entries pending resolution of the associated litigation.

Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amount shown above for the companies listed above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after April 13, 2017, the date of publication of the *Final Results*. For all non-reviewed firms, we will instruct

<sup>4</sup> See Memorandum to the file, "Response to Ministerial Error Allegations in the Final Results," dated concurrently with this notice.

<sup>5</sup> See *Final Results*, 83 FR at 16055.

<sup>6</sup> The appendix provides a list of the non-selected companies that are assigned this rate.

<sup>7</sup> The U.S. Court of International Trade issued the preliminary injunctions in case numbers 18-00100 and 18-00108.



CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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.

#### Disclosure

We will disclose the calculations performed for these amended final results to interested parties within five business days of the date of the publication of this notice in accordance with 19 CFR 351.224(b).

We are issuing and publishing these results in accordance with sections 751(h) and 777(i)(1) of the Act, and 19 CFR 351.224(e)

#### 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—Non-Selected Companies

1. Aeolus Tyre Co., Ltd.
2. Air Sea Transport Inc
3. Air Sea Worldwide Logistics Ltd
4. AM Global Shipping Lines
5. Apex Maritime Co Ltd
6. Apex Maritime Thailand Co Ltd
7. BDP Intl LTD China
8. Beijing Kang Jie Kong Intl Cargo Agent Co Ltd
9. C&D Intl Freight Forward Inc
10. Caesar Intl Logistics Co Ltd
11. Caterpillar & Paving Products Xuzhou Ltd
12. CH Robinson Freight Services China LTD
13. Changzhou Kafurter Machinery Co Ltd
14. Cheng Shin Rubber (Xiamen) Ind Ltd
15. China Intl Freight Co Ltd
16. Chonche Auto Double Happiness Tyre Corp Ltd
17. City Ocean Logistics Co Ltd
18. Consolidator Intl Co Ltd
19. Crown tyre Industrial Co. Ltd
20. CTS Intl Logistics Corp
21. Daewoo Intl Corp
22. De Well Container Shipping Inc
23. Double Coin Holdings Ltd; Double Coin Group Shanghai Donghai Tyre Co., Ltd;
- and Double Coin Group Rugao Tyre Co., Ltd. (collectively "Double Coin")
24. England Logistics (Qingdao) Co Ltd
25. Extra Type Co Ltd
26. Fedex International Freight Forwarding Services Shanghai Co Ltd
27. FG Intl Logistics Ltd
28. Global Container Line
29. Honour Lane Shipping
30. Innova Rubber Co., Ltd.
31. Inspire Intl Enterprise Co Ltd
32. JHJ Intl Transportation Co
33. Jiangsu Feichi Co. Ltd.
34. Kenda Rubber (China) Co Ltd
35. KS Holding Limited/KS Resources Limited
36. Laizhou Xiongying Rubber Industry Co., Ltd.
37. Landmax Intl Co Ltd
38. LF Logistics China Co Ltd
39. Mai Shandong Radial Tyre Co., Ltd.
40. Maine Industrial Tire LLC
41. Master Intl Logistics Co Ltd
42. Melton Tire Co. Ltd
43. Merityre Specialists Ltd
44. Mid-America Overseas Shanghai Ltd
45. Omni Exports Ltd
46. Orient Express Container Co Ltd
47. Oriental Tyre Technology Limited
48. Pudong Prime Intl Logistics Inc
49. Q&J Industrial Group Co Ltd
50. Qingdao Aotai Rubber Co Ltd
51. Qingdao Apex Shipping
52. Qingdao Chengtai Handtruck Co Ltd
53. Qingdao Chunangtong Founding Co Ltd
54. Qingdao Free Trade Zone Full-World International Trading Co., Ltd.
55. Qingdao Haojia (Xinhai) Tyre Co.
56. Qingdao Haomai Hongyi Mold Co Ltd
57. Qingdao J&G Intl Trading Co Ltd
58. Qingdao Jinhaoyang International Co. Ltd
59. Qingdao Kaoyoung Intl Logistics Co Ltd
60. Qingdao Milestone Tyres Co Ltd.
61. Qingdao Nexen Co Ltd
62. Qingdao Qihang Tyre Co.
63. Qingdao Qizhou Rubber Co., Ltd.
64. Qingdao Shijikunyuan Intl Co Ltd
65. Qingdao Sinorient International Ltd.
66. Qingdao Taifa Group Imp. And Exp. Co., Ltd./Qingdao Taifa Group Co., Ltd.
67. Qingdao Wonderland
68. Qingdao Zhenhua Barrow Manufacturing Co., Ltd.
69. Rich Shipping Company
70. RS Logistics Ltd
71. Schenker China Ltd
72. Seastar Intl Enterprise Ltd
73. SGL Logistics South China Ltd
74. Shandong Huitong Tyre Co., Ltd.
75. Shandong Linglong Tyre Co., Ltd.
76. Shandong Taishan Tyre Co. Ltd.
77. Shanghai Cartec Industrial & Trading Co Ltd
78. Shanghai Grand Sound Intl Transportation Co Ltd
79. Shanghai Hua Shen Imp & Exp Co Ltd
80. Shanghai Part-Rich Auto Parts Co Ltd
81. Shanghai TCH Metals & Machinery Co Ltd
82. Shantou Zhisheng Plastic Co Ltd
83. Shiyan Desizheng Industry & Trade Co., Ltd.
84. Techking Tires Limited
85. Thi Group (Shanghai) Ltd
86. Tianjin Leviathan International Trade Co., Ltd.
87. Tianjin United Tire & Rubber International Co., Ltd.
88. Tianjin Wanda Tyre Group Co.
89. Tianshui Hailin Import and Export Corporation
90. Tiremart Qingdao Inc
91. Translink Shipping Inc
92. Trelleborg Wheel Systems (Xingtai) China, Co. Ltd.
93. Trelleborg Wheel Systems Hebei Co
94. Triangle Tyre Co. Ltd.
95. Universal Shipping Inc
96. UTI China Ltd
97. Weifang Jintongda Tyre Co., Ltd.
98. Weihai Zhongwei Rubber Co., Ltd.
99. Weiss-Rohlig China Co Ltd
100. World Bridge Logistics Co Ltd
101. World Tyres Ltd.
102. Xiamen Ying Hong Import & Export Trade Co Ltd
103. Yoho Holding
104. Zhejiang Wheel World Industrial Co Ltd
105. Zhejiang Xinchang Zhongya Industry Co., Ltd.
106. Zhongce Rubber Group Company Limited
107. ZPH Industrial Ltd

[FR Doc. 2018-14828 Filed 7-10-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-520-803]

#### Polyethylene Terephthalate Film, Sheet and Strip From the United Arab Emirates: Notice of Correction to Partial Rescission of Antidumping Duty Administrative Review; 2016-2017

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

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Andrew Huston, Office VII, Antidumping and Countervailing Duty Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-4261.

**SUPPLEMENTARY INFORMATION:** On June 18, 2018, the Department of Commerce (Commerce) published a notice to rescind the antidumping administrative review for Flex Middle East FZE (Flex) covering the period November 1, 2016 through October 31, 2017.<sup>1</sup> The *Partial Rescission Notice* contained an inadvertent error in the assessment

<sup>1</sup> See *Polyethylene Terephthalate Film, Sheet and Strip from the United Arab Emirates: Partial Rescission of Antidumping Duty Administrative Review; 2016-2017*, 83 FR 28196 (June 18, 2018) (*Partial Rescission Notice*).

section of the notice, specifically the *Partial Rescission Notice* did not cite the correct period for which Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties. The corrected assessment section appears below.

#### Assessment

Commerce will instruct U.S. CBP to assess anti-dumping duties on all appropriate entries. Subject merchandise of Flex will be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period November 1, 2016, through October 31, 2017, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of this notice.

This notice is issued and published in accordance with section 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: June 29, 2018.

#### Scot Fullerton,

Director, Office VI, Antidumping and Countervailing Duty Operations.

[FR Doc. 2018-14609 Filed 7-10-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-913]

#### Certain New Pneumatic Off-The-Road Tires From the People's Republic of China: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review; 2016

**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 certain new pneumatic off-the-road tires (OTR Tires) from the People's Republic of China (China) during the period of review (POR) January 1 through December 31, 2016. Additionally, Commerce is rescinding this review, in part, with respect to two companies. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Chloe Sagmoe or Chien-Min Yang, 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) 482-2273 or (202) 482-5484.

#### Background

On September 1, 2017, Commerce published a notice of opportunity to request an administrative review of the countervailing duty (CVD) order on OTR Tires from China covering the period January 1, 2016, through December 31, 2016.<sup>1</sup> Commerce received timely requests from Shandong Huitong Tyre Co., Ltd. (Shandong Huitong), Techking Tires Limited (Techking), and Tianjin Leviathan International Trade Co., Ltd. (Tianjin Leviathan), for an administrative review of the countervailing duty order.<sup>2</sup> On November 13, 2017, Commerce published a notice of initiation of an administrative review of the CVD order on OTR Tires from China with regard to the three companies.<sup>3</sup> On November 17, 2017, Shandong Huitong and Techking each timely withdrew its request for an administrative review.<sup>4</sup>

#### Rescission, in Part, of Countervailing Duty Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Shandong Huitong and Techking timely submitted withdrawal requests within the 90-day period. Accordingly, we are rescinding the administrative review of the CVD order on OTR Tires from China with respect to these two companies,

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 82 FR 41595 (September 1, 2017).

<sup>2</sup> See Shandong Huitong's letter, "New Pneumatic Off-The-Road Tires from the People's Republic of China: Shandong Huitong Tyre Co., Ltd.'s Request for Administrative Review," dated October 2, 2017. See also Techking's letter, "New Pneumatic Off-the-Road Tires from the People's Republic of China: Techking Tires Limited's Request for Administrative Review," dated October 2, 2017. See also Tianjin Leviathan's letter, "New Pneumatic Off-the-Road Tires from the PRC: Request for Antidumping Administrative Review," dated September 26, 2017.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 52268 (November 13, 2017) (*Initiation Notice*).

<sup>4</sup> See Shandong Huitong's letter, "New Pneumatic Off-The-Road Tires from the People's Republic of China: Withdrawal of Request for Review for Shandong Huitong Tyre Co., Ltd.," dated on November 17, 2017. See also Techking's letter, "New Pneumatic Off-The-Road Tires from the People's Republic of China: Withdrawal of Request for Review for Techking Tires Limited," dated on November 17, 2017.

and continuing the administrative review with respect to Tianjin Leviathan.

#### Use of Facts Otherwise Available and Application of Adverse Inferences to Tianjin Leviathan

Subsequent to the initiation of this administrative review, Commerce issued the initial questionnaire in a letter to Government of China (GOC) and Tianjin Leviathan dated January 19, 2018.<sup>5</sup> Tianjin Leviathan, which did not withdraw its review request, failed to respond entirely to the questionnaire by the specified deadline. Additionally, the GOC did not submit requested information related to Tianjin Leviathan in response to Commerce's initial questionnaire. Therefore, because necessary information is not available on the record and because both Tianjin Leviathan and the GOC failed to respond to Commerce's request for information, we preliminarily find that the use of facts available is warranted, pursuant to section 776(a)(1) and 776(a)(2)(A) and (C) of the Tariff Act of 1930, as amended (the Act). Moreover, because Tianjin Leviathan and the GOC did not cooperate to the best of their ability, pursuant to 776(b) of the Act, we preliminarily find that use of adverse facts available (AFA) is warranted to ensure that Tianjin Leviathan does not obtain a more favorable result by failing to cooperate than if it had fully complied with our request for information. For further information, see "Use of Facts Otherwise Available and Adverse Inferences" in the Preliminary Decision Memorandum.<sup>6</sup>

#### Preliminary Results of Review

Consistent with Commerce's CVD AFA methodology, we preliminarily determine the net AFA countervailing subsidy rate for Tianjin Leviathan to be 91.94 percent *ad valorem*.

#### Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with the preliminary results of a review within ten days of its public announcement, or if there is no public announcement, within five days of the date of

<sup>5</sup> See Letter to GOC, "2016 Administrative Review of the Countervailing Duty Order on Certain New Pneumatic Off-the-Road Tires from China: Questionnaire," dated on January 19, 2018 (Initial Questionnaire).

<sup>6</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review of Certain New Pneumatic Off-The-Road Tires from the People's Republic of China; 2016" (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the sole company that is still under review (Tianjin Leviathan), in accordance with section 776 of the Act, and because our calculation of the AFA subsidy rate is outlined in the Tianjin Leviathan AFA Memorandum,<sup>7</sup> there are no further calculations to disclose.

### Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.<sup>8</sup> 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.<sup>9</sup> 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.<sup>10</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>11</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>12</sup> Hearing 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 issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.<sup>13</sup> Commerce intends to issue the final results of this administrative review, including the results of its analysis of arguments raised in any written briefs, not later than 120 days after the publication of these

<sup>7</sup> See Memorandum, "Preliminary Results of the Countervailing Duty Administrative Review of Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Application of Adverse Facts Available for Tianjin Leviathan International Trade Co., Ltd.," (Tianjin Leviathan AFA Memorandum), dated concurrently with this notice.

<sup>8</sup> See 19 CFR 351.309(c)(ii).

<sup>9</sup> See 19 CFR 351.309(d)(1).

<sup>10</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>11</sup> See 19 CFR 351.303.

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> *Id.*

preliminary results in the **Federal Register**, unless otherwise extended.<sup>14</sup>

### Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess CVDs on all appropriate entries. Shandong Huitong and Techking shall be assessed CVDs at rates equal to the cash deposit of estimated countervailing duties in effect at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2016, through December 31, 2016, 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.

### Notification Regarding Administrative Protective Orders

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

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) and 351.221(b)(4).

Dated: July 5, 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. 2018-14829 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Application for Commercial Fisheries Authorization Under Section 118 of the Marine Mammal Protection Act

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

<sup>14</sup> See section 751(a)(3)(A) of the Act.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before September 10, 2018.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [prcomments@doc.gov](mailto:prcomments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Amy Sloan, 301-427.8401 ext 8432 or [amy.sloan@noaa.gov](mailto:amy.sloan@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Marine Mammal Protection Act requires any commercial fisherman operating in Category I and II fisheries to register for a certificate of authorization that will allow the fisherman to take marine mammals incidental to commercial fishing operations. Category I and II fisheries are those identified by NOAA as having either frequent or occasional takings of marine mammals. All states have integrated the National Marine Fisheries Service (NMFS) registration process into the existing state fishery registration process and vessel owners do not need to file a separate federal registration. If applicable, vessel owners will be notified of this simplified registration process when they apply for their state or Federal permit or license.

##### II. Method of Collection

Fishermen have their information imported directly into the Marine Mammal Authorization Program (MMAP) from their state. If they do not have a state or Federal fishery permit or license, they can request an MMAP registration form from their regional NMFS office and mail in the registration form.

##### III. Data

*OMB Control Number:* 0648-0293.  
*Form Number(s):* None.  
*Type of Review:* Regular submission.  
*Affected Public:* Business or other for-profit organizations; Individuals or households.

*Estimated Number of Respondents:* 600.

*Estimated Time per Response:* Initial registration 15 minutes.

*Estimated Total Annual Burden Hours:* 150.

*Estimated Total Annual Cost to Public:* \$15,300 in recordkeeping/reporting costs and application fees.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (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.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 6, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018-14851 Filed 7-10-18; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XG204

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Annapolis Passenger Ferry Dock Project, Washington

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

**ACTION:** Notice; issuance of incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Kitsap Transit, to incidentally take, by Level A and B harassment, marine mammals during construction activities

associated with the Annapolis Passenger Ferry Dock Project in Puget Sound, Washington.

**DATES:** This Authorization is applicable from October 1, 2018 through September 31, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Jaclyn Daly, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application, IHA, and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/node/23111>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

#### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to,

migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

#### Summary of Request

On March 5, 2018, NMFS received a request from Kitsap Transit for an IHA to take marine mammals incidental to pile driving and removal associated with upgrades to the Annapolis Ferry Terminal, Puget Sound, Washington. Kitsap Transit submitted a revised application on May 3, 2018 which NMFS deemed adequate and complete. Pile driving and removal will take a maximum of 17 days. No serious injury or mortality is expected to occur or is authorized from this activity and, therefore, an IHA is appropriate.

On May 16, 2018, NMFS published its proposed IHA in the **Federal Register** for public comment (83 FR 22624). NMFS has issued an IHA to Kitsap Transit for the take, by Level A and B harassment, of harbor seal (*Phoca vitulina richardii*), Steller sea lion (*Eumetopias jubatus monteriensis*), California sea lion (*Zalophus californianus*), and harbor porpoise (*Phocoena phocoena vomerina*).

#### Description of Proposed Activity

##### Overview

Kitsap Transit is proposing to upgrade the existing dock at its Annapolis Ferry Terminal to accommodate larger vessels by extending the dock into deeper water and bring the terminal into compliance with American Disability Act (ADA) accessibility standards. The project includes removing 10 existing concrete and steel piles that support the existing pier and float and installing 12 new steel piles to support updated structures. Piles will be removed using a vibratory hammer and new piles will be installed using a vibratory and, if necessary, an impact hammer. The project is anticipated to take 8 weeks to complete; however, Kitsap Transit anticipates it will take a maximum of 17 days to complete in-water pile driving activities.

##### Dates and Duration

The project would occur for eight weeks between October 1, 2018 and September 30, 2019 with the exception of March 3, 2019 through July 1, 2019 to protect salmonids and surf smelt. Pile removal has been conservatively estimated to occur at a rate of 2 piles removed per day, which would require 5 days to remove 10 piles. Pile installation was conservatively estimated to occur at a rate of 1 pile per day, which would require 12 days to install 12 piles. In total, there would be

17 days (maximum) of pile driving. No in-water pile driving will be conducted between

*Specific Geographic Region*

The Annapolis Ferry Terminal is located in Sinclair Inlet across from Naval Base Kitsap (NBK) Bremerton and southwest of Bainbridge Island. Potential areas ensonified during pile driving include Sinclair Inlet and portions of Port Washington Narrows, Port Orchard Passage and Rich Passage. These waterbodies range up to 130 feet in depth and substrates include silt/mud, sand, gravel, cobbles and rock outcrops. The terminal itself and

parking area contains a hardened shoreline comprised of sheet piles.

*Detailed Description of Specific Activity*

A detailed description of the specified activity is provided in our notice of proposed IHA (83 FR 22624; May 16, 2018). Please refer to that document for full detail. We provide a summary here.

The Annapolis Ferry Terminal was designed to have a useful life of 40 years and is now 34 years old. Kitsap Transit has determined upgrades are necessary to meet ADA requirements and accommodate larger ferry vessels. To make the upgrades, Kitsap Transit is removing a portion of the existing pier,

installing a longer gangway, removing the existing float and installing a larger float in deeper water. This work requires removing 10 existing piles and installing 12 new piles.

Piles would be removed with a vibratory hammer. Piles would be installed using a vibratory hammer to refusal and then “proofed” with an impact hammer, if necessary. The maximum amount of time spent removing 10 piles would be 5 days while the maximum amount of time installing 12 piles would be 12 days for a total of 17 days. The types of piles included in the project and schedule, are included in Table 1.

TABLE 1—DESCRIPTION OF PILES TO BE INSTALLED AND REMOVED DURING THE ANNAPOLIS FERRY DOCK PROJECT

| Pile size                | Method          | Number of piles | Number of days (maximum) |
|--------------------------|-----------------|-----------------|--------------------------|
| <b>Pile Removal</b>      |                 |                 |                          |
| 16.5-in concrete .....   | Vibratory ..... | 4               | 5                        |
| 18” steel .....          | Vibratory ..... | 6               | .....                    |
| <b>Pile Installation</b> |                 |                 |                          |
| 12-in steel .....        | Vibratory ..... | 4               | 12                       |
|                          | Impact .....    | .....           | .....                    |
| 24-in steel .....        | Vibratory ..... | 8               | .....                    |
|                          | Impact .....    | .....           | .....                    |

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see “Mitigation” and “Monitoring and Reporting”).

**Comments and Responses**

A notice of NMFS’ proposal to issue an IHA was published in the **Federal Register** on May 16, 2018 (83 FR 22624). During the 30-day public comment period, the Marine Mammal Commission (Commission) submitted a letter, providing comments as described below.

*Comment 1:* The Commission made a general comment recommending NMFS more thoroughly review applications before deeming one adequate and complete and better evaluate Level A harassment zones and take numbers prior to publishing a proposed authorization.

*NMFS Response:* MMPA implementing regulations provide a list of 14 informational elements that must be included in an IHA application before NMFS can determine it is adequate and complete. For the subject IHA, the application contained all the required information. With respect to Level A harassment distances and take numbers, the public review process

provides the Commission opportunity to comment on the application and our proposal and we consider all public comments prior to issuance of the IHA. The Level A harassment zones for this project are relatively small; however, as described in the Estimated Take section below, we have included authorization of a small number of takes by Level A harassment, as recommended by the Commission, in case animals are undetected before Kitsap Transit can shut down.

*Comment 2:* The Commission recommends that NMFS require Kitsap Transit to abide by mitigation measures previously used by other applicants regarding contacting the Orca Network and/or Center for Whale Research for both marine mammal sightings and acoustic detection data.

*NMFS Response:* Both the application and proposed IHA **Federal Register** notice included a condition that Kitsap Transit access the Orca Network each day of pile driving. NMFS has added that this specifically applies to both visual and acoustic monitoring data.

*Comment 3:* The Commission recommends that NMFS require Kitsap Transit and any other action proponent using a bubble curtain to implement what they refer to as “NMFS’s bubble

curtain performance standards” in all relevant authorizations. The Commission provided the following performance standards it deems is neither unreasonable or cost-prohibitive: (1) The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column, (2) the lowest bubble ring should be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring should ensure 100 percent mudline contact (no parts of the ring or other objects shall prevent full mudline contact), and (3) the action proponent requires construction contractors to train personnel in the proper balancing of air flow to the bubblers and to submit an inspection/performance report for approval by the action proponent within 72 hours following the performance test—corrections to the attenuation device to meet the performance standards are to occur prior to impact driving.

*NMFS Response:* The Commission mischaracterized the referenced performance measures as NMFS’ “standards.” These measures were developed by the U.S. Navy, in consultation with NMFS, as a direct

result of documented issues with bubble curtain performance. These issues were problematic because NMFS considered a reduction in impact pile driving source level based on effective bubble curtain use. The same case does not apply here and NMFS disagrees with the Commission's contention that consideration of any source level reduction has no bearing on whether an applicant should be implementing performance measures. NMFS will consider the appropriateness of including some or all of the proposed bubble curtain performance measures on a case-by-case basis.

NMFS also disagrees with the Commission's comment that the performance measures should be implemented because they are neither unreasonable nor cost-prohibitive. Mitigation requirements in an IHA must be carefully assessed with respect to NMFS' authority under the MMPA. For the subject IHA, Kitsap Transit did not request, nor did NMFS propose a reduction in impact pile driving source levels due to use of the bubble curtain. That is, the use of a bubble curtain did not influence our effects analysis or take numbers. Moreover, use of the bubble curtain was not critical to NMFS making a negligible impact determination required to issue the IHA. In addition to negligible impact and small numbers findings, mitigation measures are designed to provide the least practicable adverse impact to marine mammals. Use of the bubble curtain was part of the proposed action due to requirements separate and apart from Kitsap Transit's request for an IHA. However, to dictate how the applicant operates the bubble curtain, trains operators, reports inspection results on performance testing, and makes any corrections is not appropriate for this short project involving small (12-in and 24-in) piles for which we did not consider use of the bubble curtain quantitatively in our effects analysis.

Finally, it is unclear how the Commission determined the implementation of the performance measures would not be unreasonable nor cost-prohibitive which are their reasons for us to include these measures. For example, the Fish and Wildlife Service may require certain operational criteria through consultation under section 7 of the Endangered Species Act. The Commission does not provide evidence they have considered these or any other potential operational protocols. Further, the applicant did not provide a bubble curtain performance testing plan so it is unclear how the Commission determined requiring one

would not be cost-prohibitive for this small, short project.

*Comment 4:* The Commission recommends that it should be a priority for NMFS to consult with both internal and external scientists and acousticians to determine the appropriate Level A harassment accumulation time that action proponents should use to determine the extent of the Level A harassment zones based on the associated  $SEL_{cum}$  thresholds for the various types of sound sources. Until such time that this issue is resolved, the Commission postulated that NMFS is relegated to using the outputs of its user spreadsheet, while also rounding up the outputs of the user spreadsheet to the nearest 5, 10, 25 or 100 m, when more sophisticated modeling is not available.

*NMFS Response:* As described in NMFS 2018 Revision to Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing, NMFS is committed to re-examining the default 24-hour accumulation period and convening a working group to investigate alternative means of identifying appropriate accumulation periods. However, NMFS already considers factors other than the outputs of the User Spreadsheet in developing appropriate Level A harassment zones and/or shutdown zones. For example, in the **Federal Register** notice of the proposed IHA, NMFS identified the Level A harassment distances generated by the User Spreadsheet represented a long duration but produced very small harassment zones (e.g., six hours of vibratory pile removal per day separated in time to re-set piles resulted in an 11.8 m Level A harassment distance for harbor seals). Per the Commission, NMFS should round this up to a 15 meter Level A harassment zone. However, NMFS believes this results in an unwarranted shut down zone as sophisticated modeling is not necessary to justify that a harbor seal would not remain 11.8 meters from piles being removed over the course of several hours. In addition, NMFS is implementing a minimum 10 m shut down for all in-water equipment, including pile driving. However, NMFS does agree integrated shut-down zones (e.g., 5 to 10 meter increments) are more practicable for observers; therefore, the new shut down zone in the example provided is 10 m. For larger distances (e.g., 393.8 meters), we have rounded to 395 meters despite the long duration in consideration of the unpredictable movement and lower profile of harbor seals.

*Comment 5:* The Commission recommends NMFS provide its criteria for rounding take estimates.

*NMFS Response:* On June 27, 2018, NMFS provided the Commission with internal guidance on rounding and the consideration of additional factors in take estimation.

*Comment 6:* The Commission recommends that NMFS refrain from implementing its proposed renewal process and instead use abbreviated **Federal Register** notices and reference existing documents to streamline the incidental harassment authorization process; NMFS provide the Commission with a legal analysis supporting the conclusion the renewal process is consistent with the requirements under section 101(a)(5)(D) of the MMPA; and should NMFS issue a renewal IHA, NMFS should publish notice in the **Federal Register** whenever such a renewal has been issued.

*NMFS Response:* Until an applicant requests renewal of an IHA for which public comment was received on the proposal to potentially renew the initial IHA, NMFS will continue to make abbreviated notices available to the public when proposing IHA renewals. When an applicant requests renewal of an IHA for which public comment was received on the proposed IHA (when first issued), NMFS will utilize the renewal process because the original notice of the proposed IHA expressly notifies the public that under certain, limited conditions an applicant could seek a renewal IHA for an additional year. Therefore the public comment period is not bypassed. To make this clearer to the public, NMFS added language to the SUMMARY of all proposed IHAs requesting the public comment on the potential renewal. In addition, all proposed IHA notices describes the conditions under which such a renewal request could be considered and expressly seeks public comment in the event such a renewal is sought. Importantly, such renewals would be limited to where the activities are identical or nearly identical to those analyzed in the proposed IHA, monitoring does not indicate impacts that were not previously analyzed and authorized, and the mitigation and monitoring requirements remain the same, all of which allow the public to comment on the appropriateness and effects of a renewal at the same time the public provides comments on the initial IHA. All IHAs, including renewal IHAs, are valid for no more than one year and that the agency would consider only one renewal for a project at this time. NMFS will publish a description of the renewal process on our website before

any renewal is issued utilizing the new process. Finally, NMFS has previously notified the Commission that a notice of issuance or denial of a renewal IHA would be published in the **Federal Register**.

**Description of Marine Mammals in the Area of Specified Activities**

A detailed description of the species likely to be affected by Kitsap Transit’s

activity, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, are provided in Kitsap Transit’s application and the **Federal Register** notice for the proposed IHA (83 FR 22624; May 16, 2018). We are not aware of any changes in the status of these

species and stocks. To avoid repetition, detailed descriptions are not provided here. Please refer to additional species information available in the NMFS stock assessment reports for the Pacific and Alaska at <http://www.nmfs.noaa.gov/pr/sars/region.htm>.

TABLE 2—MARINE MAMMAL POTENTIALLY PRESENT IN THE VICINITY OF THE ANNAPOLIS FERRY TERMINAL DURING CONSTRUCTION

| Common name  | Scientific name                          | Stock                                    | ESA/ MMPA status; strategic (Y/N) <sup>1</sup> | Stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup> | PBR    | Annual M/SI <sup>3</sup> |
|--|--|--|--|--|--------|--------------------------|
| <b>Order Cetartiodactyla—Cetacea—Superfamily Mysticeti (baleen whales)</b> |  |  |  |  |        |                          |
| Family Eschrichtiidae:<br>Gray whale .....                                 | <i>Eschrichtius robustus</i> .....       | Eastern North Pacific .....              | -; N   | 20,990 (0.05; 20,125; 2011) ..   | 624    | 132                      |
| Family Balaenopteridae (rorquals):<br>Humpback whale .....                 | <i>Megaptera novaeangliae kuzira</i> .   | California/Oregon/Washington (CA/OR/WA). | E/D; Y   | 1,918 (0.03; 1,876; 2014) .....  | 7 11   | ≥9.2                     |
| <b>Superfamily Odontoceti (toothed whales, dolphins, and porpoises)</b>    |  |  |  |  |        |                          |
| Family Delphinidae:<br>Killer whale .....                                  | <i>Orcinus orca</i> <sup>4</sup> .....   | West Coast Transient <sup>5</sup> .....  | -; N   | 243 (n/a; 2009) .....  | 2.4    | 0                        |
|  |  | Eastern North Pacific Southern Resident. | E/D; Y   | 83 (n/a; 2016) .....   | 0.14   | 0                        |
| Family Phocoenidae (porpoises):<br>Harbor porpoise .....                   | <i>Phocoena phocoena vomerina</i> .      | Washington Inland Waters .....           | -; N   | 11,233 (0.37; 8,308; 2015) .....   | 66     | ≥7.2                     |
| <b>Order Carnivora—Superfamily Pinnipedia</b>                              |  |  |  |  |        |                          |
| Family Otariidae (eared seals and sea lions):<br>California sea lion ..... | <i>Zalophus californianus</i> .....      | United States .....                      | -; N   | 296,750 (n/a; 153,337; 2011)   | 9,200  | 389                      |
| Steller sea lion .....   | <i>Eumetopias jubatus monteriensis</i> . | Eastern U.S. .....                       | D; Y   | 41,638 (n/a; 2015) .....   | 2,498  | 108                      |
| Family Phocidae (earless seals):<br>Harbor seal .....                      | <i>Phoca vitulina richardii</i> .....    | Southern Puget Sound <sup>6</sup> .....  | -; N   | 1,568 (0.15; 1,025; 1999) .....  | Undet. | 3.4                      |

<sup>1</sup> Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>2</sup> NMFS marine mammal stock assessment reports at: [www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments](http://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments). CV is coefficient of variation; N<sub>min</sub> is the minimum estimate of stock abundance. In some cases, CV is not applicable. For two stocks of killer whales, the abundance values represent direct counts of individually identifiable animals; therefore there is only a single abundance estimate with no associated CV. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the species’ (or similar species’) life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

<sup>3</sup> These values, found in NMFS’ SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, subsistence hunting, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value. All M/SI values are as presented in the draft 2017 SARs.

<sup>4</sup> Transient and resident killer whales are considered unnamed subspecies (Committee on Taxonomy, 2017).

<sup>5</sup> The abundance estimate for this stock includes only animals from the “inner coast” population occurring in inside waters of southeastern Alaska, British Columbia, and Washington—excluding animals from the “outer coast” subpopulation, including animals from California—and therefore should be considered a minimum count. For comparison, the previous abundance estimate for this stock, including counts of animals from California that are now considered outdated, was 354.

<sup>6</sup> Abundance estimates for the Southern Puget Sound harbor seal stock is not considered current. PBR is therefore considered undetermined for these stocks, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

<sup>7</sup> This stock is known to spend a portion of time outside the U.S. EEZ. Therefore, the PBR presented here is the allocation for U.S. waters only and is a portion of the total. The total PBR for humpback whales is 22 (one half allocation for U.S. waters). Annual M/SI presented for these species is for U.S. waters only.

**Potential Effects of Specified Activities on Marine Mammals and Their Habitat**

We provided a detailed description of the anticipated effects of the specified activity on marine mammals in our **Federal Register** notice announcing the proposed authorization (83 FR 22624;

May 16, 2018). Please refer to that document for our detailed analysis; we provide only summary information here.

The introduction of anthropogenic noise into the aquatic environment from pile driving and removal is the primary means by which marine mammals may

be harassed from Kitsap Transit’s specified activity. The effects of pile driving noise on marine mammals are dependent on several factors, including, but not limited to, sound type (e.g., impulsive vs. non-impulsive), the species, age and sex class (e.g., adult male vs. mom with calf), duration of

exposure, the distance between the pile and the animal, received levels, behavior at time of exposure, and previous history with exposure (Southall *et al.*, 2007, Wartzok *et al.* 2004). Animals exposed to natural or anthropogenic sound may experience physical and behavioral effects, ranging in magnitude from none to severe (Southall *et al.* 2007). In general, exposure to pile driving noise has the potential to result in auditory threshold shifts (permanent threshold shift (PTS) and temporary threshold shift (TTS)) and behavioral reactions (*e.g.*, avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior).

Similar pile driving and removal activities have been conducted in Sinclair Inlet and, more broadly, Puget Sound. Marine mammal monitoring conducted under several IHAs indicate there are no permanent or significant impacts to marine mammals from exposure to pile driving noise.

Construction activities at the Annapolis Ferry Terminal could have localized, temporary impacts on marine mammal habitat and their prey by increasing in-water sound pressure levels and slightly decreasing water quality. Any impacts are anticipated to be localized, short-term, and minimal.

#### Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of "small numbers" and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral

patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level A and B harassment. Level A harassment is authorized for those cases where animals are undetected before exposure to noise levels that may induce auditory injury. As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the authorized take estimate.

#### Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.*, frequency, predictability, duty cycle), the environment (*e.g.*, bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.*, 2007, Ellison *et al.*, 2012). Based on what the available science indicates and

the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1  $\mu$ Pa (rms) for continuous (*e.g.* vibratory pile-driving, drilling) and above 160 dB re 1  $\mu$ Pa (rms) for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. For in-air sounds, NMFS predicts that phocids and otariids exposed above received levels of 90 dB and 100 dB re 20  $\mu$ Pa (rms), respectively, may be behaviorally harassed.

Kitsap Transit's project includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the 120 and 160 dB re 1  $\mu$ Pa (rms) are applicable.

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Kitsap Transit's activity includes the use of impulsive (impact pile driving) and non-impulsive (vibratory pile driving) sources.

These thresholds are provided in Table 3. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: <http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm>.

BILLING CODE 3510-22-P



**Table 3. Thresholds identifying the onset of Permanent Threshold Shift**

| Hearing Group   | PTS Onset Acoustic Thresholds*<br>(Received Level)  |   |
|---|---|---|
|   | Impulsive   | Non-impulsive                             |
| Low-Frequency (LF)<br>Cetaceans   | <i>Cell 1</i><br>$L_{pk,flat}$ : 219 dB<br>$L_{E,LF,24h}$ : 183 dB  | <i>Cell 2</i><br>$L_{E,LF,24h}$ : 199 dB  |
|   | <i>Cell 3</i><br>$L_{pk,flat}$ : 230 dB<br>$L_{E,MF,24h}$ : 185 dB  | <i>Cell 4</i><br>$L_{E,MF,24h}$ : 198 dB  |
| Mid-Frequency (MF)<br>Cetaceans   | <i>Cell 5</i><br>$L_{pk,flat}$ : 202 dB<br>$L_{E,HF,24h}$ : 155 dB  | <i>Cell 6</i><br>$L_{E,HF,24h}$ : 173 dB  |
|   | <i>Cell 7</i><br>$L_{pk,flat}$ : 218 dB<br>$L_{E,PW,24h}$ : 185 dB  | <i>Cell 8</i><br>$L_{E,PW,24h}$ : 201 dB  |
| Phocid Pinnipeds (PW)<br>(Underwater)   | <i>Cell 9</i><br>$L_{pk,flat}$ : 232 dB<br>$L_{E,OW,24h}$ : 203 dB  | <i>Cell 10</i><br>$L_{E,OW,24h}$ : 219 dB |
|   | * Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered. |   |
| <p>Note: Peak sound pressure (<math>L_{pk}</math>) has a reference value of 1 <math>\mu</math>Pa, and cumulative sound exposure level (<math>L_E</math>) has a reference value of 1 <math>\mu</math>Pa<sup>2</sup>s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.</p> |   |   |

**BILLING CODE 3510-22-C****Ensonified Area**

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds.

**Sound Propagation**—Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:  $TL = B * \log_{10}(R_1/R_2)$ ,

Where

B = transmission loss coefficient (assumed to be 15)

$R_1$  = the distance of the modeled SPL from the driven pile, and  
 $R_2$  = the distance from the driven pile of the initial measurement.

This formula neglects loss due to scattering and absorption, which is assumed to be zero here. The degree to which underwater sound propagates away from a sound source is dependent on a variety of factors, most notably the water bathymetry and presence or absence of reflective or absorptive conditions including in-water structures and sediments. Spherical spreading occurs in a perfectly unobstructed (free-field) environment not limited by depth or water surface, resulting in a 6 dB reduction in sound level for each

doubling of distance from the source ( $20 * \log(\text{range})$ ). Cylindrical spreading occurs in an environment in which sound propagation is bounded by the water surface and sea bottom, resulting in a reduction of 3 dB in sound level for each doubling of distance from the source ( $10 * \log(\text{range})$ ). As is common practice in coastal waters, here we assume practical spreading loss (4.5 dB reduction in sound level for each doubling of distance). Practical spreading is a compromise that is often used under conditions where water depth increases as the receiver moves away from the shoreline, resulting in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions.

*Sound Source Levels*—The intensity of pile driving sounds is greatly influenced by factors such as the type of piles, hammers, and the physical environment in which the activity takes place. There are source level measurements available for certain pile types and sizes from the specific environment of several of nearby projects (*i.e.*, NBK Bangor and NBK Bremerton), but not from all. Numerous studies have examined sound pressure levels (SPLs) recorded from underwater pile driving projects in California (*e.g.*,

Caltrans, 2015) and elsewhere in Washington. In order to determine reasonable SPLs and their associated effects on marine mammals that are likely to result from pile driving at the six installations, studies with similar properties to the specified activity were evaluated.

No direct pile driving measurements at the Annapolis Ferry Dock are available. Therefore, Kitsap Transit reviewed available values from multiple nearshore marine projects obtained from the California Department of

Transportation (Caltrans) using similar type of piles (*e.g.*, size and material) and water depth (Caltrans, 2015). NMFS also evaluated the proposed source levels with respect to pile driving measurements made by the Washington Department of Transportation (WSDOT) at other ferry terminals in Puget Sound as well as measurements collected by the Navy in Puget Sound. A full description of source level analysis is contained within the notice of proposed IHA (83 FR 22624, May 16, 2018).

TABLE 4—ESTIMATED PILE DRIVING SOURCE LEVELS

| Method                  | Pile size (inches) | Sound pressure (dB re: 1 μPa) |                        |                  |
|-------------------------|--------------------|-------------------------------|------------------------|------------------|
|                         |                    | SPL <sup>1</sup> (peak)       | SPL (rms) <sup>1</sup> | SEL <sup>1</sup> |
| Impact .....            | 12                 | 192                           | 177                    | <sup>2</sup> 167 |
|                         | 24                 | 207                           | 194                    | 178              |
| Vibratory .....         | 12                 | 171                           | 155                    | 155              |
|                         | 24                 | <sup>3</sup> 178              | <sup>3</sup> 165       | <sup>3</sup> 165 |
| Vibratory Removal ..... | 16.5–18            | 175                           | 160                    | 160              |

<sup>1</sup> Source levels presented at standard distance of 10 m from the driven pile. Peak source levels are not typically evaluated for vibratory pile driving, as vibratory driving does not present rapid rise times. SEL source levels for vibratory driving are equivalent to SPL (rms) source levels.

<sup>2</sup> SEL value assumes a 10 dB reduction from SPL.

<sup>3</sup> SLs provided for 24 in. vibratory driving consider measurements from Caltrans (2015) for driving 24 in. sheet piles 36 in. pipe piles, Navy measurements in inland Washington (as described in NMFS proposed rule (83 FR 9366; March 5, 2018)), and analysis contained with the Biological Opinion prepared for this project.

When NMFS Technical Guidance (2016) was published, in recognition of the fact that ensouffled area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which will result in some degree of

overestimate of take by Level A harassment. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available, and NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources such as pile driving, NMFS User Spreadsheet predicts the closest distance at which, if a marine mammal remained at that distance the whole duration of the activity, it would not incur PTS. A description of inputs used in the User Spreadsheet, and the resulting isopleths are reported below.

Kitsap Transit estimates it will take a maximum of six hours, per day, to install or remove piles using a vibratory hammer (up to four piles per day). For steel piles that are “proofed,” Kitsap Transit estimated approximately 1,000 hammer strikes per pile would be required with two piles installed per day. If piles can be installed completely with the vibratory hammer, Kitsap Transit would not use an impact hammer; however, it is included here as a possibility. A practical spreading model (15logR) was used for all calculation. NMFS considered these inputs when using the NMFS user spreadsheet (Table 5).

TABLE 5—NMFS USER SPREADSHEET INPUTS

| Input parameter                                | Vibratory pile driving         | Impact pile driving       |
|--|--------------------------------|---------------------------|
| Weighting Factor Adjustment <sup>1</sup> ..... | 2.5 kHz .....                  | 2 kHz.                    |
| Source Level (SL) .....                        | See Table 4 (rms values) ..... | See Table 4 (SEL values). |
| Duration .....                                 | 6 hours .....                  | n/a.                      |
| Strikes per pile .....                         | n/a .....                      | 1,000.                    |
| Piles per day .....                            | n/a .....                      | 2.                        |
| Transmission loss coefficient .....            | 15 .....                       | 15.                       |
| Distance from SL measurement .....             | 10 m .....                     | 10 m.                     |

<sup>1</sup> For those applicants who cannot fully apply auditory weighting functions associated with the SEL<sub>cum</sub> metric, NMFS has recommended the default, single frequency weighting factor adjustments (WFAs) provided here. As described in Appendix D of NMFS’ Technical Guidance (NMFS, 2016), the intent of the WFA is to broadly account for auditory weighting functions below the 95 frequency contour percentile. Use of single frequency WFA is likely to over-predict Level A harassment distances.

As described above, the Level B harassment threshold for impulsive noise (e.g., impact pile driving) is 160 dB rms. The Level B harassment threshold for continuous noise (e.g., vibratory pile driving) is 120 dB rms.

Distances corresponding to received levels reaching NMFS harassment thresholds are provided in Table 6. These distances represent the distance at which an animal would have to remain for the entire duration

considered (i.e., 6 hours of vibratory pile driving, 2,000 hammer strikes) for the potential onset of PTS to occur. These results do not consider the time it takes to re-set between piles; therefore, it is highly unlikely any species would remain at these distances for the entire duration of pile driving within a day. As a result, these distances represent the calculated outputs of the User Spreadsheet but, in reality, do not reflect a likely scenario

for the potential onset of Level A harassment. Regardless, Kitsap Transit has identified it is practicable to implement shut-down zones mirroring these calculated outputs to avoid Level A harassment. However, for practical purposes, we have modified them slightly for ease of monitoring and implementing mitigation (see Table 9). Table 6 also includes distances to the Level B harassment isopleths considering land truncation.

TABLE 6—DISTANCES TO LEVEL A AND B HARASSMENT THRESHOLDS AND AREA ENSONIFIED

| Method              | Pile size (inches) | Distance to Level A (meters) |              |              |         |          | Level B (meters) | Level B area (km <sup>2</sup> ) |
|---------------------|--------------------|------------------------------|--------------|--------------|---------|----------|------------------|---------------------------------|
|                     |                    | LF cetaceans                 | MF cetaceans | HF cetaceans | Phocids | Otariids |                  |                                 |
| Impact (install)    | 12                 | 136                          | 4.8          | 162.0        | 72.8    | 5.3      | 136              | 0.1                             |
|                     | 24                 | 735.8                        | 26.2         | 876.4        | 393.8   | 28.7     | 1,848            | 5.5                             |
| Vibratory (install) | 12                 | 9.0                          | 0.8          | 13.3         | 5.5     | 0.4      | 2,154            | 6.5                             |
|                     | 24                 | 41.7                         | 3.7          | 61.6         | 25.3    | 1.8      | 10,000           | 19.2                            |
| Vibratory (removal) | 16.5–18            | 19.3                         | 1.7          | 28.6         | 11.8    | 0.8      | 4,612            | 14.3                            |

Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

Available information regarding marine mammal occurrence in the

vicinity of the Annapolis Ferry Terminal includes density information aggregated in the Navy’s Marine Mammal Species Density Database (NMSDD; Navy, 2015) or site-specific survey information from particular installations (e.g., local pinniped counts). More recent density estimates

for harbor porpoise are available in Jefferson *et al.* (2016).

Specifically, a density-based analysis is used for the harbor porpoise and Steller sea lion, while data from site-specific abundance surveys is used for the California sea lion and harbor seal (Table 7).

TABLE 7—DENSITY OR PINNIPED COUNT DATA, BY SPECIES

| Species             | Density (animals/km <sup>2</sup> ) | Average daily pinniped count |
|---------------------|------------------------------------|------------------------------|
| Harbor seal         | 1.22                               | n/a                          |
| Steller sea lion    | 0.036                              | n/a                          |
| California sea lion | n/a                                | 69                           |
| Harbor Porpoise     | 0.53                               | n/a                          |

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

The proposed IHA did not include authorization of take by Level A harassment for marine mammals due to the extended durations animals would have to be exposed within a relatively short distance. However, we have authorized Level A harassment in the final IHA in the chance a marine mammal enters the conservative Level A harassment zone before pile driving could shut down. We do not believe there is a likely potential for Level A harassment for any species. Further, no take (either Level A or Level B harassment) of humpback whales, gray whales, and killer whales was requested or proposed for authorization due to the short duration of the project (17 days),

the small amount of piles installed (12) and removed (5), and the incorporation of the prescribed mitigation and monitoring measures (see *Mitigation and Monitoring and Reporting* sections).

The take calculation for harbor seal, Steller sea lion, and harbor porpoise is derived using the following equation: *take estimate = species density (see Table 7) × ensonified area (based on pile size) × number of pile driving days*. Because there would be 5 days of pile removal, four 12 in. piles installed over four days (maximum), and eight 24 in. piles installed over eight days (maximum), we summed each product together to produce a total take estimate. When impact and vibratory hammer use would occur on the same day, the larger Level B harassment ensonified zone for that day was used. For example, harbor seal takes due to 12 inch pile driving are

calculated as 1.22 animals/km<sup>2</sup> × 6.5 km<sup>2</sup> × 4 days = 32. Harbor seal takes due to installing 24 in. piles is 1.22 animals/km<sup>2</sup> × 19.2 km<sup>2</sup> × 8 days = 187. Finally, harbor seal takes due to pile removal is 1.22 animals/km<sup>2</sup> × 14.3 km<sup>2</sup> × 5 days = 87. Therefore, take by Level B harassment is estimated at 306 harbor seals. We anticipate this amount of take does not represent number of individuals taken but some lesser amount of individuals taken multiple times. The take estimation process was repeated for Steller sea lions and harbor porpoise using their respective densities (see Table 7).

The calculation for California sea lion exposures is estimated by the following equation: *Level B Exposure estimate = N (estimated animals/day) × number of pile driving days*. Because density is not used for this species, we simply

assumed 69 sea lions could be taken on any given day of pile driving. Therefore, 69 California sea lion/day × 17 days = 1,173 California sea lion takes.

Finally, we included a small amount of take by Level A harassment for harbor seals and harbor porpoise in case animals go undetected before Kitsap Transit can shut down pile driving. For

both species, we assumed up to three animals could come closer than the Level A harassment distance generated by the user spreadsheet each day of pile driving (total of 12 days). We authorized 36 Level A harassment takes of harbor seals and harbor porpoise assuming three animals of each species could enter the Level A harassment zone

during pile driving based on previous monitoring and sightability; however, the likelihood of those animals actually experiencing PTS is very low because the distances represent long exposure durations. The amount of authorized take, by harassment type, incidental to 17 days of pile driving is provided in Table 8.

TABLE 8—AUTHORIZED TAKE, BY SPECIES, INCIDENTAL TO PILE DRIVING

| Species                   | Level A | Level B | Total take | Percent of stock |
|---------------------------|---------|---------|------------|------------------|
| Harbor seal .....         | 136     | 306     | 342        | 22               |
| Steller sea lion .....    | 0       | 10      | 10         | 0.01             |
| California sea lion ..... | 0       | 1,173   | 1,173      | 0.4              |
| Harbor porpoise .....     | 136     | 126     | 162        | 1.4              |

<sup>1</sup> Assuming three harbor seals or harbor porpoise could enter the Level A harassment zone during 12 days of pile driving.

**Mitigation**

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned) and;

(2) The practicability of the measures for applicant implementation, which

may consider such things as cost, and impact on operations.

*Mitigation for Marine Mammals and Their Habitat*

Kitsap Transit is required to implement a number of mitigation measures designed to minimize the impacts of the project on marine mammals and their habitat. Below is a description of these measures.

For in-water heavy machinery work (e.g., barges, tug boats), a minimum 10 m shutdown zone shall be implemented. If a marine mammal comes within 10 m of such operations, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

Kitsap Transit shall shut down pile driving if marine mammals are observed within or approaching the shut down zones identified in Table 9.

TABLE 9—SHUTDOWN ZONES TO AVOID HEAVY EQUIPMENT INJURY, LEVEL A HARASSMENT, OR LEVEL B HARASSMENT

| Species                   | Shutdown Zones (m) |            |               |               |                   |
|---------------------------|--------------------|------------|---------------|---------------|-------------------|
|                           | Impact 12"         | Impact 24" | Vibratory 12" | Vibratory 24" | Vibratory removal |
| Humpback whale .....      | 140                | 1,850      | 2,160         | 10,000        | 4,620             |
| Gray whale .....          |                    |            |               |               |                   |
| Killer whale .....        |                    |            |               |               |                   |
| Harbor porpoise .....     | 160                | 875        | 15            | 60            | 30                |
| Harbor seal .....         | 70                 | 395        |               | 25            | 10                |
| Steller sea lion .....    | 110                | 30         | 110           | 110           | 110               |
| California sea lion ..... |                    |            |               |               |                   |

<sup>1</sup> A minimum 10 m shutdown zone is required to avoid potential injury from equipment.

Pre-activity monitoring shall take place from 30 minutes prior to initiation of pile driving activity and post-activity monitoring shall continue through 30 minutes post-completion of pile driving activity. Pile driving may commence at

the end of the 30-minute pre-activity monitoring period, provided observers have determined that the shutdown zone (see Table 6) is clear of marine mammals, which includes delaying start of pile driving activities if a marine

mammal is sighted in the shutdown zone. A determination that the shutdown zone is clear must be made during a period of good visibility (i.e., the entire shutdown zone and

surrounding waters must be visible to the naked eye).

If a marine mammal approaches or enters the shutdown zone during activities or pre-activity monitoring, all pile driving activities at that location shall be halted or delayed, respectively. If pile driving is halted or delayed due to the presence of a marine mammal, the activity may not resume or commence until either the animal has voluntarily left and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than thirty minutes.

Kitsap Transit shall use soft start techniques when impact pile driving. Soft start requires contractors to provide an initial set of strikes at reduced energy, followed by a thirty-second waiting period, then two subsequent reduced energy strike sets. Soft start shall be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of thirty minutes or longer.

If a species for which authorization has not been granted (including humpback whales, gray whales, and killer whales), or a species for which authorization has been granted but the authorized takes are met, is observed approaching or within the Level B harassment isopleth (Table 6 and 9), pile driving and removal activities must shut down immediately using delay and shut-down procedures. Activities must not resume until the animal has been confirmed to have left the area or the observation time period has elapsed.

Kitsap Transit shall use a bubble curtain during impact pile driving. Kitsap Transit has indicated they would operate the bubble curtain such that it will distribute bubbles for the full depth of the water column and the full circumference of the pile during impact pile driving, and the lowest bubble ring will be weighted to ensure contact with the substrate for the full circumference of the ring (pers. comm., S. Mahugh to J. Daly, June 11, 2018). We note the estimated source levels used to calculate harassment zones did not consider any reduction in noise from use of this bubble curtain (*i.e.*, source levels are unattenuated estimates).

Kitsap Transit shall access the Orca Network website each morning prior to in-water construction activities and if pile removal or installation ceases for more than two hours. If marine mammals for which take is not

authorized (*e.g.*, killer whales, humpback whales, gray whales) are observed and on a path towards the Level B harassment zone, pile driving shall be delayed until animals are confirmed outside of and on a path away from the Level B harassment zone or if one hour passes with no subsequent sightings.

Kitsap Transit shall implement the use of best management practices (*e.g.*, erosion and sediment control, spill prevention and control) to minimize impacts to marine mammal habitat.

Based on our evaluation of the applicant's planned measures, NMFS has determined that the prescribed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

### Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or

cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

For all pile driving activities, at least two protected species observers (PSOs) shall be on duty. One PSO shall be stationed at the on-shore vantage point at the outer portion of the pier to monitor and implement shutdown or delay procedures, when applicable, through communication with the equipment operator. The other PSO shall be stationed at the Waterman Point Dock. If conditions exceed a Beaufort level 3, a third boat-based observer shall be employed during pile driving.

Monitoring of pile driving shall be conducted by qualified PSOs (see below), who shall have no other assigned tasks during monitoring periods. Kitsap Transit shall adhere to the following conditions when selecting observers:

- Independent, dedicated PSOs shall be used (*i.e.*, not construction personnel);
  - At least one PSO must have prior experience working as a marine mammal observer during construction activities;
  - Other PSOs may substitute education (degree in biological science or related field) or training for experience; and
  - The Kitsap Transit shall submit PSO CVs for approval by NMFS.
- Kitsap Transit shall ensure that observers have the following additional qualifications:
- Ability to conduct field observations and collect data according to assigned protocols.
  - Experience or training in the field identification of marine mammals, including the identification of behaviors;
  - Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
  - Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of

mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Kitsap Transit is also required to submit an annual report summarizing their monitoring efforts, number of animals taken, any implementation of mitigation measures (e.g., shut downs) and abide by reporting requirements contained within the IHA.

#### Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any responses (e.g., intensity, duration), the context of any responses (e.g., critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’s implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Pile driving activities associated with the Annapolis Ferry Terminal Project, as described previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take of four species of marine mammals, in the form of Level B harassment (behavioral disturbance) from underwater sounds generated from pile driving. Although unlikely, we have also authorized a small amount of

Level A harassment for harbor seals and harbor porpoise and considered it in our analysis. The degree of harassment is expected to be minimized through implementation of the required mitigation measures—use of the bubble curtain for impact driving steel piles, soft start (for impact driving), and shutdown zones. Typically, given sufficient notice through use of soft start, marine mammals are expected to move away from a sound source that is annoying prior to its becoming potentially injurious or resulting in more severe behavioral reactions. Environmental conditions in inland waters are expected to generally be good, with calm sea states, and we expect conditions would allow a high marine mammal detection capability, enabling a high rate of success. No serious injury or mortality is authorized.

We anticipate individuals exposed to pile driving noise generated at the Annapolis Ferry Terminal will, predominately, simply move away from the sound source and be temporarily displaced from the areas of pile driving, and that a small number of harbor seals and harbor porpoise may incur a small degree of PTS. The pile driving activities analyzed here are similar to, or less impactful than, numerous other construction activities conducted in the Puget Sound region, which have taken place with no known long-term adverse consequences. No pupping or breeding areas are present within the action area. Further, animals are likely somewhat habituated to noise-generating human activity given the proximity to Seattle-Bremerton and Port Orchard ferry lanes, recent construction at NBK Bremerton and the Manette Bridge (both of which involved pile driving), and general recreational, commercial and military vessel traffic. Monitoring reports from the Manette Bridge and NBK Bremerton demonstrate no discernable individual or population level impacts from similar pile driving activities.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized;
- The anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior;
- Any injury incurred would consist of small degree of PTS;
- There is no significant habitat within the industrialized project areas, including known areas or features of

special significance for foraging or reproduction; and

- The required mitigation measures reduce the effects of the specified activity to the level of least practicable adverse impact.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

We propose to authorize incidental take of four marine mammal stocks. The total amount of taking proposed for authorization is less than 1.5 percent of the stock of Steller sea lions, California sea lions, and harbor porpoise and 22 percent of the harbor seal stock (see Table 8). We note that harbor seals takes likely represent multiple exposures of a fewer number of individuals; therefore, the percentage of the stock taken under this authorization is likely less than 22 percent. The amount of take authorized is considered relatively small percentages and we find are small numbers of marine mammals relative to the estimated overall population abundances for those stocks.

Based on the analysis contained herein of the proposed activity (including the prescribed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or

species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region (WCR) Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is expected or authorized from this activity. On April 5, 2018, NMFS WCR issued a Biological Opinion to the Federal Transit Administration concluding the project is not likely to adversely affect Southern Resident killer whales and the Western North Pacific and Central American humpback whale distinct population segments (DPSs). Therefore, NMFS determined that formal consultation under section 7 of the ESA is not required for this action.

### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

### Authorization

As a result of these determinations, NMFS has issued an IHA to Kitsap Transit for the harassment of small numbers of marine mammals incidental

to construction activities related to the Annapolis Ferry Dock Project, Puget Sound, Washington, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: July 5, 2018.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2018-14753 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF566**

### Marine Mammal Stock Assessment Reports

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

**ACTION:** Notice; response to comments.

**SUMMARY:** As required by the Marine Mammal Protection Act (MMPA), NMFS has considered public comments for revisions of the 2017 marine mammal stock assessment reports (SAR). This notice announces the availability of the final 2017 SARs for the 75 stocks that were updated.

**ADDRESSES:** Electronic copies of SARs are available on the internet as regional compilations at the following address: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>.

A list of references cited in this notice is available at [www.regulations.gov](http://www.regulations.gov) (search for docket NOAA-NMFS-2017-0065) or upon request.

**FOR FURTHER INFORMATION CONTACT:** Lisa Lierheimer, Office of Protected Resources, 301-427-8402, [Lisa.Lierheimer@noaa.gov](mailto:Lisa.Lierheimer@noaa.gov); Marcia Muto, 206-526-4026, [Marcia.Muto@noaa.gov](mailto:Marcia.Muto@noaa.gov), regarding Alaska regional stock assessments; Elizabeth Josephson, 508-495-2362, [Elizabeth.Josephson@noaa.gov](mailto:Elizabeth.Josephson@noaa.gov), regarding Atlantic, Gulf of Mexico, and Caribbean regional stock assessments; or Jim Carretta, 858-546-7171, [Jim.Carretta@noaa.gov](mailto:Jim.Carretta@noaa.gov), regarding Pacific regional stock assessments.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 117 of the MMPA (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock

of marine mammals occurring in waters under the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ). These reports must contain information regarding the distribution and abundance of the stock, population growth rates and trends, estimates of annual human-caused mortality and serious injury (M/SI) from all sources, descriptions of the fisheries with which the stock interacts, and the status of the stock. Initial reports were completed in 1995.

The MMPA requires NMFS and FWS to review the SARs at least annually for strategic stocks and stocks for which significant new information is available, and at least once every three years for non-strategic stocks. The term "strategic stock" means a marine mammal stock: (A) For which the level of direct human-caused mortality exceeds the potential biological removal level (PBR) (defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population); (B) which, based on the best available scientific information, is declining and is likely to be listed as a threatened species under the Endangered Species Act (ESA) within the foreseeable future; or (C) which is listed as a threatened species or endangered species under the ESA. NMFS and the FWS are required to revise a SAR if the status of the stock has changed or can be more accurately determined. NMFS, in conjunction with the Alaska, Atlantic, and Pacific independent Scientific Review Groups (SRG), reviewed the status of marine mammal stocks as required and revised reports in the Alaska, Atlantic, and Pacific regions to incorporate new information.

NMFS updated SARs for 2017, and the revised draft reports were made available for public review and comment for 90 days (82 FR 60181, December 19, 2017). NMFS received comments on the draft 2017 SARs and has revised the reports as necessary. This notice announces the availability of the final 2017 reports for the 75 stocks that were updated. These reports are available on NMFS' website (see **ADDRESSES**).

### Technical Corrections to the Final Common Bottlenose Dolphin Baratavia Bay Estuarine System and Mississippi Sound, Lake Borgne, Bay Boudreau SARS

In the draft 2017 common bottlenose dolphin Baratavia Bay Estuarine System (BBES) and Mississippi Sound, Lake Borgne, Bay Boudreau (MS Sound)

SARs, we updated the abundance estimates but listed the recovery factor for both of these stocks as 0.5, which is the appropriate factor for stocks with unknown status (Wade and Angliss 1997). We should have updated the recovery factor for each stock to 0.4 because the coefficient of variation (CV) of the shrimp trawl mortality estimates for Louisiana bays, sounds, and estuaries (BSE) stocks (BBES SAR) and Mississippi and Alabama BSE stocks (MS Sound SAR) is greater than 0.8 (Wade and Angliss 1997). Based on the recovery factor of 0.4, we recalculated PBR for both stocks; the PBR decreased from 21 to 17 for the BBES stock and from 29 to 23 for the MS Sound stock. In the final 2017 SARs for these two stocks, we have updated the “Potential Biological Removal” section, as well as the Atlantic SARs Summary Table 1, to reflect the update in recovery factor from 0.5 to 0.4 and adjusted PBR values. These technical corrections do not affect the strategic status for either stock.

#### Comments and Responses

NMFS received letters containing comments on the draft 2017 SARs from the Marine Mammal Commission; seven non-governmental organizations (Cascadia Research Collective, Center for Biological Diversity (CBD), Hawaii Longline Association, Humane Society Legislative Fund, The Humane Society of the United States, Point Blue Conservation Science, and Whale and Dolphin Conservation); and three individuals. Responses to substantive comments are below; comments on actions not related to the SARs are not included below. Comments suggesting editorial or minor clarifying changes were incorporated in the reports, but they are not included in the summary of comments and responses. In some cases, NMFS’ responses state that comments would be considered or incorporated in future revisions of the SARs rather than being incorporated into the final 2017 SARs.

#### Comments on National Issues

*Comment 1:* The Commission comments that the SARs are a valuable reference to scientists and managers and the parameters in the summary tables for each region are a vital resource for issues involving multiple stocks, or when managing at regional or national levels. The Commission notes the value of the tables would be improved if there were more consistency among regions in the types of information presented and how it is presented. The Commission recommends that NMFS convene a panel, including SAR authors from all three regions, to identify the key

information to be included, decide how to present that information in a consistent manner in the summary tables for all regions, and facilitate the implementation of these changes for the final 2018 SARs. The Commission notes they would be interested in participating in the panel discussions.

*Response:* We acknowledge and appreciate the Commission’s suggestion, and agree with the Commission that consistency among the regions, particularly the information included in the summary tables, is important. We will look into convening a panel to address how the information we present in the summary tables for each region could be more consistent across the regions and would welcome the Commission’s participation in the panel discussions. However, due to timing constraints for the publication of the draft and final 2018 SARs and other priorities, we cannot commit to setting up a panel and incorporating any recommended changes in time to include in the final 2018 SARs. We will strive to have revised summary tables included in the draft 2019 SARs.

*Comment 2:* The Humane Society of the United States, Humane Society Legislative Fund, and Whale and Dolphin Conservation (the Organizations) note that NMFS’ late release of the draft 2017 SARs led to a situation where the draft 2018 SARs were drafted and reviewed by the SRGs prior to the finalization of the 2017 reports. The Organizations argue that this overlap in timing of the SARs did not allow the agency an opportunity to meaningfully consider public comments on the draft 2017 SARs before developing the 2018 reports. The Organizations argue that NMFS has failed to make its draft stock assessments “based on best scientific information available” and has repeatedly failed to meaningfully consider the advice of SRGs and the best available science when publishing its final stock assessments. The Organizations suggest that in order to properly consider public comment, SRG input, and best available science, NMFS should follow the following timeline each year: NMFS sends the draft SARs for the current year to the SRGs early in the year; the SRGs meet shortly after to discuss the drafts; the draft SARs are open for public comment; NMFS publishes the final SARs for the current year by the end of the year; NMFS sends the draft SARs for next year to the SRGs early the next year.

*Response:* We acknowledge and agree with this comment regarding the importance of following the SAR process timeline so the current year’s

draft SARs do not overlap with the final SARs from the previous year. Unfortunately, the publication of the draft 2017 SARs was delayed until the end of the year. This was an anomaly, and we are actively working to publish the 2018 draft SARs in order to have the 2018 SARs finalized, with submitted public and SRG comments considered, by the end of the year (before the SRGs meet in early 2019 to review the draft 2019 SARs).

NMFS respectfully disagrees with the Organizations’ statement that we do not meaningfully consider the comments we receive from the public or the recommendations made by the SRGs. We carefully consider and respond to all substantial comments we receive from the public and the SRGs on the draft SARs and incorporate any revisions into the final SARs. In the event that a report changes substantively as a result of public comment after the SRG has reviewed the next cycle’s draft reports, we would provide the SRGs an opportunity to review such changes.

*Comment 3:* The Hawaii Longline Association (HLA) continues to assert that the SARs are not based upon the best available scientific information because they are based upon data that are at least two years old—even when new, relevant data are otherwise available. NMFS has yet to provide a credible justification for continuing the present two-year delay in the use of information. HLA maintains that the MMPA’s requirement that the SARs be based on the “best scientific information available” is not being met as the SARs do not incorporate the most recent marine mammal interaction information that has been reported by observers and for which the agency has made a serious or non-serious injury determination. HLA notes that for marine mammal interaction purposes, those data are the best available, and yet NMFS does not report it.

*Response:* As noted in previous years, the marine mammal SARs are based upon the best available scientific information, and NMFS strives to update the SARs with as timely data as possible. In order to develop annual mortality and serious injury estimates, we do our best to ensure all records are accurately accounted for in that year. In some cases, this is contingent on such things as bycatch analysis, data entry, and assessment of available data to make determinations of severity of injury, confirmation of species based on morphological and/or molecular samples collected, etc. Additionally, the SARs incorporate injury determinations that have been assessed pursuant to the NMFS 2012 Policy and Procedure for



Distinguishing Serious from Non-Serious Injury of Marine Mammals (NMFS 2012), which requires several phases of review by the SRGs.

Reporting on incomplete annual mortality and serious injury estimates could result in underestimating actual levels. The MMPA requires us to report mean annual mortality and serious injury estimates, and we ensure that we are accounting for all available data before we summarize those data. With respect to abundance, in some cases we provide census rather than abundance estimates, and the accounting process to obtain the minimum number alive requires two years of sightings to get a stable count, after which the data are analyzed and entered into the SAR in the third year. All animals are not seen every year; waiting two years assures that greater than 90 percent of the animals still alive will be included in the count. As a result of the review and revision process, data used for these determinations typically lag two years behind the year of the SAR.

#### *Comments on Alaska Issues*

*Comment 4:* The Commission notes that information on subsistence hunting and harvest is becoming increasingly important in light of the pace of changes occurring in the Arctic and sub-Arctic. Over the past several years, the Commission has repeatedly recommended that NMFS improve its monitoring and reporting of subsistence hunting and harvest in collaboration with its co-management partners. The Commission appreciates the updates made by NMFS to the SARs in response to these recommendations and encourages NMFS to continue to provide updated information whenever it becomes available, even if it pertains only to a limited number of villages or a subset of years.

The Commission states that tracking the numbers of marine mammals successfully hunted as well as the numbers struck and lost, is critical to the management of harvested stocks. The Commission noted that the struck and lost data in the U.S. subsistence harvest information for four stocks of beluga whales in the draft 2017 SARs was absent, presumably due to "inconsistencies in reporting." The Commission encourages the inclusion of all available data, with any uncertainties or needed explanations about the values noted in the SAR, and recommends that NMFS include all available data in the SARs and clearly delineate landings, struck and lost, and total numbers harvested for each beluga whale stock. In addition, the Commission recommends that NMFS work with the

Alaska Beluga Whale Committee to improve the completeness of and consistency in reporting harvest data, with a focus on struck and lost information for these stocks.

*Response:* We are actively working to improve reporting of struck and lost animals associated with beluga whale subsistence harvests. NMFS works closely with the Alaska Beluga Whale Committee, and there is consensus that collecting information on struck and lost animals, along with the numbers of harvested beluga whales, is important to document. We will continue to coordinate with the Alaska Beluga Whale Committee to improve this reporting so we can include these data in future SARs.

*Comment 5:* The Commission referenced their previous comments on draft SARs for the Southeast Alaska (SEAK) stock of harbor porpoise and noted that the harbor porpoise abundance estimates were calculated using an assumption that  $g(0)$  (the probability of detection on the trackline) was 1.0, which they stated is almost certainly not adequate. They noted the agency had responded that preliminary data had been collected on  $g(0)$  and recommended that this information should be used in lieu of an assumption of 1.0; if this is not possible, the Commission recommended that NMFS choose a value from a study, or studies, that most closely matches the SEAK population and survey in terms of factors that most significantly influence  $g(0)$ .

*Response:* The Alaska Fisheries Science Center's (AFSC) Marine Mammal Laboratory attempted to conduct an experiment to estimate  $g(0)$  during their 2012 vessel survey of harbor porpoise in Southeast Alaska. Unfortunately, the analysis of the preliminary data indicated that the sample size from the survey was insufficient to compute  $g(0)$ . In the absence of a  $g(0)$  specific to surveys of Southeast Alaska harbor porpoise, the AFSC will select an appropriate value of  $g(0)$  from similar surveys of other harbor porpoise populations to compute new abundance estimates from the 2010–2012 data for the inland waters of Southeast Alaska and for the northern and southern regions of the inland waters. After review by the Alaska Scientific Review Group, we will include these new estimates (and corresponding values for  $N_{MIN}$  and PBR) in the draft 2019 Southeast Alaska harbor porpoise SAR.

*Comment 6:* The Commission notes that for several years, NMFS has been reporting an M/SI estimate for the SEAK population of harbor porpoises based on

data obtained by fisheries observers from the Yakutat salmon set gillnet fishery in 2007 and 2008, and from the SE Alaska salmon drift gillnet fishery in 2012 and 2013 (Districts 6, 7 and 8, only). That M/SI estimate, of 34 porpoises per year, is considered to be a minimum because observations did not cover all the gillnet fisheries with the potential to take SEAK harbor porpoises. In addition, the estimate is imprecise (aggregate CV = 0.77) because of the very low observer coverage rates on which it is based (5.3 to 7.6 percent per year).

Prior to 2017, because of the substantial uncertainty in M/SI estimates, NMFS classified the SEAK harbor porpoise stock as "strategic" under the MMPA. In the draft 2017 SAR, NMFS proposed classifying the stock as "strategic" in light of the large difference between the estimated M/SI and the calculated PBR. Because of the bias in PBR associated with the  $g(0)$  estimate described above, the problem could be less severe than it appears or, because of the incomplete observer coverage, it could be worse. Additionally, knowledge of other harbor porpoise populations and preliminary research results presented at the 2018 Alaska SRG meeting suggest that it is quite possible that what currently is delineated as the SEAK harbor porpoise stock in fact consists of two or more stocks. Until the stock structure, and the PBR and M/SI for each stock, are known with more certainty, the magnitude of the threat posed by gillnet fishing will not be fully apparent. In any case, applying the best available science and taking into account the uncertainty in the assessment, it is most likely that the level of take of SEAK harbor porpoises by gillnet fisheries is unsustainable.

*Response:* We acknowledge the Commission's comment and agree that we cannot fully understand the magnitude of the threat until we acquire more information on stock structure, M/SI, and PBR. NMFS will continue to pursue avenues to better understand these parameters.

*Comment 7:* The Commission states that the uncertainty of the seriousness of the Southeast Alaska harbor porpoise bycatch problem centers on three factors: (1) Statistical uncertainty in the bycatch rate, (2) bias in the value of PBR, and (3) uncertainty regarding stock structure. To address these issues, the Commission recommends that NMFS: (1) Provide funding and work with the State of Alaska to increase observer coverage throughout all gillnet fisheries in SEAK to a level that will produce a bycatch estimate with a CV less than 0.3; (2) improve the accuracy of the

abundance estimate by using the best available estimate of  $g(0)$  for this population or an appropriately selected estimate from a similar population; and (3) continue to give high priority to funding and conducting innovative eDNA investigations of SEAK harbor porpoise stock structure by the Alaska Fisheries Science Center.

*Response:* NMFS agrees with the Commission's recommendations. (1) While we recognize the need for more current observer coverage of State-managed fisheries, we do not currently have the funds necessary for the Alaska Marine Mammal Observer Program or a similar program that could provide these insights into marine mammal M/SI associated with these fisheries; (2) the AFSC will select an appropriate value of  $g(0)$  from similar surveys of other harbor porpoise populations to improve the accuracy of the abundance estimates for harbor porpoise in the inland waters of Southeast Alaska; and (3) NMFS agrees that funding research on eDNA investigations of Southeast Alaska harbor porpoise stock structure is a high priority and hopes to support this work at some level in FY18.

#### *Comments on Atlantic Issues*

*Comment 8:* The Commission notes that in the Gulf of Mexico Bryde's Whale SAR, the Stock Definition section was revised to include information on acoustic detections in addition to visual sightings, but it did not include citations for the acoustic detections. Sirović *et al.* (2013), Rice *et al.* (2014), and possibly Soldevilla *et al.* (2017) are three recent studies that reported on acoustic detections of Bryde's whales. The Commission recommends that NMFS include the source documents for acoustic detections of Bryde's whales in the Gulf of Mexico and update the map and caption for Figure 1 in the SAR accordingly.

*Response:* NMFS has added the additional citations regarding acoustic detections of Bryde's whales to the Gulf of Mexico Bryde's Whale SAR. We have not updated the map with locations of acoustic detections (deployment locations for Marine Autonomous Recording Units and sonobuoys that recorded whale vocalizations) because this information would not alter what we know about Bryde's whale spatial distribution at this time.

*Comment 9:* The Commission points out that the Habitat Issues section of the Gulf of Mexico Bryde's Whale SAR states that the estimated mortality of Bryde's whales from the Deepwater Horizon oil spill was 3.8 whales between 2011 and 2015, based on population modeling. The Commission

recommends that NMFS report the estimate of oil spill-caused mortality of 3.8 whales in the Human-Caused Mortality and Serious Injury section of the Bryde's whale SAR to clarify how NMFS derived an annual mean mortality of 0.7 whales per year for the period 2011–2015, based solely on the reported 22 percent decline in abundance as a result of the oil spill. The Commission also recommends that NMFS add a statement to the Current Population Trend section to reflect the projected 22 percent decline in population size resulting from the spill, as was done for the Barataria Bay bottlenose dolphin stock.

*Response:* We have taken the Commission's recommendation and expanded the Other Mortality text within the Annual Human-Caused Mortality and Serious Injury section to clarify that the 0.8 (corrected from 0.7) annual mean mortality is derived from the mortality estimate of 3.8 whales for the period 2011–2015 due to the *Deepwater Horizon* oil spill. However, we have not made any further edits to the Current Population Trend section as this section already makes a statement regarding the 22 percent decline in population size.

*Comment 10:* One commenter pointed out that North Atlantic right whales and Gulf of Maine Humpback whales have undergone "significant mortality events" in the past year(s) which do not appear to be included in the M/SI estimates in the 2017 SARs.

*Response:* See response to Comment 3. The 2017 SAR covers data from 2011–2015. Mortality events in 2016 will first appear in the 2018 SARs, and those from 2017 will appear in the 2019 SARs. We will make an exception in the North Atlantic right whale 2018 SAR and include the unusual number of events in 2017 in the text, but these events will not be included in the table or in estimates of mortality until the 2019 SAR.

*Comment 11:* One commenter suggested inclusion of data on the shifting baseline in the marine environment and habitat factors in the SARs for North Atlantic right whale and Gulf of Maine humpback whales, analogous to the Essential Fish Habitat component for fisheries management used under the Magnuson-Stevens Sustainable Fisheries Act. This type of data could provide insights on changes in distribution/abundance in space/time. The shifting baseline phenomenon from increased human usage and environmental changes requires some type of dynamic component to the SAR models which would allow confidence

intervals for the abundance and M/SI values.

*Response:* NMFS thanks the commenter for raising concerns about the shifting baseline phenomenon and the importance of including habitat factors and note that we are taking these issues into consideration in our modeling approaches. For example, we are currently working on seasonal habitat models for all cetaceans that may be useful in tracking humpback, fin and sei whale area use patterns because they are based on malleable oceanographic features.

#### *Comments on Pacific Reports*

*Comment 12:* The Commission notes that NMFS has reported a substantial recent increase in the number of entanglements of humpback and blue whales on the West Coast. Prior to 2015, no entanglements of blue whales had been reported, but 12 blue whale entanglements were confirmed between 2015 and 2017. From 1982 to 2013, the number of confirmed West Coast entanglements of humpback whales averaged 2.1 animals per year. The Commission stresses that the substantial number of entanglements of humpback whales that have occurred recently on the West Coast is a matter of concern and may reflect a problem that has gone undetected for much longer.

The Commission points out that with the addition of M/SI from other causes (e.g., entanglements in other gear types and ship strikes), the average confirmed M/SI over 2011–2015 was 9.2 whales per year, which is very close to the PBR of 11 whales for this stock. Considering undetected entanglements, the average M/SI of humpback whales almost certainly was greater than PBR for this period. The uncertainty associated with undetected M/SI is compounded by undetected ship strikes. Two recent publications (Rockwood *et al.*, 2017 and Nichol *et al.*, 2017) assessing large-whale ship-strike risk on the West Coast were not cited in the draft 2017 Pacific SARs.

The MMPA requires SARs for strategic stocks be reviewed at least annually and updated when necessary, as in the case of a significant increase in M/SI. Given recent increases in entanglements and in M/SI, the Commission notes the delay in reviewing these two stocks is unacceptable and recommends that NMFS either incorporate the best available science into the 2017 SARs or prepare draft 2018 SARs for the West Coast humpback and blue whale stocks, to be reviewed intersessionally by the Pacific SRG, so that they can be included in the final 2018 SARs.

*Response:* We acknowledge and appreciate the Commission's concerns. The publication of the Rockwood *et al.* (2017) vessel strike estimates occurred after the draft 2017 SARs had been submitted for agency clearance. We have updated the final 2017 SARs to note the availability of these new estimates, and we will incorporate the results of those vessel strike estimates into the draft 2018 SARs for both humpback and blue whales.

*Comment 13:* Point Blue and Cascadia Research suggest that NMFS incorporate the results from their recent publication (Rockwood *et al.*, 2017) on the assessment of mortality from ship strikes for both blue and humpback whales into the 2017 SARs. This publication uses a new approach to estimate one of the key parameters regarding ship strike mortality, the underreporting rate, and shows that based on this new analysis (that is consistent with other data on recovery rates) ship strike mortality is being severely underestimated. They note the SARs have acknowledged that documented cases of ship strikes are certain to be underestimates of the true number of deaths, and assert that their research provides a metric for how many ship strike deaths actually occur relative to the number documented. Rockwood *et al.* (2017) reports a best conservative estimate of 18 blue and 22 humpback whale deaths per 6-month season. Based on these predictions and the average annual strike reports from 2006–2016 (1.0 for blue and 1.4 for humpback whale), they calculated that 95 percent of blue whale and 94 percent of humpback whale strike deaths go undocumented. Given the uncertainty in accounting for whale collision avoidance, they also calculated strike mortality in the case of no avoidance, producing estimates of 40 blue and 48 humpback whale deaths. In addition, Point Blue notes that the lack of detected blue whale strike deaths from 2011–2015 results in an assumption of zero strike mortality and a determination that the current level of serious injury and mortality is less than 10 percent of PBR. They stress that the Rockwood *et al.* (2017) results should be included in the 2017 SAR since it provides evidence that blue whale ship strike mortality is almost certainly ongoing and well above zero.

*Response:* See response to Comment 12.

*Comment 14:* Cascadia Research notes the CA/OR/WA humpback whale SAR does not include that in addition to the underestimated ship strike mortality, fishery mortality is also being dramatically underestimated based on

information available at the time of the draft document that would certainly put this overall stock well above PBR. Entanglement mortality of humpback whales off California went through a dramatic increase starting in 2015 and continuing through 2016 and 2017. Fishery mortality in the draft SAR is based on a 5-year average through 2015 so only includes one of these three years of elevated mortality in the 5-year average. Cascadia Research suggests the SAR should mention this increased mortality known for those added years and that new calculations conducted in a similar fashion with the known 2016 or 2017 entanglements would have put the 5-year average above the PBR. Further, like ship strike mortality, observed entanglement rates dramatically underestimate true mortality and no correction for this underreporting is made in the SAR. The concerns above that would result in mortality exceeding PBR do not include this under-reporting and compound the downward bias to how this is represented in the SAR.

*Response:* See response to Comment 3. The review cycle for the draft 2017 SARs results in data through 2015 being available for incorporation into the draft reports. Entanglement data through 2016 will be incorporated into the draft 2018 SARs for blue and humpback whales.

*Comment 15:* Cascadia Research notes that the humpback whale SAR may give the mistaken impression that the new status of humpback whales under the ESA may change how the PBR's are calculated and alter the mortality exceeding PBR. However, they suggest that as the small endangered Central America humpback whale DPS is made up almost entirely of whales that feed off the California coast, the observed mortality will exceed PBR in future years due to the California entanglements regardless of how the new calculations are made.

*Response:* As described in our **Federal Register** notice requesting comments on the Draft 2017 Marine Mammal Stock Assessment Reports (82 FR 60181, December 19, 2017), NMFS is currently in the process of reviewing stock structure under the MMPA for all humpback whales in U.S. waters, following the change in ESA listing for the species in 2016, to determine whether we can align the stocks with the DPSs under the ESA. The most current SAR does not delineate a Central America DPS of humpback whales as a stock under the MMPA. Until such time that the humpback whale stock structure under the MMPA with respect to the ESA listing has been

completed, we are retaining the current stock delineations and it is premature to hypothesize calculations of PBR in future years. Any changes in stock delineation or MMPA section 117 elements (such as PBR or strategic status) will be reflected in future stock assessment reports.

*Comment 16:* CBD comments that NMFS is required to review and incorporate new scientific information in the stock assessments and revise the assessment for strategic stocks, such as the humpback whale, at least annually. While NMFS began the process to examine the stock structure in the spring of 2016, including considering revising the stock assessment to incorporate information about the breeding population, it has not finalized its analysis. CBD stresses that NMFS should not further delay publishing a final revision to the humpback whale stock assessment report in accordance with the best available science to reflect the distinct population segments off the U.S. West Coast. They note the practical implication of the delay is that ship strikes and fisheries continue without adequate mitigation, including recategorizing West Coast pot and trap fisheries, which present the largest known fisheries threat to humpback whales, as "Category I." CBD asserts that assessing PBR at the level of the distinct population segment (DPS) is more informative for determining the population impact of the effect of ship strikes on humpback whales.

*Response:* We agree that revising the stock structure for humpback whales is a high priority; however, the process of reviewing stock structure under the MMPA has taken longer than anticipated. See response to Comment 15 above.

*Comment 17:* CBD comments that humpback whale stocks on the West Coast should correspond to the distinct population segments (as listed under the Endangered Species Act in 2016) and the Mexico and Central America DPSs should not be considered in one stock. They assert that to protect the precariously low abundance of Central America humpback whales, the PBR for whales off California, Oregon and Washington should be based on the abundance of the Central America DPS (a PBR level of 0.8), and all injury and mortality of humpback whales that occurs off California should be assigned to the Central America DPS. CBD is concerned that the delay in action jeopardizes the future of humpback whales in the Central America distinct population segment and recommends that NMFS revise the draft stock assessment to show that at a maximum,

the smallest stock of humpback whales on the West Coast has no more than 411 individuals.

*Response:* As described in our response to Comment 15 above, we are in the process of reviewing the MMPA humpback whale stock delineations; until such time that the humpback whale stock structure under the MMPA with respect to the ESA listing has been completed, we are treating existing MMPA stocks that fully or partially coincide with a listed DPS as depleted, and stocks that do not fully or partially coincide with a listed DPS as not depleted for management purposes. Therefore, in the interim, we will continue to treat the California/Oregon/Washington stock as endangered and depleted. Currently, there is no Central America DPS stock of marine mammals delineated under the MMPA.

*Comment 18:* CBD requests that the final stock assessment report for Southern Resident Killer whales accurately reflects the recent decline and alarmingly low population. The death of the two-year-old male orca known as “J52” was confirmed in September 2017 by the Center for Whale Research, which reported malnutrition as the likely cause. The population of critically endangered Southern Resident killer whales, which makes its home in Puget Sound and migrates along the West Coast, dipped from 83 in 2016 to only 76 by the end of 2017. This change represents the biggest decline in population from year-to-year ever recorded. CBD suggests that especially in light of the decline, NMFS should update the draft SARs to ensure it contains accurate and timely information.

*Response:* NMFS drafted the 2017 SAR before the end-of-year 2017 population size estimates were available. We will include new estimates in the draft 2018 SAR for southern resident killer whales.

*Comment 19:* The HLA recognizes that the false killer whale draft 2017 SAR appropriately calculates separate M/SI rates for only the years 2013 through 2015, so that the fisheries, as currently managed, can be more accurately evaluated against the relevant PBRs. However, HLA reiterates that NMFS should eliminate the five-year look-back period and report only data generated after the False Killer Whale Take Reduction Plan (FKWTRP) regulations became effective, and the data prior to 2013 should no longer be used because it is no longer part of the best available scientific information.

HLA suggests that, at a minimum, NMFS should not continue to use pre-2013 data for the Main Hawaiian Islands

Insular FKW Stock (Insular Stock) and asserts that the TRP has resulted in decreased interactions with the Insular Stock because (i) the TRP regulations closed the fishery to almost all of the Insular Stock’s range, (ii) effort in the Insular Stock’s range has drastically reduced to almost zero as a consequence, and (iii) the fishery has had zero interactions with the Insular Stock since 2013. They stress that this is the situation contemplated by the Guidelines for Assessing Marine Mammal Stocks (GAMMS), which recommends “if within the last five years the fishery has changed (e.g., fishing effort or the mortality rate per unit of fishing effort has changed), it would be more appropriate to use only the most recent relevant data to most accurately reflect the current level of annual mortality.” HLA states that if NMFS continues to regulate the deep-set fishery as if it has interactions with the insular stock, it will undermine any TRT discussions regarding the Insular Stock and HLA may also be forced to reconsider its position on the Insular Stock closure.

*Response:* NMFS has responded to similar versions of this comment previously. As noted in prior responses, if there have been significant changes in fishery operations that are expected to affect incidental mortality rates, such as the 2013 implementation of the FKWTRP, the GAMMS (NMFS 2016) recommend using only the years since regulations were implemented. The SAR contains information preceding and following the FKWTRP, 2008–2012 and 2013–2015 respectively, and reports M/SI for these two time periods as well as the most recent 5-year average. Both the 3 year post-TRP average take rate, as well as the 5-year average that spans the period before and after the TRP, indicate the pelagic stock fishery take is below PBR; and, therefore, the stock is not considered strategic. NMFS continues to report the 5-year average in the Status of Stock section for the pelagic stock because various assessments of FKWTRP effectiveness note that neither overall take rate nor the rate of non-serious injury for the pelagic stock are significantly reduced through the implementation of the FKWTRP. NMFS does agree with HLA that the expanded longline exclusion area implemented under the FKWTRP offers near complete protection to this stock from interactions with the longline fishery, and as such has modified the Status of Stock section for this stock to reflect this change.

*Comment 20:* The HLA notes that for a decade (until this year) NMFS has reported a M/SI rate for the deep-set

fishery that exceeds PBR for the Hawaii pelagic false killer whale stock (“pelagic stock”). However, the best available information suggests that the number of false killer whales in the Hawaii EEZ has not declined during the same time that the supposedly unsustainable M/SI rate was occurring. The HLA disagrees with the M/SI levels reported in the draft SAR and with NMFS’ conclusion that the vast majority of all fishery interactions with the pelagic stock cause injuries that “will likely result in mortality.” If that were the case, then after a decade or more of allegedly unsustainable levels of take, there would be some evidence of a declining pelagic stock abundance. No such evidence exists. The HLA recommends that the draft SAR expressly recognize this discrepancy, and NMFS should revisit the manner in which it determines M/SI for false killer whale interactions.

*Response:* This comment has been addressed previously (see 78 FR 19446, April 1, 2013, comments 45 and 51; 79 FR 49053, August 18, 2014, comment 26; 80 FR 50599, August 20, 2015, comment 34; 81 FR June 14, 2016, comment 44; and 82 FR June 27, 2017, comment 44). The comment contends that the stock abundance has not declined in over a decade and attributes this persistence of false killer whales despite high levels of fishery mortality to NMFS’ improper assessment of the severity of injuries resulting from fisheries interactions, improper assessment of population abundance and trend, or both. Assessment of injury severity under NMFS’ 2012 serious injury policy (NMFS 2012) has been discussed in numerous previous comment responses and is based on the best available science on whether a cetacean is likely to survive a particular type of injury. Further study of false killer whales would certainly better inform the assigned outcomes; but, until better data become available, the standard established in the NMFS 2012 policy on distinguishing serious from non-serious injuries will stand. Further, assessments of pelagic false killer whale population trend are inappropriate for several reasons: (1) The entire stock range is unknown, but certainly extends beyond the Hawaii EEZ, such that the available abundance estimates do not reflect true population size; (2) there have been only two surveys of the entire Hawaii EEZ, an insufficient number to appropriately assess trend, shifts in distribution, or any examination of false killer whale population health; and (3) the available survey data were collected with different protocols for assessing

false killer whale group size, a factor that will significantly impact the resulting abundance estimates. A robust assessment of population trend will require additional data and inclusion of environmental variables that influence false killer whale distribution and the proportion of the population represented within the survey area during each survey period.

*Comment 21:* The HLA notes that the draft false killer whale SAR updates the Insular Stock population estimate to 167 based upon an unpublished paper by Bradford *et al.*, which concludes that the population size of the Insular Stock of false killer whales in certain study areas has consistently ranged between 144 and 187 animals over a 16-year period. However, in reporting 167 as the population size for the Insular Stock, the Draft SAR states that the Bradford *et al.* annual estimate “represents only the animals present in the study area within that year.” HLA suggests that, if the reported 2015 abundance estimate of 167 applies only to a study area that is smaller than the range of the Insular Stock of false killer whales, then the actual abundance of the entire Insular Stock must be some amount *higher* than 167. HLA states that they are unable to sufficiently comment on this issue because the Bradford *et al.* paper is unpublished and not available for public review.

*Response:* NMFS notes that although the abundance estimates provided in Bradford *et al.* are limited to the number of animals in the survey area in each survey year, they are still the best available estimates of population size. The new estimates account for many sources of potential bias, and although we expect that limiting estimates to the surveyed area for a given year does likely result in an under estimation of abundance in years when the surveyed area is smaller than the stock area, we do not have sufficient information to correct annual estimates for the extent of the survey area. NMFS feels the use of estimates derived from the best available data spanning 15 years of surveys is far better than use of catalog size, the previous metric for the minimum population estimate (N<sub>min</sub>) in the Main Hawaiian Islands (MHI) insular false killer whale SAR. Further, the N<sub>min</sub> derived from the new mark-recapture estimates meets the definition of N<sub>min</sub> provided within the GAMMS (NMFS 2016). Although cited as “in review,” the Bradford *et al.* paper was reviewed by the Pacific SRG at its 2017 meeting and is currently in review for journal publication.

*Comment 22:* The HLA incorporates by reference its more specific comments

on previous draft SARs related to: (1) The assignment of a recovery factor to the pelagic stock of false killer whales, and continues to maintain that NMFS should apply a recovery factor to the pelagic stock that is greater than 0.5; (2) the 2010 Hawaiian Islands Cetacean Ecosystem and Assessment Survey (HICEAS) and the assumptions made by NMFS based upon the data from that survey, and assert that NMFS has inappropriately withheld acoustic data that should be publicly disclosed and reported; and (3) NMFS’ assumption that the insular stock of false killer whales has declined is speculative.

*Response:* NMFS reiterates its responses to these comments from previous SARs. Specifically: (1) Reanalysis of existing datasets to derive more precise estimates does not constitute an increase in population size. There are only two EEZ-wide estimates of abundance (484 from a 2002 survey and 1,540 from a 2010 survey). These estimates may not be directly compared due to changes in group size enumeration methods between those surveys. For this reason, the current status of pelagic false killer whales is unknown. (2) NMFS has not made any attempt to withhold the acoustic data from the HICEAS 2010 survey. It can be made available by request. NMFS has used the HICEAS 2010 data for a variety of analyses, including the development of automated routines to detect and classify false killer whale and other species’ sounds, to assess false killer whale sub-group spatial arrangements, and other projects. There were many changes in array hardware during the survey, complicating streamlined analyses of these data, such that a full-scale analysis of this dataset for abundance is not appropriate, efficient, or cost-effective at this time. (3) NMFS makes no assumption that MHI insular stock abundance has declined in recent years. The minimum estimate reflects the number of individuals enumerated during the stated period and may reflect not only changes in actual population abundance, but also changes in encounter rates due to survey location or animal distribution.

Dated: July 6, 2018.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2018-14811 Filed 7-10-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Programmatic Environmental Impact Statement for the Coral Reef Conservation Program; Notice of Intent; Scoping Period Announcement

**AGENCY:** Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of intent; announcement of public scoping period and request for written comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management announces its intention to prepare a programmatic environmental impact statement (PEIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) for its Coral Reef Conservation Program (CRCP), which is managed out of NOAA’s National Ocean Service in Silver Spring, MD, and implemented in coastal areas and marine waters of Florida, Puerto Rico, U.S. Virgin Islands, Gulf of Mexico, Hawaii, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the U.S. Pacific Remote Island Area, and targeted international regions including the wider Caribbean, the Coral Triangle, the South Pacific, and Micronesia. Publication of this document begins the official scoping period that will help identify issues and alternatives to be considered in the PEIS.

**DATES:** Written comments on the intent to prepare a PEIS will be accepted on or before Wednesday, August 15, 2018.

**ADDRESSES:** You may submit scoping comments for the CRCP PEIS by any of the following methods:

- *Federal e-Rulemaking Portal:* Go to <http://www.regulations.gov/NOAA-NOS-2018-0077>. Click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Please direct written comments to Harriet Nash, Deputy Director, NOAA’s Coral Reef Conservation Program, Office for Coastal Management, 1305 East-West Highway, N/OCM6, Room 10404, Silver Spring, MD 20910.

#### SUPPLEMENTARY INFORMATION:

##### Background

NOAA is preparing a *Draft Programmatic Environmental Impact Statement (DPEIS)* for coral reef

conservation and restoration activities implementing NOAA's CRCP throughout the United States, South Atlantic Ocean, Gulf of Mexico, and Pacific Island Regions, and priority international areas (*i.e.*, wider Caribbean, Coral Triangle, South Pacific, and Micronesia). It will assess the direct, indirect, and cumulative environmental impacts of NOAA's proposed action to continue funding and otherwise implementing coral reef conservation and restoration activities. This will be achieved through its existing programmatic framework and related procedures for implementing the CRCP. The CRCP is implemented consistently with the requirements of the Coral Reef Conservation Act of 2000 (CRCA) and Executive Order 13089. Projects implemented or funded by NOAA vary in terms of their size, complexity, geographic location, and NOAA involvement. They often benefit diverse coral species, habitats, and ecosystem types. The CRCP conducts research and monitoring to gather data on the existence and condition of coral reef ecosystems to support conservation and restoration efforts. NOAA implements the CRCP across four of its line offices (*i.e.*, National Ocean Service, Oceanic and Atmospheric Research, National Marine Fisheries Service, National Environmental Satellite Data Information Service) and in coordination with other federal agencies, state and local agencies, private conservation organizations, and research and academic institutions. A significant amount of this support is administered through grants and cooperative agreements. CRCP activities are prioritized based on available funding and the responsiveness to the priorities in its strategic plan, including jurisdictional needs.

The purpose of this DPEIS is to identify and evaluate the general environmental impacts, issues, and concerns related to the comprehensive management and implementation of the CRCP, including potential mitigation. NOAA anticipates that actual environmental effects will be caused by site-specific, project-level activities implementing the CRCP; therefore, this DPEIS will be used to support tiered, site-specific NEPA reviews by narrowing the scope of environmental impacts and facilitating focused, project-level reviews. NOAA also intends for this DPEIS to establish a tiered environmental decision making framework that will support efficient compliance with other statutes protecting natural resources such as the Endangered Species Act and Marine

Mammal Protection Act. Since the CRCP will use this DPEIS to conduct tiered analyses, this document does not evaluate the environmental impacts of any project-level activities.

#### Alternatives

NOAA is preliminarily proposing to analyze three program-level alternatives:

- No Action Alternative reflecting the "status quo" management of the CRCP based on minimizing threats.
- Alternative 1: Continued Operation of the CRCP based on minimizing threats with the addition of a framework to further research, test, and potentially implement novel coral restoration intervention techniques to respond rapidly to imminent threats to corals and coral ecosystems.
- Alternative 2: Continued Operation of the CRCP plus implementation of discretionary, standardized conservation and mitigation measures with or without the addition of a framework for novel intervention techniques.

The fundamental distinction between Alternative 1 and the No Action Alternative is that Alternative 1 would adopt a framework that would add novel intervention techniques as tools to respond to imminent threats to corals. The DPEIS will consider the environmental effects of a suite of these intervention strategies, but will not commit to implement any. Implementation would occur through a separate decision making process. The primary distinction between Alternative 2 and the No Action Alternative is that Alternative 2 would call for implementation of not only mitigation measures imposed through statutory and regulatory compliance but also discretionary, standardized conservation and mitigation measures designed to further protect and conserve marine and other environmental resources. Alternative 2 could be adopted with or without a framework for novel intervention strategies.

Preliminary major issues to be addressed in this DPEIS may include: the impact of the CRCP's activities and operations on coral ecosystems; coral species listed as threatened or endangered under the Federal Endangered Species Act; other marine and terrestrial resources; and the cumulative effects of the action when considered along with environmental conditions and past, present, and future actions potentially affecting coral and coastal ecosystems and coastal marine resources. The CRCP is also seeking to identify mitigation measures that would be effective at avoiding, minimizing, and mitigating adverse effects of project-

level activities and specifically requests public comment on this issue.

#### Public Comment

OCM begins this NEPA process by soliciting input from the public and interested parties on the type of impacts to be considered in the DPEIS, the range of alternatives to be assessed, and any other pertinent information. Specifically, this scoping process is intended to accomplish the following objectives:

1. Invite affected federal, state, and local agencies, and interested persons to participate in the DPEIS process.
2. Determine the potential significant environmental issues to be analyzed in the DPEIS.
3. Identify and eliminate issues determined to be insignificant or addressed in other documents.
4. Identify related environmental documents being prepared.
5. Identify other environmental review and consultation requirements.

The official scoping period ends on August 15, 2018. Please visit the CRCP web page for additional information regarding the program: <https://coralreef.noaa.gov/>.

#### Authority

The preparation of the DPEIS for the CRCP will be conducted under the authority and in accordance with the requirements of NEPA, Council on Environmental Quality Regulations (40 CFR parts 1500–1508), other applicable regulations, and NOAA's policies and procedures for compliance with those regulations.

Written comments must be received on or before August 15, 2018.

Dated: June 29, 2018.

#### W. Russell Callender,

*Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 2018–14750 Filed 7–10–18; 8:45 am]

BILLING CODE 3510–08–P

---

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Education Advisory Committee; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Federal Advisory Committee Meeting.

---

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the

Army Education Advisory Committee, Department of the Army Historical Advisory Subcommittee will take place.

**DATES:** The Department of the Army Historical Advisory Subcommittee will meet from 8:40 a.m. to 3:30 p.m. on August 16, 2018 and 8:40 a.m. to 1:00 p.m. on August 17, 2018.

**ADDRESSES:** U.S. Army Heritage and Education Center, 950 Soldiers Drive, Carlisle, PA 17013-5021.

**FOR FURTHER INFORMATION CONTACT:** Dr. Nicholas J. Schlosser, the Alternate Designated Federal Officer for the subcommittee, in writing at ATTN: AAMH-ZC U.S. Army Center of Military History 102 4th Ave. BLDG.35, Fort McNair, Washington DC 20319-5060 by email at [nicholas.j.schlosser.civ@mail.mil](mailto:nicholas.j.schlosser.civ@mail.mil) or by telephone at (202) 685-2058.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

**Purpose of the Meeting:** The purpose of the meeting is to review the Army historical program and provide advice and recommendations to the Executive Director of the U.S. Army Center of Military History and to the Secretary of the Army.

**Agenda:** The committee is chartered to provide independent advice and recommendations to the Secretary of the Army on the educational, doctrinal, and research policies and activities of U.S. Army educational programs. At this meeting the subcommittee will review the Army historical program and discuss ways to improve the provision of historical support to the Army. The subcommittee will also discuss ways to increase cooperation between the historical and military professions in advancing the purpose of the Army Historical Program and furthering the mission of the U.S. Army Center of Military History to promote the study and use of military history in both civilian and military Schools.

**Meeting Accessibility:** Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.140 through 102-3.165, and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Dr. Schlosser, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Members

of the public attending the committee meetings will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the meeting of the committee will be held in a Federal Government facility on a military post, security screening is required. A photo ID is required to enter post. Please note that security and gate guards have the right to inspect vehicles and persons seeking to enter and exit the installation. The U.S. Army Heritage and Education Center is fully handicapped accessible. Wheelchair access is available in front at the main entrance of the building. For additional information about public access procedures, contact Dr. Schlosser, the committee's Alternate Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

**Written Statements:** Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Dr. Nicholas J. Schlosser, the committee Alternate Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the Alternate Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Alternate Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson, and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting. Members of the public will be permitted to make verbal comments during the Committee meeting only at the time and in the manner described below. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the

comment, at least seven (7) days in advance to the Committee's Alternate Designated Federal Official, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. The Alternate Designated Federal Official will log each request, in the order received, and in consultation with the committee Chairperson determine whether the subject matter of each comment is relevant to the Committee's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during the period, and will be invited to speak in the order in which their requests were received by the Alternate Designated Federal Official.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2018-14812 Filed 7-10-18; 8:45 am]

**BILLING CODE 5001-03-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

#### U.S. Army Science Board; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the U.S. Army Science Board (ASB) will take place. This notice replaces the meeting notice published in the **Federal Register** on June 19, 2018.

**DATES:** Thursday, July 19, 2018. Time: 10:00 a.m. to 2:00 p.m. This meeting will be closed to the public.

**ADDRESSES:** Arnold and Mabel Beckman Center of the National Academies of Sciences and Engineering, 100 Academy Way, Irvine, CA 92617.

**FOR FURTHER INFORMATION CONTACT:** Ms. Heather J. Gerard (Ierardi), (703) 545-8652 (Voice), 571-256-3383 (Facsimile), [heather.j.ierardi.civ@mail.mil](mailto:heather.j.ierardi.civ@mail.mil) (Email) or Mr. Paul Woodward at (703) 695-8344 or email: [paul.j.woodward2.civ@mail.mil](mailto:paul.j.woodward2.civ@mail.mil). Mailing address is Army Science Board, 2530 Crystal Drive, Suite 7098, Arlington, VA 22202. Website: <https://asb.army.mil/>.



**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Due to circumstances beyond the control of the Department of Defense (DoD) and the Designated Federal Officer, the meeting schedule for the previously announced meeting of the U.S. Army Science Board on July 19, 2018 was changed and the Designated Federal Officer to the U.S. Army Science Board was unable to provide sufficient public notification of this change as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

**Purpose of the Meeting:** The purpose of the meeting is for ASB members to review, deliberate, and vote on the findings and recommendations presented for two Fiscal Year 2018 ASB Studies.

**Agenda:** The ASB will present findings and recommendations for deliberation and vote on the following studies: Multi Domain Battle II. This study is classified and will be discussed from 10:00 a.m. to 11:30 a.m.; Manned Unmanned Teaming. This study is classified and will be discussed from 12:30 p.m. to 2:00 p.m.

**Meeting Accessibility:** Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, the Department of the Army has determined that the meeting shall be closed to the public. Specifically, the Administrative Assistant to the Secretary of the Army, in consultation with the Office of the Army General Counsel, has determined in writing that the public interest requires that all sessions of the committee's meeting will be closed to the public because they will be concerned with classified information and matters covered by section 5 U.S.C. 552b(c)(1).

**Written Statements:** Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the ASB about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the ASB. All written statements must be submitted to the Designated Federal Officer (DFO) at the address listed above, and this individual will ensure that the written statements are provided to the

membership for their consideration. Written statements not received at least 10 calendar days prior to the meeting may not be considered by the ASB prior to its scheduled meeting. After reviewing written comments, the DFO may choose to invite the submitter of the comments to orally present their issue during a future open meeting.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2018–14817 Filed 7–10–18; 8:45 am]

**BILLING CODE 5001–03–P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Inland Waterways Users Board; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Inland Waterways Users Board will take place.

**DATES:** The Inland Waterways Users Board will meet from 8:00 a.m. to 12:00 p.m. on August 30, 2018. Public registration will begin at 7:15 a.m.

**ADDRESSES:** The Inland Waterways Users Board meeting will be conducted at the Luther F. Carson Four Rivers Center, 100 Kentucky Avenue, Paducah, Kentucky 42003, 270–443–9932.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark R. Pointon, the Designated Federal Officer (DFO) for the committee, in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GM, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–6438; and by email at [Mark.Pointon@usace.army.mil](mailto:Mark.Pointon@usace.army.mil). Alternatively, contact Mr. Kenneth E. Lichtman, the Alternate Designated Federal Officer (ADFO), in writing at the Institute for Water Resources, U.S. Army Corps of Engineers, ATTN: CEIWR–GW, 7701 Telegraph Road, Casey Building, Alexandria, VA 22315–3868; by telephone at 703–428–8083; and by email at [Kenneth.E.Lichtman@usace.army.mil](mailto:Kenneth.E.Lichtman@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5

U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

**Purpose of the Meeting:** The Board is chartered to provide independent advice and recommendations to the Secretary of the Army on construction and rehabilitation project investments on the commercial navigation features of the inland waterways system of the United States. At this meeting, the Board will receive briefings and presentations regarding the investments, projects and status of the inland waterways system of the United States and conduct discussions and deliberations on those matters. The Board is interested in written and verbal comments from the public relevant to these purposes.

**Agenda:** At this meeting the agenda will include the status of funding for inland Navigation in the FY 2018 Work Plan; status of the FY 2019 Budget for the Navigation Program; status of the Inland Waterways Trust Fund (IWTF) and project updates; Contingencies for the ongoing IWTF construction projects in the Ohio River Region; status of the construction activities for Olmsted Locks and Dam Project, the Locks and Dams 2, 3, and 4 on the Monongahela River Project, Chickamauga Lock Project and Kentucky Lock Project; operations briefing for Olmsted Locks and Dam; presentation for the LaGrange Lock and Dam Major Rehabilitation; and update of the Colorado River Locks and Brazos River Floodgates Study.

**Availability of Materials for the Meeting:** A copy of the agenda or any updates to the agenda for the August 30, 2018 meeting. The final version will be provided at the meeting. All materials will be posted to the website after the meeting.

**Meeting Accessibility:** Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin at 7:15 a.m. on the day of the meeting. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number at registration. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the committee, as set forth below.



*Special Accommodations:* The meeting venue is fully handicap accessible, with wheelchair access. Individuals requiring special accommodations to access the public meeting or seeking additional information about public access procedures, should contact Mr. Pointon, the committee DFO, or Mr. Lichtman, the ADFO, at the email addresses or telephone numbers listed in the **FOR FURTHER INFORMATION CONTACT** section, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

*Written Statements:* Pursuant to 41 CFR 102-3.105(j) and 102-3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the Board about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Mr. Pointon, the committee DFO, or Mr. Lichtman, the committee ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO or ADFO at least five (5) business days prior to the meeting so that they may be made available to the Board for its consideration prior to the meeting. Written comments or statements received after this date may not be provided to the Board until its next meeting. Please note that because the Board operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

*Verbal Comments:* Members of the public will be permitted to make verbal comments during the Board meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance to the committee DFO or ADFO, via electronic mail, the preferred mode of submission, at the addresses listed in the **FOR FURTHER INFORMATION CONTACT** section. The committee DFO and ADFO will log each request to make a comment, in the

order received, and determine whether the subject matter of each comment is relevant to the Board's mission and/or the topics to be addressed in this public meeting. A 15-minute period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described above, will be allotted no more than three (3) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO and ADFO.

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2018-14818 Filed 7-10-18; 8:45 am]

**BILLING CODE 3720-58-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:* ER10-2265-015; ER10-1575-013; ER10-1581-021 ER10-2262-009; ER10-2791-015; ER10-2792-015; ER10-2876-015; ER10-2931-015; ER11-2508-023; ER11-2805-023; ER11-3418-002; ER11-4307-024; ER11-4308-024; ER12-2413-013; ER12-261-023; ER13-1965-014; ER14-1818-015; ER18-1160-002.

*Applicants:* NRG Power Marketing LLC, Bayou Cove Peaking Power LLC, Cottonwood Energy Company LP, El Segundo Power, LLC, Energy Alternatives Wholesale, LLC, GenOn Energy Management, LLC, Green Mountain Energy Company, Independence Energy Group LLC, Long Beach Peakers LLC, Louisiana Generating LLC, NRG Cottonwood Tenant LLC, NRG Sterlington Power LLC, NRG Wholesale Generation LP, Reliant Energy Northeast LLC, RRI Energy Services, LLC, XOOM Energy, LLC, Boston Energy Trading and Marketing LLC, Big Cajun I Peaking Power LLC.

*Description:* Updated Market Power Analysis of the NRG Central MBR Sellers.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5215.

*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER10-2738-006.

*Applicants:* The Empire District Electric Company.

*Description:* Updated Market Power Analysis of The Empire District Electric Company.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5310.

*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER10-2739-023; ER10-1892-010; ER10-1936-006 ER16-1652-011.

*Applicants:* LS Power Marketing, LLC, Carville Energy, LLC, Columbia Energy LLC, LifeEnergy LLC.

*Description:* Updated Market Power Analysis Notification of the LS Central MBR Sellers.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5201.

*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER11-3418-003.

*Applicants:* XOOM Energy, LLC.

*Description:* Notification of Change in Status of XOOM Energy, LLC.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5312.

*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER14-2144-008; ER10-2178-033; ER10-2192-033 ER11-2009-025; ER11-2011-025; ER11-3989-021 ER12-2201-016; ER12-2311-016; ER13-1536-017.

*Applicants:* Beebe 1B Renewable Energy, LLC, Beebe Renewable Energy, LLC, Constellation Energy Commodities Group Maine, LLC, Constellation NewEnergy, Inc., Exelon Generation Company, LLC, Harvest II Windfarm, LLC, Harvest WindFarm, LLC, Michigan Wind 1, LLC, Michigan Wind 2, LLC.

*Description:* Updated Market Power Analysis for the Central Region of the Exelon Central Entities.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5160.

*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER18-1889-000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* Request for Limited Tariff Waiver and Expedited Action of New York Independent System Operator, Inc.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5112.

*Comments Due:* 5 p.m. ET 7/9/18.

*Docket Numbers:* ER18-1894-000.

*Applicants:* Keystone Power LLC.

*Description:* § 205(d) Rate Filing; Reactive Service Rate Schedule Filings, Request for Waiver and Expedited Action to be effective 8/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629-5197.

*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18-1895-000.

*Applicants:* Conemaugh Power LLC.

*Description:* § 205(d) Rate Filing; Reactive Service Rate Schedule Filings, Request for Waiver and Expedited Action to be effective 8/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5200.  
*Comments Due:* 5 p.m. ET 7/20/18.  
*Docket Numbers:* ER18–1896–000.  
*Applicants:* NRG Power Marketing LLC.

*Description:* § 205(d) Rate Filing: Reactive Service Rate Schedule Filing, Request for Waiver and Expedited Action to be effective 8/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5204.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1897–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 1976R7 FreeState Electric Cooperative, Inc. NITSA and NOA to be effective 9/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5218.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1898–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 1534R8 Kansas Municipal Energy Agency NITSA NOA to be effective 6/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5221.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1899–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2018–06–29 Filing of Pro Forma Pseudo-Tie Agreement + related tariff provisions to be effective 8/29/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5238.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1900–000.

*Applicants:* FPL Energy New Mexico Wind, LLC.

*Description:* Tariff Cancellation: FPL Energy New Mexico Wind, LLC Notice of Cancellation of MBR Tariff to be effective 6/30/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5241.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1901–000.

*Applicants:* Massachusetts Electric Company.

*Description:* § 205(d) Rate Filing: Cost Reimbursement Agreement with Gas Recovery Systems & Expedited Order Request to be effective 6/27/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5242.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1902–000.

*Applicants:* NextEra Energy Transmission MidAtlantic, LLC, Rochelle Municipal Utilities, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to OATT to reflect NextEra acquisition of the RMU Transmission System to be effective 12/31/9998.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5243.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1903–000.

*Applicants:* NextEra Energy Transmission MidAtlantic, LLC, Rochelle Municipal Utilities, PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to the CTOA RE NextEra Acquisition of RMU Transmission System to be effective 12/31/9998.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5244.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1904–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 2646R6 Kansas Municipal Energy Agency NITSA NOA to be effective 6/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5245.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1905–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to the PJM Tariff RE GDECS Standard Format Clean-Ups to be effective 9/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5246.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1906–000.

*Applicants:* Entergy Arkansas, LLC.

*Description:* Baseline eTariff Filing: EAL MBR Application to be effective 12/31/9998.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5250.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1907–000.

*Applicants:* Entergy Mississippi, LLC.

*Description:* Baseline eTariff Filing: EML MBR Application to be effective 12/31/9998.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5254.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1908–000.

*Applicants:* NorthWestern Corporation.

*Description:* Tariff Cancellation: Notice of Cancellation: SA 818 PTP TSA with Energy Keepers, Inc. to be effective 9/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5256.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1909–000.

*Applicants:* NorthWestern Corporation.

*Description:* § 205(d) Rate Filing: SA 850—PTP TSA with Energy Keepers, Inc. to be effective 9/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5257.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1910–000.

*Applicants:* New England Power Pool Participants Committee.

*Description:* § 205(d) Rate Filing: July 2018 Membership Filing to be effective 7/1/2018.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5262.  
*Comments Due:* 5 p.m. ET 7/20/18.

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: July 2, 2018.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2018–14764 Filed 7–10–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 13102–003]

#### Notice of Availability of Final Environmental Assessment; Birch Power Company

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 original license for the Demopolis Lock and Dam Hydroelectric Project on the Tombigbee River and has prepared a Final Environmental Assessment (FEA) for the project.

The Demopolis Lock and Dam Hydroelectric Project would be located at an existing lock and dam owned by

the U.S. Army Corps of Engineers on the Tombigbee River, west of the city of Demopolis in Marengo and Sumter Counties, Alabama. The project would occupy 23 acres of federal land.

The FEA contains the 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 FEA 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](mailto: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.

For further information, contact Adam Peer at (202) 502-8449.

Dated: July 3, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-14763 Filed 7-10-18; 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 corporate filings:

*Docket Numbers:* EC18-117-000.  
*Applicants:* NextEra Energy, Inc., 700 Universe, LLC, Gulf Power Company.  
*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of NextEra Energy, Inc.

*Filed Date:* 7/3/18.  
*Accession Number:* 20180703-5177.  
*Comments Due:* 5 p.m. ET 7/24/18.  
*Docket Numbers:* EC18-118-000.  
*Applicants:* Essential Power Rock Springs, LLC, Old Dominion Electric Cooperative, Inc.

*Description:* Joint Application for Authorization for Disposition and Consolidation of Jurisdictional Facilities and Acquisition of an Existing

Generation Facility and Request for Expedited Action of Essential Power Rock Springs, LLC.

*Filed Date:* 7/3/18.  
*Accession Number:* 20180703-5180.  
*Comments Due:* 5 p.m. ET 7/24/18.  
*Docket Numbers:* EC18-119-000.

*Applicants:* NextEra Energy, Inc., 700 Universe, LLC, Southern Company—Florida, LLC, Oleander Power Project, Limited Partnership.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of NextEra Energy, Inc., et. al.

*Filed Date:* 7/3/18.  
*Accession Number:* 20180703-5183.  
*Comments Due:* 5 p.m. ET 7/24/18.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18-1961-000.  
*Applicants:* South Central MCN LLC.  
*Description:* Proposed Transmission Formula Rate Revisions of South Central MCN LLC.

*Filed Date:* 7/3/18.  
*Accession Number:* 20180703-5166.  
*Comments Due:* 5 p.m. ET 7/24/18.  
*Docket Numbers:* ER18-1962-000.  
*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: First Revised ISA, SA No. 4792; Queue No. AB2-038/AB2-041 to be effective 6/4/2018.

*Filed Date:* 7/5/18.  
*Accession Number:* 20180705-5050.  
*Comments Due:* 5 p.m. ET 7/26/18.  
*Docket Numbers:* ER18-1963-000.  
*Applicants:* Midwest Energy, Inc.  
*Description:* Petition for Temporary Waiver of Tariff Provisions of Midwest Energy, Inc.

*Filed Date:* 7/5/18.  
*Accession Number:* 20180705-5068.  
*Comments Due:* 5 p.m. ET 7/26/18.  
*Docket Numbers:* ER18-1964-000.  
*Applicants:* Midcontinent

Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: 2018-07-05\_GIA Self-Fund Vacatur Filing to be effective 6/24/2015.  
*Filed Date:* 7/5/18.

*Accession Number:* 20180705-5080.  
*Comments Due:* 5 p.m. ET 7/26/18.  
*Docket Numbers:* ER18-1965-000.  
*Applicants:* Midcontinent

Independent System Operator, Inc.  
*Description:* § 205(d) Rate Filing: 2018-07-05\_MPFCA-FCA Self-Fund Filing to be effective 6/24/2015.  
*Filed Date:* 7/5/18.

*Accession Number:* 20180705-5083.  
*Comments Due:* 5 p.m. ET 7/26/18.  
*Docket Numbers:* ER18-1966-000.

*Applicants:* Wisconsin Electric Power Company.

*Description:* § 205(d) Rate Filing: 2018 Formula Rate Update Filing to be effective 9/4/2018.

*Filed Date:* 7/5/18.  
*Accession Number:* 20180705-5084.  
*Comments Due:* 5 p.m. ET 7/26/18.

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: July 5, 2018.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2018-14831 Filed 7-10-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project Nos. 1250-020, 14836-000]

#### City of Pasadena, California; Notice of Applications Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Terms and Conditions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Applications:* Surrender of License and application for (conduit) Exemption from Licensing.

b. *Project Nos.:* 1250-020, 14836-000.

c. *Date Filed:* December 29, 2016.

d. *Applicant:* City of Pasadena, California.

e. *Name of Project:* Azusa Project.

f. *Location:* The project is located on the Azusa Conduit in Los Angeles County, California. The licensed project occupies U.S. lands administered by the U.S. Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)-825(r).

h. *Applicant Contact*: Arturo Silva, Interim Assistant General Manager—Power Supply, City of Pasadena Water and Power Development, 85 East State Street, Pasadena, California 91101–3418, telephone: (626) 744–4568.

i. *FERC Contact*: Robert Bell, telephone (202) 502–6062 or email: [robert.bell@ferc.gov](mailto:robert.bell@ferc.gov).

j. Deadline for filing comments, motions to intervene, and protests: 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations 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](mailto: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 numbers P–1250–020, and P–14836–000.

k. Description of request: In the application filed on December 29, 2016, the City of Pasadena requests that the Commission issue an order granting the Azusa Project an exemption from the licensing requirements of Part I of the Federal Power Act. The City of Pasadena also requests administrative surrender of its license for the Azusa Project facilities excluded under FERC's definition of a small conduit hydroelectric facility.

a. *Licensed Facilities*: The applicant requests a conduit exemption for the Azusa Hydroelectric Project No. 1250. The applicant proposes to remove the following project facilities from the Commission's jurisdiction: (1) The forebay; (2) the 24.4-kV generator leads, a 2.3/12-kV transformer, and a short transmission line; (3) an afterbay. The aforementioned facilities would remain operational as part of the water supply facilities operated by the San Gabriel River Water Committee.

b. *Conduit Exemption*: The applicant proposes a conduit exemption for the Azusa Project No. 14836. The proposed project would be located on its water supply system and would consist of: (1)

An existing 797-foot-long, 38-inch diameter welded steel penstock; (2) an existing powerhouse containing one generating unit having an installed capacity of 3 megawatts; (3) an existing 148-foot-long, 136-inch-wide underground tailrace; and (4) appurtenant facilities. The City of Pasadena, estimates the project would have an average annual generation of 2,890 megawatt-hours that would be sold to a local utility.

l. *Locations of the Application*: This filing may be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number P–1250, or P–14836 in the docket number field to access the documents. 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, call 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or

protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. 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.

Dated: July 2, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018–14776 Filed 7–10–18; 8:45 am]  
BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL18–182–000]

#### ISO New England Inc.; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On July 2, 2018, the Commission issued an order in Docket No. EL18–182–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether ISO New England Inc.'s Transmission, Markets and Services Tariff is unjust and unreasonable. *ISO New England Inc.*, 164 FERC ¶ 61,003 (2018).

The refund effective date in Docket No. EL18–182–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18–182–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR

385.214, within 21 days of the date of issuance of the order.

Dated: July 2, 2018.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2018-14773 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP10-1398-000.

*Applicants:* El Paso Natural Gas Company.

*Description:* Report Filing: Refund Report.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5164.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP15-1022-014.

*Applicants:* Alliance Pipeline L.P.

*Description:* Compliance filing Settlement—Gas Processing to be effective 8/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5001.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-861-001.

*Applicants:* Equitrans, L.P.

*Description:* Compliance filing Scheduling Priority Exemption for Reservation Charge Credits Compliance Filing to be effective 7/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5102.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-940-001.

*Applicants:* Empire Pipeline, Inc.

*Description:* Tariff Amendment: Errata Empire Rate Case—June 2018 to be effective 1/1/2019.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5101.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-950-000.

*Applicants:* Dominion Energy Cove

Point LNG, LP.

*Description:* Compliance filing DECP—2018 Penalty Revenue Distribution.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5044.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-951-000.

*Applicants:* Dominion Energy

Transmission, Inc.

*Description:* Compliance filing DETI—2018 Overrun and Penalty Revenue Distribution.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5054.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-952-000.

*Applicants:* Equitrans, L.P.

*Description:* § 4(d) Rate Filing: Negotiated Capacity Release Agreements—7/1/2018 to be effective 7/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5127.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-953-000.

*Applicants:* Gulf South Pipeline Company, LP.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agmt (Emera 49472) to be effective 7/2/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5251.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-954-000.

*Applicants:* Gulf South Pipeline Company, LP.

*Description:* § 4(d) Rate Filing: PermCapRel & CapRelNegRateAgmt (Pivotal 34691 >ETG 49785, then >So Jersey 49788) to be effective 7/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5259.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-955-000.

*Applicants:* Enable Mississippi River Transmission, LLC.

*Description:* § 4(d) Rate Filing: Negotiated Rate Filing—Ankor—July 1, 2018 #6032 to be effective 7/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5267.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-891-001.

*Applicants:* Eastern Shore Natural Gas Company.

*Description:* Tariff Amendment: Amended Non-Conforming Letter Agreements-Easton/CUC-MD to be effective 5/1/2018.

*Filed Date:* 7/3/18.

*Accession Number:* 20180703-5108.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-956-000.

*Applicants:* WTG Hugoton, LP.

*Description:* § 4(d) Rate Filing: Annual Fuel Retention Percentage Filing 2018–2019 to be effective 7/2/2018.

*Filed Date:* 7/3/18.

*Accession Number:* 20180703-5000.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-957-000.

*Applicants:* Midcontinent Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: Chesapeake/BCE-Mach LLC Negotiated Rate to be effective 7/1/2018.

*Filed Date:* 7/3/18.

*Accession Number:* 20180703-5045.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-958-000.

*Applicants:* Rockies Express Pipeline LLC.

*Description:* § 4(d) Rate Filing: Neg Rate 2018-07-03 BP (2Ks) to be effective 7/4/2018.

*Filed Date:* 7/3/18.

*Accession Number:* 20180703-5117.

*Comments Due:* 5 p.m. ET 7/16/18.

*Docket Numbers:* RP18-959-000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* Compliance filing TETLP Notice Regarding Non-Jurisdictional Facilities.

*Filed Date:* 7/3/18.

*Accession Number:* 20180703-5158.

*Comments Due:* 5 p.m. ET 7/16/18.

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: July 5, 2018.

**Nathaniel J. Davis, Sr.,**

Deputy Secretary.

[FR Doc. 2018-14832 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP18-504-000]

#### Notice of Request Under Blanket Authorization; Transwestern Pipeline Company, LLC

Take notice that on June 14, 2018, Transwestern Pipeline Company, LLC (Transwestern), 1300 Main Street, Houston, Texas 7700, filed a Prior Notice Request pursuant to sections 157.203, 157.205, and 157.216 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to abandon in place the Atoka 3 Compressor Station consisting of five natural gas compressor engines,

compressors, yard and station piping, and ancillary related facilities located in Eddy County, New Mexico (Atoka 3 CS or Project) 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this Application should be directed to Mr. Kelly Allen, Manager, Regulatory Affairs Department for Transwestern Pipeline Company, LLC, 1300 Main Street, Houston, Texas 77002, or call 713-989-2606, or by email [Kelly.Allen@energytransfer.com](mailto:Kelly.Allen@energytransfer.com).

Any person may, within 60 days after the 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. Any person filing to intervene or the Commission’s staff may, pursuant to section 157.205 of the Commission’s Regulations under the NGA (18 CFR 157.205) file 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 protest. If a protest is filed and not withdrawn within 30 days after the time allowed 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 commenter’s 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 commenter’s will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s website ([www.ferc.gov](http://www.ferc.gov)) under the “e-Filing” link. 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.

Dated: July 2, 2018.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2018-14770 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #3

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18-1159-001.

*Applicants:* Midcontinent Independent System Operator, Inc., Pioneer Transmission, LLC.

*Description:* Tariff Amendment: 2018-07-02\_Deficiency response re Pioneer Attachment O Filing to be effective 6/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5179.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1911-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2018-07-02 Termination of SA 2893 Black Hawk MPPCA (J233, J274, J278, J279) to be effective 7/3/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5028.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1912-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: First Revised ISA SA No. 3041; Queue No. AC2-133 to be effective 6/4/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5134.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1913-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Second Revised ISA, SA No. 4109; Queue No. AB2-191 to be effective 8/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5135.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1914-000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* § 205(d) Rate Filing: 2018-07-02\_SA 2959 Northern States Power-Stoneray Power Partners 1stRevGIA(J426) to be effective 6/20/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5149.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1915-000.

*Applicants:* Bowfin KeyCon Energy, LLC.

*Description:* Baseline eTariff Filing: Bowfin Energy FERC Electric Tariff, Original Baseline to be effective 8/13/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5168.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1917-000.

*Applicants:* Bowfin KeyCon Power, LLC.

*Description:* Baseline eTariff Filing: Bowfin Power FERC Electric Tariff, Original Baseline to be effective 8/13/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5169.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1918-000.

*Applicants:* Kestrel Acquisition, LLC.  
*Description:* Baseline eTariff Filing: Notices of succession to be effective 12/31/9998.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702-5173.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18-1919-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: Midwest Energy Formula Rate Protocols Revisions to be effective 7/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5178.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18–1920–000.

*Applicants:* Midcontinent Independent System Operator, Inc., MidAmerican Energy Company.

*Description:* § 205(d) Rate Filing: 2018–07–02\_SA 3128 MidAmerican-CIPCO Amended Interconnection Agreement GFA 471 to be effective 7/3/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5180.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18–1921–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 607R32 Westar Energy, Inc. NITSA NOA to be effective 6/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5184.

*Comments Due:* 5 p.m. ET 7/23/18.

*Docket Numbers:* ER18–1922–000.

*Applicants:* Lakeswind Power Partners, LLC.

*Description:* Market-Based Triennial Review Filing: Triennial Market Power Update (Central Region) and Tariff Revisions to be effective 9/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5185.

*Comments Due:* 5 p.m. ET 7/23/18.

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: July 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018–14766 Filed 7–10–18; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. TS18–1–000]

#### Lansing Board of Water and Light; Notice of Filing

Take notice that on July 3, 2018, pursuant to sections 35.28(e)(2) and 358.1(d) and Rules 101(e) and 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure,<sup>1</sup> Lansing Board of Water and Light filed a petition requesting that the Commission waive reciprocity-based standards of conduct and Open Access Same-Time Information System requirements that might otherwise apply under Order Nos. 889<sup>2</sup> and 717.<sup>3</sup>

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,

<sup>1</sup> 18 CFR 35.28(e)(2), 358.1(d), 385.101(e), 385.207.

<sup>2</sup> Open Access Same-Time Information System (formerly Real-Time Information Networks) and Standards of Conduct, Order No. 889, 61 FR 21,737 (May 10, 1996), FERC Stats. & Regs. ¶ 31,035 (1996), clarified, 76 FERC ¶ 61,009 (1996), modified, Order No. 889–A, 62 FR 12,484 (Mar. 14, 1997), FERC Stats. & Regs. ¶ 31,049 (1997), reh'g denied, Order No. 889–B, 81 FERC ¶ 61,253 (1997), aff'd in part and remanded in part sub nom. Transmission Access Policy Study Grp. v. FERC, 225 F.3d 667 (D.C. Cir. 2000), aff'd sub nom. New York v. FERC, 535 U.S. 1 (2002).

<sup>3</sup> Standards of Conduct for Transmission Providers, Order No. 717, 73 FR 63,796 (Oct. 27, 2008), FERC Stats. & Regs. ¶ 31,280 (2008), on reh'g, Order No. 717–A, 74 FR 54,463 (Oct. 22, 2009), FERC Stats. & Regs. ¶ 31,297 (2009), clarified, Order No. 717–B, 129 FERC ¶ 61,123 (2009), on reh'g, Order No. 717–C, 131 FERC ¶ 61,045 (2010), on reh'g and clarification, Order No. 717–D, 135 FERC ¶ 61,017 (2011).

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](mailto: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 24, 2018.

Dated: July 5, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018–14816 Filed 7–10–18; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP18–912–000.

*Applicants:* Texas Eastern Transmission, LP.

*Description:* § 4(d) Rate Filing: EPC AUG 2018 FILING to be effective 8/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5039.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–913–000.

*Applicants:* Dominion Energy Transmission, Inc.

*Description:* § 4(d) Rate Filing: DETI—June 28, 2018 Negotiated Rate Agreements to be effective 7/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5062.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–914–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Non-Conforming Agreement Filing (Atmos Aug 18) to be effective 8/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5063.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–915–000.

*Applicants:* Rockies Express Pipeline LLC.



*Description:* § 4(d) Rate Filing: Neg Rate 2018–06–28 E2W 8 Ks to be effective 7/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5090.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–916–000.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing: Volume No. 2—Nonconforming GDF Suez SP334279 to be effective 7/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5137.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–917–000.

*Applicants:* Tennessee Gas Pipeline Company, L.L.C.

*Description:* § 4(d) Rate Filing: Volume No. 2—Southwest Louisiana Supply MC Global Gas Corp SP326294 to be effective 8/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5155.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–918–000.

*Applicants:* Columbia Gas Transmission, LLC.

*Description:* § 4(d) Rate Filing: TCO Exelon Negotiated Rate Agreement to be effective 6/28/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5158.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–919–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Update (SRP July–Sept 2018) to be effective 7/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5166.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–920–000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Negotiated Rate Agreement Update (APS July 2018) to be effective 7/1/2018.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5169.

*Comments Due:* 5 p.m. ET 7/10/18.

*Docket Numbers:* RP18–924–000.

*Applicants:* MIGC LLC.

*Description:* Annual Fuel Retention Percentage Tracker of MIGC LLC.

*Filed Date:* 6/28/18.

*Accession Number:* 20180628–5172.

*Comments Due:* 5 p.m. ET 7/10/18.

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: July 2, 2018.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2018–14769 Filed 7–10–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[P–12589–025]

#### Public Service Company of Colorado; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment of license.

b. *Project No.:* 12589–025.

c. *Date Filed:* June 15, 2018.

d. *Applicant:* Public Service Company of Colorado.

e. *Name of Project:* Tacoma Hydroelectric Project.

f. *Location:* The project is located on Cascade Creek in La Planta and San Juan counties, Colorado.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. John A. Whittaker, IV, Winston & Strawn, LLP, 1700 K Street NW, Washington, DC 20006, (202) 282–5000.

i. *FERC Contact:* Steven Sachs, (202) 502–8666, [Steven.Sachs@ferc.gov](mailto:Steven.Sachs@ferc.gov) or Korede Olagbegi, (202) 502–6268, [Korede.Olagbegi@ferc.gov](mailto:Korede.Olagbegi@ferc.gov).

j. *Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior*

registration, using the eComment system at <http://www.ferc.gov/doc-sfiling/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](mailto: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–12589–025.

k. *Description of Request:* The applicant proposes to retire one of three turbine-generator units at the project. The unit has been inoperable since 2005. Retirement of the unit would reduce the total authorized installed capacity of the project from 8.0 to 4.5 megawatts. The applicant proposes to retire the unit in-place rather than removing it, but does not propose any changes to project operation.

l. *Locations of the Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. The filing may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. 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, call 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions To Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title



“COMMENTS”, “MOTION TO INTERVENE”, or “PROTEST” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the temporary variance request. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. 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.

Dated: July 5, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-14836 Filed 7-10-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC18-15-000]

#### Commission Information Collection Activities (FERC-587); Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**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-587 (Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States])).

**DATES:** Comments on the collection of information are due September 10, 2018.

**ADDRESSES:** You may submit comments (identified by Docket No. IC18-15-000) 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](mailto: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](mailto:DataClearance@FERC.gov), telephone at (202) 502-8663, and fax at (202) 273-0873.

**SUPPLEMENTARY INFORMATION:**

**Title:** FERC-587, Land Description (Public Land States/Non-Public Land States [Rectangular or Non-Rectangular Survey System Lands in Public Land States]).

**OMB Control No.:** 1902-0145.

**Type of Request:** Three-year extension of the FERC-587 information collection reporting requirements.

**Abstract:** The Commission requires the FERC-587 information collection to satisfy the requirements of section 24 of the Federal Power Act (FPA). The Federal Power Act grants the Commission authority to issue licenses for the development and improvement of navigation and for the development, transmission, and utilization of power across, along, from or in any of the steams or other bodies of water over which Congress has jurisdiction.<sup>1</sup> The Electric Consumers Protection Act (ECPA) amends the FPA to allow the Commission the responsibility of issuing licenses for nonfederal hydroelectric plants.<sup>2</sup>

Section 24 of the FPA requires that applicants proposing hydropower projects on (or changes to existing projects located within) lands owned by the United States to provide a description of the applicable U.S. land. Additionally, the FPA requires the notification of the Commission and Secretary of the Interior of the hydropower proposal. FERC-587 consolidates the information required and identifies hydropower project boundary maps associated with the applicable U.S. land.

The information consolidated by the Form No. 587 verifies the accuracy of the information provided for the FERC-587 to the Bureau of Land Management (BLM) and the Department of the Interior (DOI). Moreover, this information ensures that U.S. lands can be reserved as hydropower sites and withdrawn from other uses.

The Commission is also making the following changes to the FERC Form No. 587 instructions. FERC is not changing the reporting requirements of the information collection:

#### Paragraph 3

—Revise Paragraph 3<sup>3</sup> as follows:

<sup>1</sup> 16 U.S.C. Section 797d (2010).

<sup>2</sup> Public Law 99-495, 100 Stat. 1243 (1996).

<sup>3</sup> Any references to “microfilm” and “aperture cards” within 18 CFR part 4.39 were removed by the Final Rule in RM14-20-000 (issued 7/17/2014, published in the **Federal Register** at 79 FR 42973 on 7/24/2014).

| From  | To   |
|---|--|
| Microfilm copies of the project boundary maps must be submitted with the land description forms as directed by FERC. Each map must be reproduced on silver or gelatin 35 mm microfilm mounted on type D (3-1/4" X 7-3/8") aperture cards. The project number followed by a hyphen and sheet number or letter must be typed on the front of each card in the upper right corner. | Electronic file format copies of the project boundary map(s), also referred to as Exhibit G drawing(s), must be submitted with the land description form(s) as directed by FERC. |

**Paragraph 4**

—Revise Paragraph 4 as follows:

| From  | To  |
|---|---|
| Mail a copy of the completed land description forms and aperture cards to: Secretary, Routing Code PJ-12, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.  | Mail a copy of the completed land description form(s) and the electronic file format drawing(s) to: Secretary, Federal Energy Regulatory Commission, ATTN: OEP/DHAC, 888 First Street NE, Washington, DC 20426.   |
| Another copy of the form FERC-587 must be filed with the Bureau of Land Management state office(s) involved using the format below. Go to the following internet address to get mailing address for a particular State Office ( <a href="http://www.blm.gov/nhp/directory/index.htm">http://www.blm.gov/nhp/directory/index.htm</a> ). State Director, Bureau of Land Management, City, State Zip, ATTN: FERC Withdrawal Recordation. | Another copy of the form FERC-587 and electronic file format drawings must be filed with the Bureau of Land Management state office(s) involved using the format below. Go to the following internet address to get mailing address for a particular State Office ( <a href="https://www.blm.gov/programs/lands-and-reealty/land-tenure">https://www.blm.gov/programs/lands-and-reealty/land-tenure</a> ). State Director, Bureau of Land Management, City, State Zip, ATTN: FERC Withdrawal Recordation. |

**Paragraph 5**

—Revise Paragraph 5 as follows:

| From   | To   |
|--|--|
| Keep the land description forms and project boundary drawings up-to-date. If the project boundary changes, revised land description forms and drawings must be provided to the Commission immediately. The revised land description forms must be fully completed so as to supersede (not supplement) earlier forms. Mail updates in accordance with instruction 4.<br>If there are any questions, please contact the FERC at (202) 502-8872 | Keep the land description forms and project boundary drawings up-to-date. If the project boundary changes, revised land description forms and drawings must be provided to the Commission immediately. The revised land description forms must be fully completed so as to supersede (not supplement) earlier forms. Mail updates in accordance with instruction 4.<br>If there are any questions, please contact the FERC at 844-434-0053 or <a href="mailto:FERCOnlineSupport@ferc.gov">FERCOnlineSupport@ferc.gov</a> . |

*Access to the Revised Materials:* There is one attachment (Attachment A) that contains a version of Form No. 587 that incorporates all of the aforementioned changes within this Notice. Attachment A will be attached to this Notice within Docket No. IC18-15-000, but will not be published in the **Federal Register**.

Interested parties can see this attachments electronically as part of this Notice in FERC's eLibrary (<http://www.ferc.gov/docs-filing/elibrary.asp>) by searching for Docket No. IC18-15-000.

*Type of Respondents:* Applicants proposing hydropower projects on (or

changes to existing projects located within) lands owned by the United States.

*Estimate of Annual Burden*<sup>4</sup>: The Commission estimates the annual public reporting burden for the information collection as:

**FERC-587—LAND DESCRIPTION (PUBLIC LAND STATES/NON-PUBLIC LAND STATES [RECTANGULAR OR NON-RECTANGULAR SURVEY SYSTEM LANDS IN PUBLIC LAND STATES])**

|                                     | Number of respondents | Annual number of responses per respondent | Total number of responses | Average burden hours and cost per response <sup>5</sup> | Total annual burden hours and total annual cost | Cost per respondent |
|-------------------------------------|-----------------------|---|---------------------------|---|---|---------------------|
|                                     | (1)                   | (2)                                       | (1) * (2) = (3)           | (4)   | (3) * (4) = (5)                                 | (\$)(5) ÷ (1)       |
| Hydropower Project Applicants ..... | 137                   | 1   | 137                       | 1 hr.; \$79 .....                                       | 137 hrs.; \$10,823                              | \$79                |

<sup>4</sup> "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.

*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: July 3, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-14778 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP17-488-000; CP17-489-000]

#### **Kinetica Deepwater Express, LLC; Kinetica Energy Express, LLC; Notice of Technical Conference**

Take notice that a technical conference will be held on Thursday, July 12, 2018 at 10:00 a.m. (Eastern Standard Time), in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

At the technical conference, the Commission staff and the parties to the proceeding should be prepared to discuss all issues and comments filed in the proceeding.

Federal Energy Regulatory Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 502-8659 (TTY), or send a fax to (202) 208-2106 with the required accommodations.

All interested persons and staff are permitted to attend. For further information please contact Shannon O'Neil at (202) 502-6046 or email [Shannon.ONeil@ferc.gov](mailto:Shannon.ONeil@ferc.gov).

<sup>5</sup> The estimates for cost per response are derived using the following formula: 2018 Average Burden Hours per Response \* \$79 per Hour = Average Cost per Response. The hourly cost figure of \$79 is the 2018 average FERC hourly cost for wages plus benefits. We assume for FERC-587 that respondents earn at a similar rate.

Dated: July 5, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-14813 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL18-178-000]

#### **PJM Interconnection, L.L.C.; Notice of Institution of Section 206 Proceeding and Refund Effective Date**

On June 29, 2018, the Commission instituted a proceeding in Docket No. EL18-178-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), to determine the just and reasonable replacement rate, based on its finding that PJM Interconnection, L.L.C.'s currently effective Open Access Transmission Tariff is unjust, unreasonable, and unduly discriminatory or preferential. *Calpine Corporation v. PJM Interconnection, L.L.C.*, 163 FERC ¶ 61,236 (2018).

The refund effective date in Docket No. EL18-178-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18-178-000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: July 2, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-14772 Filed 7-10-18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER18-1915-000]

#### **Bowfin KeyCon Energy, 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 Bowfin KeyCon Energy, 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 23, 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](mailto:FERCOnlineSupport@ferc.gov) or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: July 2, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-14774 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP18-508-000]

**Columbia Gas Transmission, LLC; Notice of Application**

Take notice that on June 20, 2018, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 700, Houston, Texas 77002-2700, filed in Docket No. CP18-508-000, an application under section 7(c) of the Natural Gas Act seeking authorization to install bi-directional launchers, receivers, mainline valves and other appurtenant facilities, all located in Madison and Fayette Counties, Kentucky, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Columbia estimates the cost of the facilities to be \$8,253,665. This filing may 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 at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886)208-3676 or TYY, (202) 502-8659.

Any questions regarding this Application should be directed to Sandra Mazan, Regulatory and Commercial Law, TransCanada Corporation, 700 Louisiana Street, Suite 700, Houston, Texas 77002-2700; by phone at 832-320-5939; or email at [sandra\\_mazan@transcanada.com](mailto:sandra_mazan@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 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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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://](http://www.ferc.gov)

[www.ferc.gov](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. See, 18 CFR 385.2001(a) (1) (iii) and the instructions on the Commission's website under the "e-Filing" link.

*Comment Date:* 5:00 p.m. Eastern Time on July 26, 2018.

Dated: July 5, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018-14814 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. CP18-487-000]

**Natural Gas Pipeline Company of America, LLC; Notice of Intent To Prepare an Environmental Assessment for the Proposed Sabine Pass Compression Project, and Request for Comments on Environmental Issues**

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Sabine Pass Compression Project (Project); involving the construction and operation of facilities by Natural Gas Pipeline Company of America, LLC (Natural) in Cameron Parish, Louisiana. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the Project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the

Commission receives them in Washington, DC on or before 5:00 p.m. Eastern Time on August 2, 2018.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

If you sent comments on this project to the Commission before the opening of this docket on May 18, 2018, you will need to file those comments in Docket No. CP18-487-000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for the Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Natural provided landowners with a fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC website ([www.ferc.gov](http://www.ferc.gov)).

### Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov). Please carefully follow these instructions so

that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature, which is located on the Commission's website ([www.ferc.gov](http://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 file your comments electronically by using the *eFiling* feature, which is located on the Commission's website ([www.ferc.gov](http://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 will be asked to 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. Be sure to reference the project docket number CP18-487-000 with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

### Summary of the Proposed Project

The Project is designed to provide 400,000 dekatherms per day (Dth/day) of natural gas on a firm basis for delivery to Sabine Pass Liquefaction, LLC (SPL) Terminal, and provide a level of increased operational flexibility on Natural's system.

The Project would consist of the following facilities:

- A new gas-fired compressor station (CS 348) with a 22,490 horsepower (hp) turbine and necessary auxiliary equipment;
- new 36-inch suction and discharge pipelines and interconnections from CS 348 to the existing Louisiana Line Nos. 1 and 2 and existing Natural Lateral; and
- modifications to allow for remote operation of Natural's existing X-L8E South Valve located approximately 61 miles northeast of CS 348 along existing Louisiana Line Nos. 1 and 2 at approximate milepost (MP) 154.

The general location of the project facilities is shown in appendix 1.<sup>1</sup>

<sup>1</sup> The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at [www.ferc.gov](http://www.ferc.gov) using the link called "eLibrary" or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

### Land Requirements for Construction

Constructing the proposed facilities would require the use of about 24.3 acres in Cameron Parish, Louisiana. Following construction, Natural would maintain 3.3 acres for permanent operation of the Project's facilities. Natural proposes to utilize two contractor/staging yards, requiring a total of 11 acres, during construction of the Project. Natural would restore the contractor/staging yards to pre-existing conditions following activities, resulting in no permanent impacts. To access the Project workspaces and facilities during construction and operations, Natural would utilize existing roads to the extent practicable. Natural proposes to utilize five access roads, requiring a total of 4 acres, during construction of the Project facilities. Four access roads (Access Roads 1, 2, 4, and 5) proposed to be used for the Project are located along existing gravel roads. Access Road 3 is not located along an existing road. Following the completion of construction, areas impacted by Access Road 3 would be restored to pre-construction conditions. Natural proposes to permanently expand Access Road 2 by 0.1 acre and maintain this area to accommodate access to CS 348 during operations.

### The EA Process

The EA would discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA would present Commission staffs' independent analysis of the issues. The EA will be available in the public record through eLibrary.<sup>2</sup> Depending on the comments received during the scoping process, the Commission may also publish and distribute the EA to the public for an allotted comment period. Commission

<sup>2</sup> For instructions on connecting to eLibrary, refer to the last page of this notice.

staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this Project to formally cooperate in the preparation of the EA.<sup>3</sup> Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

#### Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.<sup>4</sup> Commission staff will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

#### Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are

<sup>3</sup> The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

<sup>4</sup> The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that information related to this environmental review is sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission publishes and distributes the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of a CD version or would like to remove your name from the mailing list, please return the attached "Mailing List Update Form" (appendix 2).

#### Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208-FERC, or on the FERC website at [www.ferc.gov](http://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.*, CP18-487-000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or (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](http://www.ferc.gov/docs-filing/esubscription.asp).

Finally, public sessions or site visits will be posted on the Commission's calendar located at [www.ferc.gov/EventCalendar/EventsList.aspx](http://www.ferc.gov/EventCalendar/EventsList.aspx) along with other related information.

Dated: July 3, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-14777 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

#### NYISO Business Issues Committee Meeting

July 11, 2018, 10:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2018-07-11>.

#### NYISO Operating Committee Meeting

July 12, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2018-07-12>.

#### NYISO Electric System Planning Working Group Meeting

July 19, 2018, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: [http://www.nyiso.com/public/committees/documents.jsp?com=bic\\_espwg&directory=2018-07-19](http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2018-07-19).

#### NYISO Management Committee Meeting

July 25, 2018, 10:00 a.m.–2:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: <http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2018-07-25>.

The discussions at the meetings described above may address matters at issue in the following proceedings:

*New York Independent System Operator, Inc.*, Docket No. ER13–102.

*New York Independent System Operator, Inc.*, Docket No. ER15–2059.

*New York Independent System Operator, Inc.*, Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or [James.Eason@ferc.gov](mailto:James.Eason@ferc.gov).

Dated: June 28, 2018.

**Kimberly D. Bose**,  
Secretary.

[FR Doc. 2018–14767 Filed 7–10–18; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER18–1960–000]

#### Tenaska Pennsylvania Partners, 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 of Tenaska Pennsylvania Partners, 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 25, 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 5, 2018.

**Nathaniel J. Davis, Sr.**,  
Deputy Secretary.

[FR Doc. 2018–14834 Filed 7–10–18; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER18–1957–000]

#### Tracel Energy Marketing Limited Partnership 1; 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 of Tracel Energy Marketing Limited Partnership 1'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 25, 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: July 5, 2018.

**Nathaniel J. Davis, Sr.**,  
Deputy Secretary.

[FR Doc. 2018–14833 Filed 7–10–18; 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 corporate filings:

*Docket Numbers:* EC18–115–000.  
*Applicants:* Conemaugh Power LLC, Keystone Power LLC.

*Description:* Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Action of Conemaugh Power LLC, *et al.*

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5322.

*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* EC18–116–000.  
*Applicants:* International Transmission Company.  
*Description:* Application for Approval Pursuant under Section 203 of the Federal Power Act of International Transmission Company.  
*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5033.  
*Comments Due:* 5 p.m. ET 7/23/18.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1817–017; ER10–1818–016; ER10–1819–019; ER10–1820–022.

*Applicants:* Southwestern Public Service Company, Public Service Company of Colorado, Northern States Power Company, a Minnesota corporation, Northern States Power Company, a Wisconsin corporation.

*Description:* SPS Triennial MBR Filing of Southwestern Public Service Company, *et al.*

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5330.  
*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER10–2405–006.  
*Applicants:* High Prairie Wind Farm II, LLC.

*Description:* Updated Market Power Analysis for the Central Region and Notice of Non-Material Change in Status of High Prairie Wind Farm II, LLC.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5321.  
*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER10–3097–007.

*Applicants:* Bruce Power Inc.

*Description:* Updated Market Power Analysis for the Central Region of Bruce Power Inc.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5329.  
*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER11–2105–002.

*Applicants:* Oklahoma Gas and Electric Company.

*Description:* Updated Market Power Analysis for Southwest Power Pool, Inc. Balancing Area Authority of Oklahoma Gas and Electric Company.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5325.  
*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER12–1933–009; ER12–1934–008.

*Applicants:* Interstate Power and Light Company, Wisconsin Power and Light Company.

*Description:* Updated Triennial Market Power analysis for the Central region of Interstate Power and Light Company, *et al.*

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5320.

*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER17–814–002; ER17–816–002; ER17–815–002; ER10–2606–013.

*Applicants:* Verso Energy Services LLC, Verso Luke LLC, Verso Escanaba LLC, Consolidated Water Power Company.

*Description:* Updated Market Power Analysis of the Verso Market-Based Rate Entities for Central Region.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5327.  
*Comments Due:* 5 p.m. ET 8/28/18.

*Docket Numbers:* ER17–1622–002.

*Applicants:* J. Aron & Company LLC.

*Description:* Notice of Non-Material Change in Status of J. Aron & Company LLC.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5318.  
*Comments Due:* 5 p.m. ET 7/20/18.

*Docket Numbers:* ER18–1245–001.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Compliance filing: Compliance Filing Pursuant to the May 31, 2018 Order in Docket No. ER18–1245–000 to be effective 6/1/2018.

*Filed Date:* 7/2/18.

*Accession Number:* 20180702–5123.  
*Comments Due:* 5 p.m. ET 7/23/18.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES18–43–000.

*Applicants:* DesertLink, LLC.

*Description:* Application Under Section 204 for Authorization to Issue Debt of DesertLink, LLC.

*Filed Date:* 6/29/18.

*Accession Number:* 20180629–5328.  
*Comments Due:* 5 p.m. ET 7/20/18.

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: July 2, 2018.

**Kimberly D. Bose,**  
*Secretary.*

[FR Doc. 2018–14765 Filed 7–10–18; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER18–1917–000]

#### **Bowfin KeyCon Power, 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 Bowfin KeyCon Power, 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 23, 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](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: July 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-14775 Filed 7-10-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2246-065—California]

#### Notice of Revised Environmental Site Review; Yuba County Water Agency

The start time for the July 11, 2018 environmental site review of the Yuba River Development Project, outlined in the June 18, 2018 Notice of Environmental Site Review, has been changed to 8:30 a.m. from 10:00 a.m. (PDT). If you have any questions, please contact Alan Mitchnick at (202) 502-6074 or [alan.mitchnick@ferc.gov](mailto:alan.mitchnick@ferc.gov).

Dated: July 3, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-14762 Filed 7-10-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL18-173-000]

#### Notice of Institution of Section 206 Proceeding and Refund Effective Date

Monongahela Power Company  
Potomac Edison Company  
West Penn Power Company  
AEP Indiana Michigan Transmission Company, Inc.  
AEP Kentucky Transmission Company, Inc.  
AEP Ohio Transmission Company, Inc.  
AEP West Virginia Transmission Company, Inc.  
Appalachian Power Company  
Indiana Michigan Power Company  
Kentucky Power Company  
Kingsport Power Company  
Ohio Power Company  
Wheeling Power Company  
Commonwealth Edison Company  
Commonwealth Edison Company of Indiana, Inc.

Dayton Power and Light Company  
Virginia Electric and Power Company  
Public Service Electric and Gas Company  
PECO Energy Company  
PPL Electric Utilities Corporation  
Baltimore Gas and Electric Company  
Jersey Central Power & Light Company  
Potomac Electric Power Company  
Atlantic City Electric Company  
Delmarva Power & Light Company  
UGI Utilities Inc.  
Allegheny Electric Cooperative, Inc.  
CED Rock Springs, LLC  
Old Dominion Electric Cooperative  
Rockland Electric Company  
Duquesne Light Company  
Neptune Regional Transmission System, LLC  
Trans-Allegheny Interstate Line Company  
Linden VFT, LLC  
American Transmission Systems, Incorporated  
City of Cleveland, Department of Public Utilities, Division of Cleveland Public Power  
Duke Energy Ohio, Inc.  
Duke Energy Kentucky, Inc.  
City of Hamilton, OH  
Hudson Transmission Partners, LLC  
East Kentucky Power Cooperative, Inc.  
City of Rochelle  
ITC Interconnection LLC  
Mid-Atlantic Interstate Transmission, LLC  
Southern Maryland Electric Cooperative, Inc.  
Ohio Valley Electric Corporation

On July 2, 2018, the Commission issued an order in Docket No. EL18-173-000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation to require the above-captioned PJM Interconnection, L.L.C. Transmission Owners to refile Schedule 12 of the PJM Tariff to clearly specify its Open Access Transmission Tariff or show cause why Schedule 12 should not be revised. *Monongahela Power Company, et al.*, 164 FERC ¶ 61,002 (2018).

The refund effective date in Docket No. EL18-173-000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL18-173-000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: July 2, 2018.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2018-14771 Filed 7-10-18; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC18-16-000]

#### Commission Information Collection Activities (FERC-567); 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-567 [Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity].

**DATES:** Comments on the collection of information are due September 10, 2018.

**ADDRESSES:** You may submit comments (identified by Docket No. IC18-16-000) 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](mailto: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](mailto:DataClearance@FERC.gov), telephone at (202) 502-8663, and fax at (202) 273-0873.

#### SUPPLEMENTARY INFORMATION:

*Title:* FERC-567, Gas Pipeline Certificates: Annual Reports of System Flow Diagrams and System Capacity.

*OMB Control No.:* 1902-0005.

*Type of Request:* Three-year extension of the FERC-567 information collection requirements with no changes to the current reporting requirements.

*Abstract:* The Commission uses the information from the FERC-567 to

obtain accurate data on pipeline facilities and the peak capacity of these facilities. Additionally, the Commission validates the need for new facilities proposed by pipelines in certificate applications. By modeling an applicant's pipeline system, Commission staff utilizes the FERC-567 data to determine configuration and location of installed pipeline facilities; verify and determine the receipt and delivery points between shippers, producers and pipeline companies; determine the location of receipt and delivery points and emergency interconnections on a pipeline system; determine the location of pipeline

segments, laterals and compressor stations on a pipeline system; verify pipeline segment lengths and pipeline diameters; justify the maximum allowable operating pressures and suction and discharge pressures at compressor stations; verify the installed horsepower and volumes compressed at each compressor station; determine the existing shippers and producers currently using each pipeline company; verify peak capacity on the system; and develop and evaluate alternatives to the proposed facilities as a means to mitigate environmental impact of new pipeline construction.

<sup>18</sup> Code of Federal Regulations (CFR) 260.8(a) requires each major natural gas

pipeline with a system delivery capacity exceeding 100,000 Mcf per day to submit by June 1 of each year, diagrams reflecting operating conditions on the pipeline's main transmission system during the previous 12 months ended December 31. These physical/engineering data are not included as part of any other data collection requirement.

*Type of Respondents:* Applicants with a system delivery capacity in excess of 100,000 Mcf<sup>1</sup> per day.

*Estimate of Annual Burden:*<sup>2</sup> The Commission estimates the annual public reporting burden for the information collection as:

**FERC-567—GAS PIPELINE CERTIFICATES: ANNUAL REPORTS OF SYSTEM FLOW DIAGRAMS AND SYSTEM CAPACITY**

|                             | Number of respondents | Annual number of responses per respondent | Total number of responses | Average burden and cost per response <sup>3</sup> | Total annual burden hours and total annual cost | Cost per respondent (\$) |
|-----------------------------|-----------------------|---|---------------------------|---|---|--------------------------|
|                             | (1)                   | (2)                                       | (1) * (2) = (3)           | (4)   | (3) * (4) = (5)                                 | (5) ÷ (1)                |
| Natural Gas Pipelines ..... | 121                   | 1   | 121                       | 3<br>\$237  | 363<br>\$28,677                                 | \$237                    |

*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: July 5, 2018.

**Kimberly D. Bose,**

Secretary.

[FR Doc. 2018-14815 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. OR18-28-000]

**Shell Pipeline Company LP; Notice of Petition for Declaratory Order**

Take notice that on July 3, 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), Shell Pipeline Company LP (SPLC or Petitioner), filed a petition for a declaratory order seeking approval of SPLC's proposed rate structures, service priority rights, and prorationing provisions for shippers and various aspects of the Transportation Service Agreement for the Falcon Ethane Pipeline System, all 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](mailto:FERCOnlineSupport@ferc.gov), or call

<sup>1</sup> Mcf = Thousand cubic feet.

<sup>2</sup> Burden is defined as 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, reference 5 Code of Federal Regulations 1320.3.

<sup>3</sup> The estimates for cost per response are derived using the following formula: 2018 Average Burden

Hours per Response \* \$79 per Hour = Average Cost per Response. The hourly cost figure of \$79 is the 2018 average FERC hourly cost for wages plus benefits. We assume for FERC-567 that respondents earn at a similar rate.

(866) 208-3676 (toll free). For TTY, call (202) 502-8659.

*Comment Date:* 5:00 p.m. Eastern time on August 2, 2018.

Dated: July 5, 2018.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2018-14835 Filed 7-10-18; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9980-61-ORD]

### Human Studies Review Board; Notification of Public Meetings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA), Office of the Science Advisor announces two separate public meetings of the Human Studies Review Board (HSRB) to advise the Agency on the ethical and scientific review of research involving human subjects.

**DATES:** A virtual public meeting will be held on Wednesday, July 25, 2018, from 1:00 p.m. to approximately 5:30 p.m. Eastern Time. A separate, subsequent teleconference meeting is planned for Thursday, September 13, 2018, from 2:00 p.m. to approximately 3:30 p.m. Eastern Time for the HSRB to finalize its Final Report of the July 25, 2018 meeting and review other possible topics.

**ADDRESSES:** All of these meetings will be conducted entirely by telephone and on the internet using Adobe Connect. For detailed access information visit the HSRB website: <http://www2.epa.gov/osa/human-studies-review-board>.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wishes to receive further information should contact the HSRB Designated Federal Official (DFO), Thomas O'Farrell on telephone number (202) 564-8451; fax number: (202) 564-2070; email address: [ofarrell.thomas@epa.gov](mailto:ofarrell.thomas@epa.gov); or mailing address: Environmental Protection Agency, Office of the Science Advisor, Mail code 8105R, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

#### SUPPLEMENTARY INFORMATION:

*Meeting access:* These meetings will be open to the public. The full Agenda and meeting materials will be available at the HSRB website: <http://www2.epa.gov/osa/human-studies-review-board>. For questions on document availability, or if you do not have access to the internet, consult with

the DFO, Thomas O'Farrell, listed under **FOR FURTHER INFORMATION CONTACT**.

*Special accommodations.* For information on access or services for individuals with disabilities, or to request accommodation of a disability, please contact the DFO listed under **FOR FURTHER INFORMATION CONTACT** at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

#### How may I participate in this meeting?

The HSRB encourages the public's input. You may participate in these meetings by following the instructions in this section.

1. *Oral comments.* To pre-register to make oral comments, please contact the DFO, Thomas O'Farrell, listed under **FOR FURTHER INFORMATION CONTACT**. Requests to present oral comments during the meeting will be accepted up to Noon Eastern Time on Wednesday, July 18, 2018, for the July 25, 2018 meeting and up to Noon Eastern Time on Thursday, September 6, 2018 for the September 13, 2018 meeting. To the extent that time permits, interested persons who have not pre-registered may be permitted by the HSRB Chair to present oral comments during either meeting at the designated time on the agenda. Oral comments before the HSRB are generally limited to five minutes per individual or organization. If additional time is available, further public comments may be possible.

2. *Written comments.* Submit your written comments prior to the meetings. For the Board to have the best opportunity to review and consider your comments as it deliberates, you should submit your comments by Noon Eastern Time on Wednesday, July 18, 2018, for the July 25, 2018 meeting and up to Noon Eastern Time on Thursday, September 6, 2018 for the September 13, 2018 meeting. If you submit comments after these dates, those comments will be provided to the HSRB members, but you should recognize that the HSRB members may not have adequate time to consider your comments prior to their discussion. You should submit your comments to the DFO, Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**. There is no limit on the length of written comments for consideration by the HSRB.

#### Background

The HSRB is a Federal advisory committee operating in accordance with the Federal Advisory Committee Act 5 U.S.C. App. 2 sec. 9. The HSRB provides advice, information, and recommendations on issues related to scientific and ethical aspects of third-

party human subjects research that are submitted to the Office of Pesticide Programs (OPP) to be used for regulatory purposes.

*Topic for discussion.* On July 25, 2018, EPA's Human Studies Review Board will consider a study protocol titled "Laboratory evaluation of mosquito bite protection from permethrin-treated clothing after 0, 50, 75, and 100 washings" submitted by Pulcra Industries.

The Agenda and meeting materials for this topic will be available in advance of the meeting at <http://www2.epa.gov/osa/human-studies-review-board>.

On September 13, 2018, the HSRB will review and finalize their draft Final Report from the July 25, 2018 meeting, in addition to other topics that may come before the Board. The HSRB may also discuss planning for future HSRB meetings. The agenda and the draft report will be available prior to the meeting at <http://www2.epa.gov/osa/human-studies-review-board>.

*Meeting minutes and final reports.* Minutes of these meetings, summarizing the matters discussed and recommendations made by the HSRB, will be released within 90 calendar days of the meeting. These minutes will be available at <http://www2.epa.gov/osa/human-studies-review-board>. In addition, information regarding the HSRB's Final Report, will be found at <http://www2.epa.gov/osa/human-studies-review-board> or from Thomas O'Farrell listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: July 3, 2018.

**Jennifer Orme-Zavaleta,**  
EPA Science Advisor.

[FR Doc. 2018-14944 Filed 7-9-18; 4:15 pm]

**BILLING CODE 6560-50-P**

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their

views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 26, 2018.

*A. Federal Reserve Bank of Kansas City* (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Robert Claypool, Maysville, Missouri, and Mary Claypool, Pella, Iowa*; to acquire voting shares of Fairport Bancshares, Inc., Maysville, Missouri, and thereby indirectly acquire The Bank of Fairport, Maysville, Missouri.

Board of Governors of the Federal Reserve System, July 6, 2018.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2018-14846 Filed 7-10-18; 8:45 am]

**BILLING CODE 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 August 6, 2018.

*A. Federal Reserve Bank of Chicago* (Colette A. Fried, Assistant Vice

President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

1. *First Midwest Bancorp, Inc., Chicago, Illinois*; to acquire 100 percent of Northern States Financial Corporation and thereby indirectly acquire NorStates Bank, both of Waukegan, Illinois.

*B. Federal Reserve Bank of New York* (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045-0001. Comments can also be sent electronically to [Comments.applications@ny.frb.org](mailto:Comments.applications@ny.frb.org):

1. *MB Mutual Holding Company and MB Bancorp, Inc., both of Wall Township, New Jersey*; to merge with Metuchen MHC and Metuchen Bancorp, Inc., both of Metuchen, New Jersey and thereby indirectly acquire Metuchen Savings Bank, Metuchen.

Board of Governors of the Federal Reserve System, July 6, 2018.

**Ann Misback,**

*Secretary of the Board.*

[FR Doc. 2018-14847 Filed 7-10-18; 8:45 am]

**BILLING CODE P**

## OFFICE OF GOVERNMENT ETHICS

### Agency Information Collection Activities; Proposed Collection; Comment Request for a Modified OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of request for agency and public comments.

**SUMMARY:** After this first round notice and public comment period, the Office of Government Ethics (OGE) intends to submit a modified OGE Form 278e Executive Branch Personnel Public Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

**DATES:** Written comments by the public and the agencies on this proposed extension are invited and must be received on or before September 10, 2018.

**ADDRESSES:** Comments may be submitted to OGE, by any of the following methods:

*Email:* [usoge@oge.gov](mailto:usoge@oge.gov) (Include reference to "OGE Form 278e paperwork comment" in the subject line of the message.)

*FAX:* 202-482-9237, Attn: Sara Nekou.

*Mail, Hand Delivery/Courier:* Office of Government Ethics, 1201 New York

Avenue NW, Suite 500, Attention: Sara Nekou, Assistant Counsel, Washington, DC 20005-3917.

*Instructions:* Comments may be posted on OGE's website, [www.oge.gov](http://www.oge.gov). Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:** Sara Nekou at the U.S. Office of Government Ethics; telephone: 202-482-9229; TTY: 800-877-8339; FAX: 202-482-9237; Email: [Snekou@oge.gov](mailto:Snekou@oge.gov). An electronic copy of the OGE Form 278e is available in the Forms Library section of OGE's website at <http://www.oge.gov>. A paper copy may also be obtained, without charge, by contacting Ms. Nekou.

### SUPPLEMENTARY INFORMATION:

*Title:* Executive Branch Personnel Public Financial Disclosure Report.

*Form Number:* OGE Form 278e.

*OMB Control Number:* 3209-0001.

*Type of Information Collection:*

Revision of a currently approved collection.

*Type of Review Request:* Regular.

*Respondents:* Private citizen

Presidential nominees to executive branch positions subject to Senate confirmation; other private citizens who are potential (incoming) Federal employees whose positions are designated for public disclosure filing; those who file termination reports from such positions after their Government service ends; and Presidential and Vice-Presidential candidates.

*Estimated Annual Number of Respondents:* 4,821.

*Estimated Time per Response:* 10 hours.

*Estimated Total Annual Burden:* 48,210 hours.

*Abstract:* The OGE Form 278 collects information from certain officers and high-level employees in the executive branch for conflicts of interest review and public disclosure. The form is also completed by individuals who are nominated by the President for high-level executive branch positions requiring Senate confirmation and individuals entering into and departing from other public reporting positions in the executive branch. The financial information collected relates to: Assets and income; transactions; gifts, reimbursements and travel expenses; liabilities; agreements or arrangements; outside positions; and compensation over \$5,000 paid by a source—all subject to various reporting thresholds and exclusions. The information is collected in accordance with section

102 of the Ethics in Government Act, 5 U.S.C. app. sec. 102, as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112–105) (STOCK Act) and OGE's implementing financial disclosure regulations at 5 CFR part 2634.

In 2013, OGE sought and received approval for the OGE Form 278e, an electronic version of the Form 278, implemented pursuant to the e-filing system mandated under section 11(b) of the STOCK Act. The OGE Form 278e collects the same information as the OGE Form 278. In 2014, OGE sought and received approval to incorporate the OGE Form 278e into its new *Integrity* e-filing application. *Integrity* has been in use since January 1, 2015, and OGE now requires filers to use a version of the OGE Form 278e rather than the old OGE Form 278. The version of the Form 278e that is produced by *Integrity* is a streamlined output report format that presents only the filer's inputs in given categories and does not report other categories not selected by the filer.

On October 5, 2016, OGE published a proposed rule for amending 5 CFR part 2634. See 81 FR 69204–69238 (October 5, 2016). The proposed modifications to the OGE Form 278e revise the instructions to reflect the changes to the financial disclosure regulation, if adopted as final. Specifically, OGE proposes to: Revise the reporting period for termination reports to include the entire preceding calendar year if a required annual report has not been filed; revise the income disclosure requirement to include only received income; revise the “widely diversified” criterion for purposes of determining whether a fund qualifies as an “excepted investment fund;” add a new feature (checkbox) for purposes of managing early termination report filing on the *Integrity* version of the Form 278e; clarify the Definition section of Part 2; clarify when a source of compensation need not be disclosed and the method for disclosing the existence of such sources; and eliminate the disclosure of transactions that occurred before the reporting individual became subject to the public financial disclosure requirements.

OGE is also proposing to update the Privacy Act statement in accordance with changes to the applicable system of records and to make certain minor formatting changes and corrections to the instructions and one of the data entry fields.

*Request for Comments:* Agency and public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the

enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: July 3, 2018.

**David Apol,**

*Acting Director and General Counsel, Office of Government Ethics.*

[FR Doc. 2018–14840 Filed 7–10–18; 8:45 am]

**BILLING CODE 6345–03–P**

## OFFICE OF GOVERNMENT ETHICS

### Agency Information Collection Activities; Proposed Collection; Comment Request for a Modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of request for agency and public comments.

**SUMMARY:** After this first round notice and public comment period, the Office of Government Ethics (OGE) plans to submit a modified OGE Form 450 Executive Branch Confidential Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval under the Paperwork Reduction Act of 1995.

**DATES:** Written comments by the public and agencies on this proposed extension are invited and must be received by September 10, 2018.

**ADDRESSES:** Comments may be submitted to OGE, by any of the following methods:

*Email:* [usoge@oge.gov](mailto:usoge@oge.gov) (Include reference to “OGE Form 450 paperwork comment” in the subject line of the message.)

*FAX:* 202–482–9237, Attn: Sara Nekou.

*Mail, Hand Delivery/Courier:* Office of Government Ethics, 1201 New York Avenue NW, Suite 500, Attention: Sara Nekou, Assistant Counsel, Washington, DC 20005–3917.

*Instructions:* Comments may be posted on OGE's website, <https://www.oge.gov>. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

**FOR FURTHER INFORMATION CONTACT:** Sara Nekou at the U.S. Office of Government

Ethics; telephone: 202–482–9229; TTY: 800–877–8339; FAX: 202–482–9237; Email: [snkou@oge.gov](mailto:snkou@oge.gov). An electronic copy of the OGE Form 450 is available in the Forms Library section of OGE's website at <https://www.oge.gov>. A paper copy may also be obtained, without charge, by contacting Ms. Nekou.

#### SUPPLEMENTARY INFORMATION:

*Title:* Executive Branch Confidential Financial Disclosure Report.

*Agency Form Number:* OGE Form 450.

*OMB Control Number:* 3209–0006.

*Type of Information Collection:*

Revision of a currently approved collection.

*Type of Review Request:* Regular.

*Respondents:* Prospective Government employees, including special Government employees, whose positions are designated for confidential disclosure filing and whose agencies require that they file new entrant confidential disclosure reports prior to assuming Government responsibilities.

*Estimated Annual Number of Respondents:* 24,640.

*Estimated Time per Response:* 3 hours.

*Estimated Total Annual Burden:* 73,920 hours.

*Abstract:* The OGE Form 450 collects information from covered department and agency employees as required under OGE's executive branch wide regulatory provisions in subpart I of 5 CFR part 2634. The basis for the OGE reporting regulation is section 201(d) of Executive Order 12674 of April 12, 1989 (as modified by Executive Order 12731 of October 17, 1990) and section 107(a) of the Ethics in Government Act, 5 U.S.C. app. sec. 107(a). OGE proposes several modifications to the form.

On October 5, 2016, OGE published a proposed rule for amending 5 CFR part 2634. See 81 FR 69204–69238 (October 5, 2016). The proposed modifications to the OGE Form 450 revise the instructions to reflect the changes to the financial disclosure regulation, if adopted as final. Specifically, OGE proposes to: Change the reporting periods for each part completed by new entrants; change the income disclosure threshold to \$1,000 of received income; eliminate the disclosure of diversified funds held within an employee benefit plan; clarify that the disclosure requirement for agreements and arrangements includes those with a current employer; eliminate the disclosure of continued participation in a defined contribution plan to which an employer is no longer making contributions; and combine gifts and travel reimbursement into a single

category for purposes of applying the disclosure thresholds.

OGE is also proposing to update the Privacy Act Statement in accordance with changes to the applicable system of records, update the examples provided on the last page of the form, and make other minor technical changes.

*Request for Comments:* OGE is publishing this first round notice of its intent to request paperwork clearance for a proposed modified OGE Form 450. Public comment is invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: July 3, 2018.

**David Apol,**

*Acting Director and General Counsel, Office of Government Ethics.*

[FR Doc. 2018-14841 Filed 7-10-18; 8:45 am]

**BILLING CODE 6345-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Council for the Elimination of Tuberculosis Meeting (ACET)

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting of the Advisory Council for the Elimination of Tuberculosis Meeting (ACET). This meeting is open to the public, limited only by 60 room seating and 100 ports for audio phone lines. Time will be available for public comment. The public is welcome to submit written comments in advance of the meeting. Comments should be submitted in writing by email to the contact person listed below. The deadline for receipt is Monday, August 13, 2018. Persons who desire to make an oral statement, may request it at the time of the public comment period on August 21, 2018 at 3:20 p.m., EDT.

**DATES:** The meeting will be held on August 21, 2018, 10:00 a.m. to 3:30 p.m., EDT.

**ADDRESSES:** 8 Corporate Blvd., Building 8, Conference Rooms 1A and 1B, Atlanta, Georgia 30329 and Web conference: 1-877-927-1433 and participant passcode: 12016435 and <https://adobeconnect.cdc.gov/r5p8l2tytpq/>.

**FOR FURTHER INFORMATION CONTACT:** Margie Scott-Cseh, Committee Management Specialist, CDC, 1600 Clifton Road NE, Mailstop: E-07, Atlanta, Georgia 30329-4018, telephone (404) 639-8317; [zkr7@cdc.gov](mailto:zkr7@cdc.gov).

#### SUPPLEMENTARY INFORMATION:

*Purpose:* This Council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

*Matters To Be Considered:* The agenda will include discussions on (1) Isoniazid-Rifapentine TB Prevention in HIV-infected Persons Study; (2) Division of HIV/AIDS Prevention's Strategy of Adopting HIV Treatment as Prevention; (3) Update on Division of Tuberculosis Elimination's Concept of Operations for Latent Tuberculosis Infection Surveillance; and (4) Update from ACET workgroups. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-14755 Filed 7-10-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Committee on Breast Cancer in Young Women, Centers for Disease Control and Prevention; Notice of Charter Renewal

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of charter renewal.

**SUMMARY:** This gives notice under the Federal Advisory Committee Act of October 6, 1972, that the Advisory Committee on Breast Cancer in Young Women (ACBCYW), Centers for Disease Control and Prevention, Department of Health and Human Services, has been renewed for a 2-year period through June 17, 2020.

**FOR FURTHER INFORMATION CONTACT:** Temeika L. Fairley, Ph.D., Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 5770 Buford Highway NE, Mailstop K52, Atlanta, Georgia 30341, Telephone (770) 488-4518, Fax (770) 488-4760. Email: [acbcyw@cdc.gov](mailto:acbcyw@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-14756 Filed 7-10-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day-18-0572]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Health Message Testing System (HMTS) to the Office of Management and Budget (OMB) for review and approval. CDC previously

published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on May 10, 2018 to obtain comments from the public and affected agencies. CDC received one non-substantive comment. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

### Proposed Project

Health Message Testing System (HMTS) 0920-0572, Reinstatement without change, Office of the Associate Director for Communication (OADC), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

Before CDC disseminates a health message to the public, the message always undergoes scientific review. However, even though the message is based on sound scientific content, there is no guarantee that the public will understand a health message or that the

message will move people to take recommended action. Communication theorists and researchers agree that for health messages to be as clear and influential as possible, target audience members or representatives must be involved in developing the messages and provisional versions of the messages must be tested with members of the target audience.

However, increasingly there are circumstances when CDC must move swiftly to protect life, prevent disease, or calm public anxiety. Health message testing is even more important in these instances, because of the critical nature of the information need.

In the interest of timely health message dissemination, many programs forgo the important step of testing messages on dimensions such as clarity, salience, appeal, and persuasiveness (i.e., the ability to influence behavioral intention). Skipping this step avoids the delay involved in the standard OMB review process, but at a high potential cost. Untested messages can waste communication resources and opportunities because the messages can be perceived as unclear or irrelevant. Untested messages can also have unintended consequences, such as jeopardizing the credibility of Federal health officials.

The Health Message Testing System (HMTS), a generic information collection, enables programs across CDC to collect the information they require in a timely manner to:

- Ensure quality and prevent waste in the dissemination of health information by CDC to the public.
- Refine message concepts and to test draft materials for clarity, salience, appeal, and persuasiveness to target audiences.
- Guide the action of health communication officials who are responding to health emergencies, Congressionally-mandated campaigns with short timeframes, media-generated public concern, time-limited communication opportunities, trends, and the need to refresh materials or dissemination strategies in an ongoing campaign.

Each testing instrument will be based on specific health issues or topics. Although it is not possible to develop one instrument for use in all instances, the same kinds of questions are asked in most message testing. This package includes generic questions and formats that can be used to develop health message testing data collection instruments. These include a list of screening questions, comprised of demographic and introductory questions, along with other questions that can be used to

create a mix of relevant questions for each proposed message testing data collection method. However, programs may request to use additional questions if needed.

Message testing questions will focus on issues such as comprehension, impressions, personal relevance, content and wording, efficacy of response, channels, and spokesperson/ sponsor. Such information will enable message developers to enhance the effectiveness of messages for intended audiences.

Data collection methods proposed for HMTS include intercept interviews, telephone interviews, focus groups, online surveys, and cognitive interviews. In almost all instances, data will be collected by outside organizations under contract with CDC.

For many years CDC programs have used HMTS to test and refine message concepts and test draft materials for clarity, salience, appeal, and persuasiveness to target audiences. Having this generic clearance available has enabled them to test their information and get critical health information out to the public quickly. Over the last three years, more than 30 messages have been tested using this clearance. For example: Domestic Readiness Initiative on Zika Virus Disease-Year 2 Core Campaign Materials. As part of the mission of CDC's Domestic Readiness Initiative on the Zika Virus Disease, CDC collected information to inform an outcome evaluation to determine the extent to which the campaign affected awareness, attitudes, and intention to follow recommended behaviors at different points during the campaign. The goal of the evaluation was to better understand awareness of campaign activities, how people perceive Zika as a health risk, and assess their uptake of recommended health behaviors, such as applying insect repellent, using condoms, and wearing long-sleeved clothing.

The Division of Unintentional Injury Prevention obtained OMB approval through HMTS for *Assessing Perception and Use of CDC Guideline for Prescribing Opioids for Chronic Pain*. The purpose of this collection is to assess primary care physician's perceptions and use of communication materials and products associated with the CDC Guideline for Prescribing Opioids for Chronic Pain. Information collected can assist in the most effective use of CDC communication resources and opportunities by assessing clarity, salience, appeal, persuasiveness and effectiveness of materials promoting the dissemination and implementation of the Guideline. Specifically, CDC seeks



to understand how primary care physicians perceive, need, and implement the Guideline to make prescribing decisions; how they need, obtain, and use supplementary and promotional Guideline materials developed by CDC for professional development or patient education; and

what attitudinal and structural barriers may inhibit primary care provider adoption of the recommendations in the Guideline.

Over 10,000 respondents were queried and over 4,500 burden hours used during this time period. Because the availability of this ICR has been so

critical to programs in disseminating their materials and information to the public in a timely manner, OADC is requesting a three year extension of this information collection. The estimated annualized burden hours is 2,470. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Type of respondents  | Form name  | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total burden (in hours) |
|--|--|-----------------------|------------------------------------|--|-------------------------|
| Public Health Professionals, Health Care Providers, State and Local Public Health Officials, Emergency Responders, General Public. | Moderator's Guides, Eligibility Screeners, Interview Guides, Opinion Surveys, Consent Forms. | 18,525                | 1                                  | 8/60                                   | 2,470                   |
| Total .....  | .....  | .....                 | .....                              | .....                                  | 2,470                   |

**Jeffrey M. Zirger,**

*Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2018-14796 Filed 7-10-18; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

**Board of Scientific Counselors, National Center for Injury Prevention and Control**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of closed meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the CDC announces the following meeting for the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC).

**DATES:** The meeting will be held on August 1, 2018, 1:00 p.m. to 3:00 p.m., EDT (CLOSED).

**ADDRESSES:** Teleconference.

**FOR FURTHER INFORMATION CONTACT:** Gwendolyn H. Cattledge, Ph.D., M.S.E.H., Deputy Associate Director for Science, NCIPC, CDC, 4770 Buford Highway NE, Mailstop F-63, Atlanta, GA 30341, Telephone (770) 488-1430, Email address: [NCIPCBSC@cdc.gov](mailto:NCIPCBSC@cdc.gov).

**SUPPLEMENTARY INFORMATION:** The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the

Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

**Purpose:** The Board of Scientific Counselors makes recommendations regarding policies, strategies, objectives, and priorities; and reviews progress toward injury and violence prevention. The Board also provides advice on the appropriate balance of intramural and extramural research, and guidance on the needs, structure, progress and performance of intramural programs. The Board also provides guidance on extramural scientific program matters, including the: (1) Review of extramural research concepts for funding opportunity announcements; (2) conduct of secondary peer review of extramural research grants, cooperative agreements, and contracts applications received in response to the funding opportunity announcements as they relate to the Center's programmatic balance and mission; (3) submission of secondary review recommendations to the Center Director relating to applications to be considered for funding support; (4) review of research portfolios, and (5) review of program proposals.

**Matters To Be Considered:** The agenda will include discussions on secondary peer review of extramural research grant and cooperative agreement applications received in response to two (2) Notice of Funding Opportunities (NOFOs): RFA-CE-18-001, Research Grants for Preventing Violence and Violence Related Injury (RO1); SBIR PA-17-302, PHS 2017-2 Omnibus Solicitation of the NIH, CDC and FDA for Small Business Innovation Research Grants. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-14754 Filed 7-10-18; 8:45 am]

BILLING CODE 4163-19-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day-18-0792]

**Agency Forms Undergoing Paperwork Reduction Act Review**

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Environmental Health Specialists Network (EHS-NET) Program to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on April 17, 2018 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.



CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

- (a) 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;
- (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (c) Enhance the quality, utility, and clarity of the information to be collected;
- (d) 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; and
- (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

Environmental Health Specialists Network (EHS-NET) Program (OMB #0920-0792, expiration 9/30/2018)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

The National Center for Environmental Health (NCEH), Centers

for Disease Control and Prevention (CDC), is requesting a three-year Paperwork Reduction Act (PRA) approval for the revision to the Environmental Health Specialists (EHS-Net) Program. The EHS-Net program focuses on identifying the environmental causes of foodborne illness. OMB approved the generic information collection for the EHS-Net program in October 2008, 2012, and 2015. To date, EHS-Net has had five genICs.

This revision will provide OMB clearance for EHS-Net data collections conducted in 2018 through 2021. The program is revising the generic information collection request in the following ways:

(1) The burden hours have increased to allow for additional statistical designs. The number of restaurants per site (8 EHS-Net sites, which has remained the same) has been increased from 47 to 50 restaurants (totaling 400 restaurants); the sample size was increased to detect a greater odds ratio and establish a stronger power.

(2) The number of respondents has increased to gather additional food worker responses per establishment. Collecting data from additional food workers (increased to 10 food workers per restaurant from 1 food worker per restaurant, totaling 4,000 food workers) will help minimize the potential bias of only having one worker represent all of food workers in a given establishment.

We expect to conduct up to three studies in a 5-year cooperative period; this is based on a more accurate study schedule in a 5-year EHS-Net cooperative agreement.

The goal of this information collection is to improve food safety and reduce foodborne illness, which supports the U.S. Department of Health and Human Services' Health People 2020 Goal. Reducing foodborne illness first requires identification and understanding of the environmental factors that cause these illnesses. We need to know how and why food becomes contaminated with foodborne illness pathogens. This information can then be used to

determine effective food safety prevention methods. Ultimately, these actions can lead to increased regulatory program effectiveness and decreased foodborne illness. The purpose of the information collection is to gather data that will help us identify and understand environmental factors associated with foodborne illness. Environmental factors associated with foodborne illness include both food safety practices (e.g., inadequate cleaning practices) and the factors in the environment associated with those practices (e.g., worker and retail food establishment characteristics). The information collected through this collection will be used to:

- (a) Describe retail food establishment food handling and food safety practices and manager/worker and establishment characteristics,
- (b) Determine how retail food establishment and worker characteristics are related to food handling and food safety practices.

This program is conducted by the Environmental Health Specialists Network (EHS-Net), a collaborative project of CDC, FDA, USDA, and local and state sites. Through this collection, we will continue to collect data from those who prepare food (i.e., food workers) and on the environments in which the food is prepared (i.e., retail food establishment kitchens). Thus, data collection methods for this generic package include: (1) Screener, (2) manager and food worker interviews/surveys, and (3) observation of kitchen/restaurant environments. Both methods allow data collection on food safety practices and environmental factors associated with those practices.

For each data collection, we will collect data in approximately 50 retail food establishments per site. Thus, there will be approximately 400 establishments per data collection (an estimated 8 sites \* 50 establishments). The total estimated annual burden for each data collection will be 1,777 hours.

**ESTIMATED ANNUALIZED BURDEN HOURS**

| Type of respondents | Form name  | Number of respondents | Number of responses per respondent | Average burden per response (in hours) |
|---------------------|--|-----------------------|------------------------------------|--|
| Managers .....      | EHS-Net Manager Recruiting Script .....                          | 889                   | 1                                  | 3/60                                   |
| Managers .....      | EHS-Net Manager Informed Consent and Interview .....             | 400                   | 1                                  | 30/60                                  |
| Food Workers .....  | EHS-Net Food Worker Recruiting Screener, Consent, and Interview. | 4,000                 | 1                                  | 20/60                                  |
| HD staff .....      | EHS-Net Restaurant Observation .....                             | 400                   | 1                                  | 30/60                                  |

**Jeffrey M. Zirger,**

*Acting Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2018-14797 Filed 7-10-18; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Submission for OMB Review; Comment Request**

*Title:* Evaluation of the Family Unification Program.

*OMB No.:* New Collection.

*Description:* The Administration for Children and Families (ACF) is proposing an information collection activity to assess the impact, through rigorous evaluation, of participation in the Family Unification Program (FUP) on child welfare involvement and child maltreatment. The Department of Housing and Urban Development (HUD) funds and administers FUP. Through the program, vouchers are provided to families for whom the lack of adequate housing is a primary factor in (a) the imminent placement of the family's

child, or children, in out-of-home care or (b) the delay in the discharge of the child, or children, to the family from out-of-home-care. The program aims to prevent children's placement in out-of-home care, promote family reunification for children placed in out-of-home care, and decrease new reports of abuse and neglect. Vouchers may also be provided to youth transitioning from foster care who do not have adequate housing, although this population is not the focus of this evaluation.

The evaluation will contribute to understanding the effects of FUP on project participants' child welfare involvement. The evaluation will be conducted in approximately ten sites, with random assignment of FUP-eligible families to program and control groups. The evaluation consists of both an impact study and an implementation study. Data collection for the impact study will be exclusively through administrative data. Data collection for the implementation study will be through site visits and collection of program data. Data collection activities will span 3 years.

Implementation study data collection will occur at three points in time: (1) Prior to the implementation ("first site visit"), (2) 6-9 months into the implementation ("second site visit",

and (3) 18-21 months into implementation ("third site visit"). Semi-structured interviews will be conducted with agency/organization management (first and second site visits) and FUP management (second and third site visits), and focus groups will be conducted with front-line staff (second and third site visits). In addition, semi-structured interviews will be conducted with parents (second and third site visits). Program data, collected using a housing status form, a referral form and questionnaires about housing assistance and other services, will be completed by frontline staff. FUP management staff will complete an online randomization tool and a form ("dashboard") to facilitate monitoring of the evaluation.

This evaluation is part of a larger project to help ACF build the evidence base in child welfare through rigorous evaluation of programs, practices, and policies. It will also contribute to HUD's understanding of how housing can serve as a platform for improving quality of life.

*Respondents:* Public housing authority staff, public child welfare agency staff, Continuums of Care (CoC) staff, other service provider staff, and the parent of families housed using FUP vouchers.

**ANNUAL BURDEN ESTIMATES**

|  | Total number of respondents | Annual number of respondents | Number of responses per respondent | Average burden hour per response | Annual burden hours |
|--|-----------------------------|------------------------------|------------------------------------|----------------------------------|---------------------|
| Guide for Recruitment with PHA and PCWA Administrators .....                 | 30                          | 10                           | 1                                  | 1.00                             | 10                  |
| Guide to Develop an Evaluation Plan for PCWA FUP Management .....            | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide to Develop an Evaluation Plan for PHA FUP Management .....             | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for PCWA Management ..                        | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for PHA Management .....                      | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for CoC Management .....                      | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for Referral Provider Administrators .....    | 14                          | 5                            | 1                                  | 1.00                             | 5                   |
| Guide for Implementation Study with PCWA FUP Management (Second) .....       | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for PHA FUP Management .....                  | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study Focus Groups with PHA Frontline Workers ..... | 30                          | 10                           | 1                                  | 1.50                             | 15                  |
| Guide for Implementation Study for Parents (Second, Third) .....             | 120                         | 40                           | 1                                  | 1.50                             | 60                  |
| Guide for Implementation Study Focus Groups with Frontline Workers .....     | 440                         | 147                          | 1                                  | 1.50                             | 221                 |
| Guide for Implementation Study for PCWA FUP Management (Third) .....         | 10                          | 4                            | 1                                  | 1.00                             | 4                   |
| Guide for Implementation Study for Service Provider Management .....         | 18                          | 6                            | 1                                  | 1.00                             | 6                   |
| Housing Status Form .....  | 616                         | 206                          | 31                                 | 0.04                             | 255                 |
| Referral Form .....  | 200                         | 67                           | 6                                  | 0.17                             | 68                  |
| Randomization Tool .....   | 10                          | 4                            | 106                                | 0.02                             | 9                   |
| Housing Assistance Questionnaire .....                                       | 200                         | 67                           | 3                                  | 0.09                             | 18                  |
| Ongoing Services Questionnaire .....   | 200                         | 67                           | 3                                  | 0.09                             | 18                  |
| Dashboard .....  | 20                          | 7                            | 27                                 | 0.17                             | 32                  |

ANNUAL BURDEN ESTIMATES—Continued

|                                | Total number of respondents | Annual number of respondents | Number of responses per respondent | Average burden hour per response | Annual burden hours |
|--------------------------------|-----------------------------|------------------------------|------------------------------------|----------------------------------|---------------------|
| Administrative Data List ..... | 30                          | 10                           | 2                                  | 5.00                             | 100                 |

*Estimated Total Annual Burden Hours:* 849.

*Additional Information:* Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov).

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: [OIRA\\_SUBMISSION@OMB.EOP.GOV](mailto:OIRA_SUBMISSION@OMB.EOP.GOV). Attn: Desk Officer for the Administration for Children and Families.

**Mary B. Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2018-14792 Filed 7-10-18; 8:45 am]

**BILLING CODE 4184-25-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Submission for OMB Review: Updates to Approved Information Collection**

**AGENCY:** Office of Planning, Research, and Evaluation; ACF; HHS.

**ACTION:** Public comment request.

*Title:* Evaluation of Employment Coaching for TANF and Other Low-Income Populations (0970-0506).

**SUMMARY:** The Administration for Children and Families (ACF) is proposing an increase in the number of sites for data collection activities to be conducted as part of the Evaluation of Employment Coaching for TANF and Other Low-Income Populations. The Office of Management and Budget (OMB) Office of Information and Regulatory Affairs approved this information collection in March 2018 (0970-0506). As approved, we planned to include three employment programs. We have since identified three additional employment programs to include in the study. This Notice provides the opportunity for public comment on the addition of three sites.

This study will provide an opportunity to learn more about the potential of coaching to help clients achieve self-sufficiency and other desired employment-related outcomes.

The programs included in the study are Temporary Assistance for Needy Families (TANF) agencies and other public or private employment programs that serve low-income individuals.

Selected sites include a robust coaching component and have the capacity to conduct a rigorous impact evaluation, among other criteria. This study will provide information on whether coaching helps people obtain and retain jobs, advance in their careers, move toward self-sufficiency, and improve their overall well-being. To meet these objectives, this study includes an impact and implementation study.

The impact study involves participants being randomly assigned to either a “program group,” who will be paired with a coach, or to a “control group,” who will not be paired with a coach. The effectiveness of the coaching will be determined by differences between members of the program and control groups in outcomes such as obtaining and retaining employment, earnings, measures of self-sufficiency, and measures of self-regulation.

The implementation study will document coaching practices, describe lessons learned from implementing coaching, and enhance interpretation of the impact study findings.

The proposed information collection activities have not changed since OMB/OIRA approval. The only change to this information collection is to add three additional sites.

*Respondents:* Program staff and individuals enrolled in the Evaluation of Employment Coaching for TANF and Other Low-Income Populations. Program staff may include coaches, case managers, workshop instructors, job developers, supervisors, and managers. All participants will be able to opt out of participating in the data collection activities.

ANNUAL BURDEN ESTIMATES

| Instrument  | Original request: Total number of respondents | Updated request: Total number of respondents | Updated request: Annual number of respondents | Number of responses per respondent | Average burden hours per response | Updated request: Annual burden hours |
|---|---|--|---|------------------------------------|-----------------------------------|--------------------------------------|
| Baseline data collection—study participants ..... | 6,000   | 6,000  | 2,000   | 1                                  | .33                               | 660                                  |
| Baseline data collection—staff .....              | 60  | 60   | 20  | 100                                | .33                               | 660                                  |
| First follow-up survey .....                      | 2,400   | 4,800  | 1,600   | 1                                  | 1                                 | 1,600                                |
| Semi-structured staff interviews .....            | 66  | 132  | 44  | 1                                  | 1.5                               | 66                                   |
| Staff survey .....                                | 48  | 96   | 32  | 1                                  | .75                               | 24                                   |
| In-depth participant interviews .....             | 24  | 48   | 16  | 1                                  | 2.5                               | 40                                   |
| Staff reports of program service receipt ..       | 30  | 60   | 20  | 5,200                              | .03                               | 3,120                                |
| Video recordings of coaching sessions ...         | 27  | 54   | 18  | 10                                 | .1                                | 18                                   |

*Estimated Total Annual Burden Hours:* 6,188.

**DATES:** *Comments due within 30 days of publication.* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent directly to the following:

Office of Management and Budget,  
Paperwork Reduction Project, Email: [OIRA\\_SUBMISSION@OMB.EOP.GOV](mailto:OIRA_SUBMISSION@OMB.EOP.GOV), Attn: Desk Officer for the Administration for Children and Families.

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov).

(Authority: Section 413 of the Social Security Act, as amended by the FY 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115-31))

**Mary B. Jones,**  
*ACF/OPRE Certifying Officer.*

[FR Doc. 2018-14793 Filed 7-10-18; 8:45 am]

**BILLING CODE 4184-09-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-N-2434]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance for Industry on Formal Meetings With Sponsors and Applicants for Prescription Drug User Fee Act Products

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each

proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection contained in the guidance for industry on formal meetings with sponsors and applicants for Prescription Drug User Fee Act (PDUFA) products.

**DATES:** Submit either electronic or written comments on the collection of information by September 10, 2018.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 10, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2018-N-2434 for "Guidance for Industry on Formal Meetings with Sponsors and Applicants for PDUFA Products." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:**

Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Guidance for Industry on Formal Meetings With Sponsors and Applicants for Prescription Drug User Fee Act Products**

*OMB Control Number 0910–0429—Extension*

This information collection supports the above captioned Agency guidance document. The guidance document was issued to help individuals with procedures on formal meetings between FDA and sponsors or applicants regarding the development and review of PDUFA products. The guidance describes procedures for requesting, scheduling, conducting, and

documenting such formal meetings. The guidance provides information on how FDA interprets and applies section 119(a) of the Food and Drug Administration Modernization Act of 2007 (FDAMA) (Pub. L. 105–115), specific PDUFA goals for the management of meetings associated with the review of human drug applications for PDUFA products, and provisions of existing regulations describing certain meetings (§§ 312.47 and 312.82 (21 CFR 312.47 and 312.82)). The collection of information described in the guidance reflects the current and past practice of sponsors and applicants to submit meeting requests and background information prior to a scheduled meeting. Agency regulations currently permit such requests and recommend the submission of an information package before an “end-of-phase 2 meeting” (§§ 312.47(b)(1)(ii) and (iv)) and a “pre-NDA meeting” (§ 312.47(b)(2)). While the information collection provisions of § 312.47 are currently approved under OMB control number 0910–0014, the guidance provides additional recommendations for submitting information to FDA in support of a meeting request. The guidance document is available on our website at: <https://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM590547.pdf>.

**Request for a Meeting**—Consistent with recommendations found in the guidance, a sponsor or applicant interested in meeting with the Center for Drug Evaluation and Research (CDER) or the Center for Biologics Evaluation and Research (CBER) should submit a meeting request to the appropriate FDA component as an amendment to the application for the underlying product in accordance with our regulations (§§ 312.23, 314.50, and 601.2 (21 CFR 312.23, 314.50, and 601.2)). Information provided to the Agency as part of an investigational new drug application (IND), NDA, or biological license application (BLA) must be submitted with an appropriate cover form. Form FDA 1571 must accompany IND submissions, and Form FDA 356h must accompany NDA and BLA submissions. These Agency forms are approved under OMB control numbers 0910–0014 and 0910–0338, respectively.

We recommend that a request be submitted in this manner to ensure that each request is kept in the administrative file with the complete application, and to ensure that pertinent information about the request is entered into appropriate tracking databases. Using information from our tracking databases enables us to monitor progress

on activities attendant to scheduling and holding a formal meeting and to ensure that appropriate steps will be taken in a timely manner.

The guidance recommends that meeting requests include the following information:

- Information identifying and describing the product
- the type of meeting being requested
- a brief statement of the purpose of the meeting
- a list of objectives and expected outcomes from the meeting
- a preliminary proposed agenda
- a draft list of questions to be raised at the meeting
- a list of individuals who will represent the sponsor or applicant at the meeting
- a list of Agency staff requested to be in attendance
- the approximate date that the information package will be sent to the Agency
- suggested dates and times for the meeting

We use the information to determine the purpose of the meeting, the necessary participants, the proposed agenda, and to schedule the meeting.

**Information Package**—The guidance also recommends that a sponsor or applicant submitting an information package provide summary information relevant to the product and supplementary information pertaining to any issue raised by the sponsor, applicant, or FDA. Information packages should generally include:

- Identifying information about the underlying product
- a brief statement of the purpose of the meeting
- a list of objectives and expected outcomes of the meeting
- a proposed agenda for the meeting
- a list of specific questions to be addressed at the meeting
- a summary of clinical data that will be discussed (as appropriate)
- a summary of preclinical data that will be discussed (as appropriate)
- chemistry, manufacturing, and controls information that may be discussed (as appropriate)

The information package enables Agency staff to prepare for the meeting and allows appropriate time for reviewing relevant product data. Although FDA reviews similar information in the meeting request, the information package should provide updated data reflecting the most current and accurate information available to the sponsor or applicant.

We estimate the burden of the information collection as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

| Guidance recommendations | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|--------------------------|-----------------------|------------------------------------|------------------------|-----------------------------|-------------|
| Meeting Requests:        |                       |                                    |                        |                             |             |
| CDER .....               | 1,319                 | 2.31                               | 3,058                  | 10                          | 30,580      |
| CBER .....               | 301                   | 1.21                               | 363                    | 10                          | 3,630       |
| Subtotal .....           |                       |                                    |                        |                             | 34,210      |
| Information Packages:    |                       |                                    |                        |                             |             |
| CDER .....               | 1,149                 | 2.19                               | 2,522                  | 18                          | 45,396      |
| CBER .....               | 187                   | 1.12                               | 210                    | 18                          | 3,780       |
| Subtotal .....           |                       |                                    |                        |                             | 49,176      |
| Total .....              |                       |                                    |                        |                             | 83,386      |

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimated burden for the information collection reflects an overall increase since the previous OMB approval. We attribute this adjustment to an increase in the number of meeting requests and information packages received over the last few years.

Based on Agency data, we estimate 1,319 sponsors and applicants (respondents) request 3,058 formal meetings with CDER annually, and 301 respondents request 363 formal meetings with CBER annually regarding the development and review of a PDUFA product. The hours per response, which is the estimated number of hours that a respondent spends preparing the information to be submitted with a meeting request in accordance with the guidance, is estimated to be 10 hours. We expect it takes this amount of time to gather and copy brief statements about the product as well as a description of the purpose and details of the meeting.

Also consistent with Agency data, we estimate 1,149 respondents submitted 2,522 information packages to CDER annually, and 187 respondents submitted 210 information packages to CBER annually, prior to a formal meeting regarding the development and review of a PDUFA product. We estimate 18 hours is needed to prepare the information package in accordance with the guidance.

Dated: July 5, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-14800 Filed 7-10-18; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2012-N-0253]

**Agency Information Collection Activities; Proposed Collection; Comment Request; Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA’s postmarketing adverse drug experience reporting and recordkeeping requirements.

**DATES:** Submit either electronic or written comments on the collection of information by September 10, 2018.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before September 10, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of September 10, 2018. Comments received by mail/hand delivery/courier (for written/paper

submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

*Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

*Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and

identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA–2012–N–0253 for “Agency Information Collection Activities; Proposed Collection; Comment Request; Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Ila S. Mizrahi, Office of Operations, Food

and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, [PRAStaff@fda.hhs.gov](mailto:PRAStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Postmarketing Adverse Drug and Biological Product Experience Reporting and Recordkeeping**

*OMB Control Number 0910–0230—Extension*

Sections 201, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 352, 355, and 371) require that marketed drugs be safe and effective. To monitor the safety and efficacy of drugs that are on the market, FDA must be promptly informed of adverse experiences associated with the use of marketed drugs. FDA issued regulations at §§ 310.305 and 314.80 (21 CFR 310.305 and 314.80) to implement reporting and recordkeeping requirements on the drug industry that

would enable FDA to take the action necessary to protect the public health from adverse drug experiences.

All applicants who have received marketing approval of drug products are required to report to FDA serious, unexpected adverse drug experiences (15-day “Alert reports”), as well as followup reports (§ 314.80(c)(1)). This includes reports of all foreign or domestic adverse experiences as well as those based on information from applicable scientific literature and certain reports from postmarketing studies. Section 314.80(c)(1)(iii) pertains to such reports submitted by nonapplicants.

Under § 314.80(c)(2), applicants must provide periodic reports of adverse drug experiences. A periodic report includes, for the reporting interval, reports of serious, expected adverse drug experiences and all nonserious adverse drug experiences and an index of these reports, a narrative summary and analysis of adverse drug experiences, an analysis of the 15-day Alert reports submitted during the reporting interval, and a history of actions taken because of adverse drug experiences. Under § 314.80(j), applicants must keep for 10 years records of all adverse drug experience reports known to the applicant.

For marketed prescription drug products without approved new drug applications or abbreviated new drug applications, manufacturers, packers, and distributors are required to report to FDA serious, unexpected adverse drug experiences as well as followup reports (§ 310.305(c)). Section 310.305(c)(5) pertains to the submission of followup reports to reports forwarded to the manufacturers, packers, and distributors by FDA. Under § 310.305(g), each manufacturer, packer, and distributor shall maintain for 10 years records of all adverse drug experiences required to be reported.

The primary purpose of FDA’s adverse drug experience reporting system is to enable identification of signals for potentially serious safety problems with marketed drugs. Although premarket testing discloses a general safety profile of a new drug’s comparatively common adverse effects, the larger and more diverse patient populations exposed to the marketed drug provide the opportunity to collect information on rare, latent, and long-term effects. Signals are obtained from a variety of sources, including reports from patients, treating physicians, foreign regulatory agencies, and clinical investigators. Information derived from the adverse drug experience reporting system contributes directly to increased

public health protection because the information enables FDA to make important changes to the product's labeling (such as adding a new warning), to make decisions about risk evaluation and mitigation strategies or the need for postmarketing studies or

clinical trials, and when necessary, to initiate removal of a drug from the market.

Respondents to this collection of information are manufacturers, packers, distributors, and applicants. The following estimates are based on FDA's

knowledge of adverse drug experience reporting, including the time needed to prepare the reports and the number of reports submitted to the Agency.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1 2</sup>

| 21 CFR section          | Number of respondents | Number of responses per respondent | Total annual responses | Average burden per response | Total hours |
|-------------------------|-----------------------|------------------------------------|------------------------|-----------------------------|-------------|
| 310.305(c)(5) .....     | 3                     | 1                                  | 3                      | 1                           | 3           |
| 314.80(c)(1)(iii) ..... | 5                     | 1                                  | 5                      | 1                           | 5           |
| 314.80(c)(2) .....      | 810                   | 17.19                              | 13,923.90              | 60                          | 835,434     |
| <b>Total</b> .....      |                       |                                    |                        |                             | 835,442     |

<sup>1</sup> The reporting burden for § 310.305(c)(1), (2), and (3), and § 314.80(c)(1)(i) and (ii) is covered under OMB control number 0910–0291.

<sup>2</sup> The capital costs or operating and maintenance costs associated with this collection of information are approximately \$25,000 annually.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN <sup>1 2</sup>

| 21 CFR section     | Number of recordkeepers | Number of records per recordkeeper | Total annual records | Average burden per recordkeeping | Total hours |
|--------------------|-------------------------|------------------------------------|----------------------|----------------------------------|-------------|
| 310.305(g) .....   | 25                      | 1                                  | 25                   | 16                               | 400         |
| 314.80(j) .....    | 352                     | 1,870                              | 658,240              | 16                               | 10,531,840  |
| <b>Total</b> ..... |                         |                                    |                      |                                  | 10,532,240  |

<sup>1</sup> There are no capital costs or operating costs associated with this collection of information.

<sup>2</sup> There are maintenance costs of approximately \$22,000 annually.

The burden associated with table 2 has increased due to the electronic Safety Reporting Rule that mandated sponsors to submit ALL reports electronically by September 2016. Prior to this date, FDA did not enter all individual report data in document tracking systems or count some types of paper-based nonexpedited reports (*i.e.*, those describing adverse events that are both nonserious and previously labeled). With required electronic reporting of all reports and each report counted separately, the total number of records and required recordkeeping also increased.

Dated: July 3, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–14799 Filed 7–10–18; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA–2018–N–1917]

**Joint Meeting of the Drug Safety and Risk Management Advisory Committee and the Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; establishment of a public docket; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Drug Safety and Risk Management Advisory Committee and the Anesthetic and Analgesic Drug Products Advisory Committee. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

**DATES:** The meeting will be held on August 3, 2018, from 8 a.m. to 5 p.m.

**ADDRESSES:** FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31

Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–1917. The docket will close on August 2, 2018. Submit either electronic or written comments on this public meeting by August 2, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before August 2, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of August 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before July 25, 2018, will be provided to the committees. Comments received after that date will be taken into



consideration by FDA. You may submit comments as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2018-N-1917 for "Joint Meeting of the Drug Safety and Risk Management Advisory Committee and the Anesthetic and Analgesic Drug Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES** section), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify the information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

#### **FOR FURTHER INFORMATION CONTACT:**

Philip A. Bautista, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993-0002, 301-796-9001, Fax: 301-847-8533, email: [DSaRM@fda.hhs.gov](mailto:DSaRM@fda.hhs.gov), or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the

advisory committee information line to learn about possible modifications before coming to the meeting.

#### **SUPPLEMENTARY INFORMATION:**

*Agenda:* The committees will discuss results from assessments of the transmucosal immediate-release fentanyl (TIRF) medicines' risk evaluation and mitigation strategy (REMS), approved in December 2011. The TIRF REMS requires that healthcare providers who prescribe TIRF medicines for outpatient use are specially certified, that pharmacies that dispense TIRF medicines for inpatient and outpatient use are specially certified, and that completion of the prescriber-patient agreement form occurs prior to dispensing TIRF medicines for outpatient use. The Agency will seek the committees' assessment as to whether this REMS with elements to assure safe use (ETASU) assures safe use, is not unduly burdensome to patient access to the drugs, and to the extent practicable, minimizes the burden to the healthcare delivery system. The Agency will also seek the committees' input on any possible modifications to the TIRF REMS goals and requirements, as well as input on the adequacy of the evaluations conducted in the REMS assessments to determine whether the TIRF REMS goals are being met. Comments from the public can be submitted to the docket (see **ADDRESSES** section) on a broad evaluation of the TIRF REMS and whether any aspect of the TIRF REMS should be modified as well as any proposed modifications.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

*Procedure:* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. All electronic and written submissions submitted to the Docket (see **ADDRESSES** section) on or before July 25, 2018, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those individuals interested in

making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 19, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 20, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at [fdaoma@fda.hhs.gov](mailto:fdaoma@fda.hhs.gov) or 301-796-4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Philip A. Bautista (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: June 28, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-14795 Filed 7-10-18; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-D-1835]

#### **Smallpox (Variola Virus) Infection: Developing Drugs for Treatment or Prevention; 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 "Smallpox (Variola Virus) Infection: Developing Drugs for Treatment or Prevention." The purpose of this draft guidance is to assist sponsors in all phases of development of antiviral drugs for the treatment or prevention of smallpox (variola virus) infection. This draft guidance revises the draft guidance for industry entitled "Smallpox (Variola) Infection: Developing Drugs for Treatment or Prevention" issued on November 23, 2007.

**DATES:** Submit either electronic or written comments on the draft guidance by September 10, 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-1835 for "Smallpox (Variola Virus) Infection: Developing Drugs for Treatment or Prevention; 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. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

**FOR FURTHER INFORMATION CONTACT:**

Jeffrey Murray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6370, Silver Spring, MD 20993-0002, 301-796-1500.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

FDA is announcing the availability of a draft guidance for industry entitled "Smallpox (Variola Virus) Infection: Developing Drugs for Treatment or Prevention." The purpose of this draft guidance is to assist sponsors in all phases of development of antiviral drugs for the treatment or prevention of smallpox (variola virus) infection. This draft guidance addresses nonclinical development, key study design considerations for animal efficacy studies to support potential new drug application (NDA)/biologics license application (BLA) submissions under the animal rule (21 CFR part 314, subpart I, for drugs and 21 CFR part 601, subpart H, for biologics), and considerations for obtaining a human safety database.

This draft guidance revises the draft guidance for industry entitled "Smallpox (Variola) Infection: Developing Drugs for Treatment or Prevention" issued on November 23, 2007 (72 FR 65750). The revisions intend to streamline the guidance and incorporate input from a public workshop in 2009 and an advisory committee meeting in 2011. This revision contains the following changes:

- Modification and integration of several sections to focus on multidisciplinary considerations for studies in animal models of orthopoxvirus disease, including:
  - Considerations for preliminary assessments of antiviral activity in animal models
  - Key study design considerations for animal efficacy studies to support potential NDA/BLA submissions under the animal rule
  - Selection of an effective dose in humans

• Additional clarification on the following:

- Key nonclinical virology issues related to drug development under the animal rule
- Key pharmacology/toxicology issues
- Considerations regarding healthy volunteer safety trials, safety data from non-smallpox clinical experience, clinical trials in the event of a public health emergency, individual patient expanded access investigational new drug applications for emergency use, and emergency use authorization
- Key clinical pharmacology issues that may be affected by limitations in collecting clinical data
- Key chemistry, manufacturing, and controls issues, such as the importance of developing formulations for patients who are unable to swallow solid oral dosage formulations, as well as the importance of generating stability data needed to support a long expiration dating period

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 developing drugs for the treatment and prevention of smallpox (variola virus) infection. 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 that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The collection of information in 21 CFR part 312 (investigational new drug applications) has been approved under OMB control number 0910-0014. The collection of information in 21 CFR part 314 (NDAs) has been approved under OMB control number 0910-0001. The collection of information resulting from special protocol assessments has been approved under OMB control number 0910-0470. The collection of information resulting from emergency use authorization of medical products has been approved under OMB control number 0910-0595. The collection of information resulting from individual patient expanded access applications has been approved under OMB control

number 0910-0814. The collection of information resulting from good laboratory practices has been approved under OMB control number 0910-0119.

**III. Electronic Access**

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: July 2, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-14749 Filed 7-10-18; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Cancer Institute Cancellation; Notice of Meeting**

Notice is hereby given of the cancellation of the National Cancer Institute Special Emphasis Panel, August 7, 2018, 10:00 a.m. to August 7, 2018, 5:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, 7W260, Rockville, MD 20850 which was published in the **Federal Register** on June 8, 2018, 83 FR 26703.

This meeting has been cancelled due to no proposal submissions.

Dated: July 5, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-14757 Filed 7-10-18; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-7001-N-35]

**30-Day Notice of Proposed Information Collection: Production of Material or Provision of Testimony by HUD in Response to Demands in Legal Proceedings Among Private Litigants**

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of

information. The purpose of this notice is to allow for 30 days of public comment.

**DATES:** *Comments Due Date:* August 10, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806, Email: [OIRA.Submission@omb.eop.gov](mailto:OIRA.Submission@omb.eop.gov)

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) or

telephone 202-402-5535. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 8, 2018 at 83 FR 20850.

**A. Overview of Information Collection**

*Title of Information Collection:* Production of Material or Provision of

Testimony by HUD in Response to Demands in Legal Proceedings Among Private Litigants.

*OMB Approval Number:* 2510-0014.  
*Type of Request:* Revision of currently approved collection.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* Section 15.203 of HUD's regulations in 24 CFR specify the manner in which demands for documents and testimony from the Department should be made. Providing the information specified in 24 CFR 15.203 allows the Department to more promptly identify documents and testimony which a requester may be seeking and determine whether the Department should produce such documents and testimony.

*Estimated Number of Respondents/ Estimated Number of Responses:*

| Information collection | Number of respondents | Frequency of response | Responses per annum | Burden hour per response | Annual burden hours | Hourly cost per response | Annual cost |
|------------------------|-----------------------|-----------------------|---------------------|--------------------------|---------------------|--------------------------|-------------|
| § 15.203 .....         | 106.00                | 1.00                  | 106.00              | 1.50                     | 159.00              | \$49.56                  | \$7,880.04  |

**B. Solicitation of Public Comment**

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) 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) The accuracy of the agency'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 those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: June 25, 2018.

**Anna P. Guido,**

*Department Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 2018-14839 Filed 7-10-18; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R3-R-2018-N064; FF09R50000 18X FVRS84510900000; OMB Control Number 1018-New]**

**Agency Information Collection Activities; Pre-Acquisition Tracking System**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service, we) are proposing a new information collection.

**DATES:** Interested persons are invited to submit comments on or before September 10, 2018.

**ADDRESSES:** Send your comments on the information collection request (ICR) by mail to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to [Info\\_Coll@fws.gov](mailto:Info_Coll@fws.gov). Please reference OMB Control Number 1018-PATS in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at [Info\\_](mailto:Info_)

[Coll@fws.gov](mailto:Coll@fws.gov), or by telephone at (703) 358-2503.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal

identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

**Abstract:** Information collected by the Service (in support of the land acquisition program) is required under applicable statutes, DOJ regulations, Departmental and Service policies, and best business practices. Examples of initial information collected from a willing-seller landowner include: The legal owner and/or co-owner names and addresses; the property location; the property legal description; the approval to access property; and permission to inspect and appraise. In the acquisition of certain low-value properties, or land donations, the Service also collects an approval for waiver of appraisal requirements. In those cases where a proposed land acquisition, from a willing seller, meets all the requisite inspections, surveys, valuation, environmental compliance, authorized approvals, and legal reviews, then the Service also collects additional information necessary to complete the legal conveyance documents, the associated financial transactions, and any Internal Revenue Service reporting requirements. The Service utilizes the Pre-Acquisition Tracking System (PATS) as the standard database in this information collection effort.

The PATS is a nationwide database system that minimizes data input errors and reduces risk while creating efficiencies through standardization of the Service's land acquisition business practices. The PATS simplifies the collection, use, sharing, and reporting of realty data, and provides a standard platform for interaction and collaboration throughout the Service's land acquisition program. The PATS directly benefits willing-seller landowners by ensuring that electronic data pertaining to them, or their property, is maintained in a secure, enterprise-wide database system, and that document preparation errors are minimized utilizing standardized data input protocols and document management capabilities. Implementation of this approach will make data calls and status reports more

consistent and timely, and the Service will be in compliance with the PRA.

In addition, the PATS database facilitates Secretarial Order 3356 and 3366 by tracking land acquisitions that have potential to support public hunting, fishing, and other forms of outdoor recreation, and access related thereto.

Authorities for the collection of realty-related information include:

- Regulations of the Attorney General Governing the Review and Approval of Title for Federal Land Acquisitions (2016);
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (49 CFR 24);
- National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd);
- Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718d);
- Migratory Bird Conservation Act (16 U.S.C. 715–715r, as amended);
- Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l);
- Endangered Species Act of 1973, as amended (16 U.S.C. 1534);
- Emergency Wetlands Resources Act of 1986 (16 U.S.C. 3901); and,
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a).

Information collected by the Service's Division of Realty via PATS may include the following:

- *Initial Requests*—Initial request to consider property, to include such items as:
  - Identifying information for the legal property owner(s), such as:
    - Name of primary property owner, along with spouse and/or co-owner(s) whose names appear on the current deed to the property under review;
    - Marital status;
    - Other names used; and
    - Contact information to include telephone numbers, personal email addresses, and mailing/home addresses.
  - Financial information, to include Social Security Numbers (necessary for final payment transaction).
  - Property description, to include such information as:
    - Property name,
    - Location,
    - Legal description, and
    - Introductory information.

Forms used by the Service in conjunction with initial requests to

collect information from the public include:

- *Access Permission Letter* (nonform—letter)—The Permission to Access Letter is a cover letter that contains the Permission to Inspect and Appraise document and may contain a Waiver of Appraisal document.

- *Permission to Inspect and Appraise* (FWS Form 3–2471)—Collects information about the property owner and location, and grants permission to enter and inspect the property for real estate acquisition purposes. Inspection may include, but is not limited to:

- Appraisal Valuations;
- Boundary survey;
- Hazardous materials examination (contaminant survey); and
- Physical examination of any structures on the property.

The document is not used in projects that are under Memoranda of Understanding (MOU), Memoranda of Agreement (MOA), Cooperative Agreements, some donation partnerships, and other special cases.

- *Waiver of Appraisal Requirement* (nonform—letter)—Per 49 CFR 24.102(c)(2), a willing-seller landowner may release the Service from the obligation of obtaining an appraisal for: (1) Land donations and (2) certain land acquisitions where the anticipated value is low and the valuation problem is uncomplicated.

Information is collected and protected in accordance with the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552). We will maintain the information in a secure System of Records (Real Property Records, FWS–11, 64 FR 103 dated May 2, 1999). We gather Social Security numbers and banking information to assist with electronic payments and preparation of the required Internal Revenue Service Forms 1099.

*Title of Collection:* PATS—Pre-Acquisition Tracking System.

*OMB Control Number:* 1018—New.  
*Form Number:* 3–2471.

*Type of Review:* Existing collection in use with an OMB Control Number.

*Respondents/Affected Public:* Individuals/households, private sector, and State/local/Tribal governments participating in realty transactions with the Service.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.  
*Total Estimated Annual Nonhour Burden Cost:* None.

| Requirement                               | Annual number of respondents | Total annual responses | Completion time per response (hours) | Total annual burden hours* |
|---|------------------------------|------------------------|--------------------------------------|----------------------------|
| <b>Initial Requests</b>                   |                              |                        |                                      |                            |
| Individuals .....                         | 129                          | 129                    | 1                                    | 129                        |
| Private Sector .....                      | 78                           | 78                     | 1                                    | 78                         |
| Government .....                          | 13                           | 13                     | 1                                    | 13                         |
| <b>Permission to Inspect and Appraise</b> |                              |                        |                                      |                            |
| Individuals .....                         | 57                           | 57                     | .5                                   | 29                         |
| Private Sector .....                      | 24                           | 24                     | .5                                   | 12                         |
| Government .....                          | 4                            | 4                      | .5                                   | 2                          |
| <b>Waiver of Appraisal Requirement</b>    |                              |                        |                                      |                            |
| Individuals .....                         | 3                            | 3                      | .5                                   | 2                          |
| Private Sector .....                      | 56                           | 56                     | .5                                   | 28                         |
| Government .....                          | 9                            | 9                      | .5                                   | 5                          |
| Totals .....                              | 373                          | 373                    | .....                                | 297                        |

\* Rounded

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: July 5, 2018.

**Madonna Baucum,**

*Information Collection Clearance Officer, U.S. Fish and Wildlife Service.*

[FR Doc. 2018-14787 Filed 7-10-18; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

[178A2100DD/AAKC001030/  
A0A501010.999900 253G]

**Advisory Board for Exceptional Children**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Bureau of Indian Education (BIE) is announcing a public meeting of the Advisory Board for Exceptional Children in order to meet the mandates of the Individuals with Disabilities Education Act of 2004 (IDEA) for Indian children with disabilities.

**DATES:** The Advisory Board will hold an orientation session for member only on Wednesday, July 25, 2018 from 8:30 a.m. to 11:30 a.m. Mountain Time. The public meeting of the Advisory Board meeting will start Wednesday, July 25, 2018 from 1:00 p.m. to 4:30 p.m. On

Thursday, July 26, 2018 and Friday, July 27, 2018 all Advisory Board members will meet in-session from 8:30 a.m. to 4:30 p.m. Mountain Time.

**ADDRESSES:** The meeting will be held at the 1011 Indian School Rd. NW, Large Conference Room on the 3rd floor in Albuquerque, NM 87104; telephone number (480) 777-7986.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Davis, Designated Federal Officer, Bureau of Indian Education, 2600 N Central Ave., Suite 800, Phoenix, Arizona 85004, telephone number (480) 777-7986.

**SUPPLEMENTARY INFORMATION:** The Advisory Board was established under the Individuals with Disabilities Act of 2004 (20 U.S.C. 1400 *et seq.*) to advise the Secretary of the Interior, through the Assistant Secretary-Indian Affairs, on the needs of Indian children with disabilities. The meetings are open to the public.

The following items will be on the agenda:

- Introduction of Advisory Board members
- Report from Tony Dearman, Director, BIE Director's Office
- Report from Dr. Jeffrey Hamley Associate Deputy Director, BIE, Division of Performance and Accountability (DPA)
- Report from Donald Griffin, Supervisory Education Specialist, BIE, DPA/Special Education
- Board work on Priorities for 2018
- Public Comment (via conference call, Friday, July 27, 2018 meeting only \*).
- BIE Advisory Board—Advice and Recommendations

\* During the July 27, 2018, meeting, time has been set aside for public comment via conference call from 11:30-12:00 p.m. Mountain Time. The call-in information is: Conference Number 1-888-417-0376, Passcode 1509140.

Interested members of the public may submit relevant information or questions for the Board to consider during the public meeting. Written statements received in advance of the meeting will be made available to the Council for their consideration. 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. Individuals wishing to make an oral statement during the time reserved for public comment should contact the DFO (see **FOR FURTHER INFORMATION CONTACT**) before the meeting.

**Authority:** 5 U.S.C. Appendix 5; 20 U.S.C. 1400 *et seq.*

Dated: July 5, 2018.

**John Tahsuda,**

*Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.*

[FR Doc. 2018-14845 Filed 7-10-18; 8:45 am]

**BILLING CODE 4337-15-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[LLWY-957000-18-L13100000-PP0000]

**Filing of Plats of Survey, Wyoming****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of official filing.

**SUMMARY:** The Bureau of Land Management (BLM) is scheduled to file plats of survey 30 calendar days from the date of this publication in the BLM Wyoming State Office, Cheyenne, Wyoming. The surveys, which were executed at the request of the BLM, Bureau of Reclamation, and the U. S. Forest Service, are necessary for the management of these lands.

**DATES:** Protests must be received by the BLM by August 10, 2018.

**ADDRESSES:** You may submit written protests to the Wyoming State Director at WY957, Bureau of Land Management, 5353 Yellowstone Road, Cheyenne, Wyoming 82003.

**FOR FURTHER INFORMATION CONTACT:** Sonja Sparks, BLM Wyoming Chief Cadastral Surveyor at 307-775-6225 or [s75spark@blm.gov](mailto:s75spark@blm.gov). Persons who use a telecommunications device for the deaf may call the Federal Relay Service at 1-800-877-8339 to contact this office during normal business hours. The Service is available 24 hours a day, 7 days a week, to leave a message or question with this office. You will receive a reply during normal business hours.

**SUPPLEMENTARY INFORMATION:** The lands surveyed are: The plat and field notes representing the dependent resurvey of a portion of the west boundary and portions of the subdivisional lines, and the survey of the subdivision of sections 8 and 18, Township 18 North, Range 105 West, Sixth Principal Meridian, Wyoming, Group No. 964, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of a portion of the subdivisional lines, the retracement of the westerly right-of-way of Wyoming State Highway No. 371 in sections 33 and 34, and the metes-and-bounds survey of Parcel A, section 34, Township 21 North, Range 102 West, Sixth Principal Meridian, Wyoming, Group No. 969, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of a portion of the east boundary and portions of the subdivisional lines, and the survey of the subdivision of section 13, Township 14 North, Range 78 West, Sixth

Principal Meridian, Wyoming, Group No. 970, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of a portion of the east boundary and a portion of the subdivisional lines, Township 33 North, Range 69 West, Sixth Principal Meridian, Wyoming, Group No. 972, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of a portion of Homestead Entry Survey No. 196, a portion of the subdivisional lines and the subdivision of section 18, and the survey of the subdivision of section 18 and the meanders of the Gros Ventre River, and the metes-and-bounds survey of Tract 38, Township 42 North, Range 113 West, Sixth Principal Meridian, Wyoming, Group No. 975, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of portions of the subdivisional lines, and the survey of the subdivision of section 20, Township 3 North, Range 2 West, of the Wind River Meridian, Wyoming, Group No. 976, was accepted July 2, 2018.

The plat and field notes representing the dependent resurvey of portions of the subdivisional lines and the survey of the subdivision of section 20, Township 33 North, Range 68 West, Sixth Principal Meridian, Wyoming, Group No. 980, was accepted July 2, 2018.

A person or party who wishes to protest one or more plats of survey identified above must file a written notice of protest within 30 calendar days from the date of this publication with the Wyoming State Director at the above address. Any notice of protest received after the scheduled date of official filing will be untimely and will not be considered. A written statement of reasons in support of a protest, if not filed with the notice of protest, must be filed with the State Director within 30 calendar days after the notice of protest is filed. If a notice of protest against a plat of survey is received prior to the scheduled date of official filing, the official filing of the plat of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day following dismissal or resolution of all protests of the plat.

Before including your address, phone number, email address, or other personal identifying information in your protest, you should be aware that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us to withhold your personal identifying information from

public review, we cannot guarantee that we will be able to do so.

Copies of the preceding described plats and field notes are available to the public at a cost of \$4.20 per plat and \$.13 per page of field notes.

Dated: July 5, 2018.

**Sonja S. Sparks,**

*Chief Cadastral Surveyor, Division of Support Services.*

[FR Doc. 2018-14808 Filed 7-10-18; 8:45 am]

**BILLING CODE 4310-22-P**

**DEPARTMENT OF THE INTERIOR****Office of Natural Resources Revenue**

[Docket No. ONRR-2011-0021; DS63644000 DR2000000.CH7000 189D0102R2; OMB Control Number 1012-0002]

**Agency Information Collection****Activities: Indian Oil and Gas Valuation**

**AGENCY:** Office of Natural Resources Revenue, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), we, the Office of Natural Resources Revenue (ONRR), are proposing to renew an information collection with revisions.

**DATES:** You must submit your written comments on or before September 10, 2018.

**ADDRESSES:** You may submit comments on this ICR to ONRR by using one of the following three methods (please reference "ICR 1012-0002" in your comments):

1. Electronically go to <https://www.regulations.gov>. In the entry titled "Enter Keyword or ID," enter "ONRR-2011-0021" and then click "Search." Follow the instructions to submit public comments. ONRR will post all comments.

2. Mail comments to Mr. Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 64400B, Denver, Colorado 80225-0165.

3. Hand-carry or mail comments, using an overnight courier service, to ONRR. Our courier address is Building 85, Entrance N-1, Denver Federal Center, West 6th Ave. and Kipling St., Denver, Colorado 80225.

**FOR FURTHER INFORMATION CONTACT:** For any technical questions, contact Ms. LeeAnn Martin, telephone (303) 231-3313, or email to [LeeAnn.Martin@onrr.gov](mailto:LeeAnn.Martin@onrr.gov). For any other questions about this ICR, contact Mr. Armand Southall, telephone (303) 231-3221, or email to [Armand.Southall@onrr.gov](mailto:Armand.Southall@onrr.gov). You may



also contact Mr. Southall to obtain copies, at no cost, of (1) the ICR, (2) any associated forms, and (3) the regulations that require us to collect the information.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. This ICR covers six ONRR forms. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of ONRR; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might ONRR enhance the quality, utility, and clarity of the information to be collected; and (5) how might ONRR 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. ONRR will post all comments, including names and addresses of respondents at <https://www.regulations.gov>. We will include or summarize each comment in our request to Office of Management and Budget (OMB) to approve this ICR. Before including Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal identifying information in your comment(s), you should be aware that your entire comment, including PII, may be made available to the public at any time. While you may ask us, in your comment, to withhold your PII from public view, we cannot guarantee that we will be able to do so. We also will post the ICR at [https://www.onrr.gov/Laws\\_R\\_D/FRNotices/ICR0103.htm](https://www.onrr.gov/Laws_R_D/FRNotices/ICR0103.htm).

**Abstract:** The Secretary of the United States Department of the Interior is responsible for mineral resource development on Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibility is to manage mineral resources production on Federal and Indian lands and the OCS, collect royalties due, and distribute the funds collected. The Secretary also has

trust responsibility to manage Indian lands and seek advice and information from Indian beneficiaries. ONRR performs the mineral revenue management functions for the Secretary and assists the Secretary in carrying out the Department's trust responsibility for Indian lands. Public laws pertaining to mineral leases on Federal and Indian lands are available at [https://www.onrr.gov/Laws\\_R\\_D/PubLaws/index.htm](https://www.onrr.gov/Laws_R_D/PubLaws/index.htm).

Information collections that we cover in this ICR involve six forms, forms ONRR-4109, 4110, 4295, 4393, 4410, and 4411. References to these forms are identified in: 30 CFR part 1202, subparts C and J, which pertain to Indian oil and gas royalties; part 1206, subparts B and E, which govern the valuation of oil and gas produced from leases on Indian lands; and part 1207, which pertains to recordkeeping. Indian Tribes and individual Indian mineral owners receive all royalties generated from their lands. Determining product valuation is essential to ensure that Indian Tribes and individual Indian mineral owners receive payment on the full value of the minerals removed from their lands. Failure to collect the data that we describe in this ICR could result in the undervaluation of leased minerals on Indian lands. All data reported is subject to subsequent audit and adjustment.

#### Indian Oil

Regulations at 30 CFR part 1206, subpart B, govern the valuation for royalty purposes of oil produced from Indian oil and gas leases (Tribal and allotted), and are consistent with mineral leasing laws, other applicable laws, and lease terms. Generally, these regulations provide that lessees determine the value of oil based upon the higher of (1) the gross proceeds under an arm's-length contract; or (2) major portion analysis. These regulations require reporting on one form that is the subject of this ICR, form ONRR-4110.

From information collected on form ONRR-4110, Oil Transportation Allowance Report, ONRR and Tribal audit personnel evaluate (1) whether lessee-reported transportation allowances are within regulatory allowance limitations and calculated under applicable regulations; and (2) whether the lessees reported and paid the proper amount of royalties. Lessees must use form ONRR-4110 for both non-arm's-length contract or no contract situations.

#### Indian Gas

Regulations at 30 CFR part 1206, subpart E, govern the valuation for royalty purposes of natural gas produced from Indian oil and gas leases (Tribal and allotted). These regulations require reporting on four forms that are the subject of this ICR, forms ONRR-4109, 4295, 4410, and 4411:

- From information collected on form ONRR-4109, Gas Processing Allowance Summary Report, ONRR and Tribal audit personnel evaluate (1) whether lessee-reported processing allowances are within regulatory allowance limitations and calculated under applicable regulations; and (2) whether the lessees reported and paid the proper amount of royalties.

- From information collected on form ONRR-4295, Gas Transportation Allowance Report, ONRR and Tribal audit personnel evaluate (1) whether lessee-reported transportation allowances are within regulatory allowance limitations and calculated under applicable regulations; and (2) whether the lessees reported and paid the proper amount of royalties.

- Lessees use form ONRR-4410, Accounting for Comparison [Dual Accounting], to certify that dual accounting is not required on an Indian lease or to make an election for actual or alternative dual accounting for Indian leases. Most Indian leases contain the requirement to perform accounting for comparison (dual accounting) for gas produced from the lease. Therefore, lessees must elect to perform actual dual accounting as defined in 30 CFR 1206.176, or alternative dual accounting as defined in 30 CFR 1206.173.

- Lessees use form ONRR-4411, Safety Net Report, when they sell gas production from an Indian oil or gas lease beyond the first index pricing point. The safety net calculation establishes the minimum value, for royalty purposes, of natural gas production from Indian oil and gas leases. This reporting requirement ensures that Indian lessors receive all royalties due and aids ONRR compliance efforts.

#### Indian Oil and Gas

Regulations at 30 CFR 1206.56(b)(2) and 1206.177(c)(2) and (c)(3) govern the valuation for royalty purposes of oil and gas produced from Indian oil and gas leases (Tribal and allotted), and are consistent with mineral leasing laws, other applicable laws, and lease terms. These regulations require reporting on one form that is the subject of this ICR, form ONRR-4393.

Lessees must submit form ONRR-4393, Request to Exceed Regulatory



Allowance Limitation, for both Federal and Indian leases to request to exceed the regulatory allowance limitation. Most of the burden hours are incurred on Federal leases; therefore, OMB approved the form under OMB Control Number 1012-0005, pertaining to Federal oil and gas leases. However, we include a discussion of the form in this ICR, as well as the burden hours for Indian leases. To request permission to exceed a regulatory allowance limit, lessees must (1) submit a letter to ONRR explaining why a higher allowance limit is necessary; and (2) provide supporting documentation, including a completed form ONRR-4393. This form provides ONRR with the data necessary to make a decision whether to approve or deny the request.

**Revisions to ICR**

This is an ICR with revisions because it takes into account the final rule published May 1, 2015, which amended ONRR's Indian oil valuation regulations (80 FR 24794). This ICR requires minor revisions to note changes to its authority when the final rule amended 30 CFR part 1206, subpart B. The two changes relevant to this ICR are that the amendment: (1) Eliminated the form ONRR-4110 filing requirements for arm's-length transportation allowance; and (2) eliminated the pre-filing of form ONRR-4110 prior to claiming a non-arm's-length transportation allowance. The final rule noted that OMB approved

a total of 220 burden hours for lessees to file their forms ONRR-4110 under OMB Control Number 1012-0002. It also noted that "there will be no additional burden hours because this rule will insignificantly reduce the burden hours associated with the Oil Transportation Allowance Report." Under the revised Indian oil valuation regulations, rather than submitting estimated transportation cost information on the form and then following up with actual cost information at the end of the reporting cycle, lessees need only provide actual cost information. Also, Indian lessees that have arm's-length transportation costs are no longer required to submit form ONRR-4110 to report these costs, but will, instead, submit copies of the actual contracts to ONRR.

**OMB Approval**

We are requesting OMB's approval to continue to collect this information, with revisions. Not collecting this information would limit the Secretary's ability to discharge fiduciary duties and may also result in the inability to confirm the accurate royalty value to Indian Tribes and individual Indian mineral owners. ONRR protects the proprietary information that it receives and does not collect items of a sensitive nature. The requirement to report is mandatory for form ONRR-4410, Accounting for Comparison [Dual Accounting], and for form ONRR-4411,

Safety Net Report, under certain circumstances. The lessees are required to report on forms ONRR-4109, ONRR-4110, ONRR-4295, and ONRR-4393 in order to obtain a benefit.

*Title of Collection:* Indian Oil and Gas Valuation, 30 CFR parts 1202, 1206, and 1207.

*OMB Control Number:* 1012-0002.

*Bureau Form Number:* Forms ONRR-4109, ONRR-4110, ONRR-4295, ONRR-4410, and ONRR-4411.

*Type of Review:* Extension of a currently approved collection, with revisions.

*Respondents/Affected Public:* Businesses.

*Total Estimated Number of Annual Respondents:* 149 Indian lessees.

*Total Estimated Number of Annual Responses:* 149.

*Estimated Completion Time per Response:* 8.85 hours.

*Total Estimated Number of Annual Burden Hours:* 1,319 hours.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*Frequency of Collection:* Annually and on occasion.

*Total Estimated Annual Nonhour Burden Cost:* None.

We have not included in our estimates certain requirements performed in the normal course of business and considered usual and customary. The following chart shows the estimated burden hours by CFR section and paragraph:

**RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS**

| 30 CFR   | Reporting and recordkeeping requirement   | Hour burden   | Average number of annual responses | Annual burden hours |
|--|---|---|------------------------------------|---------------------|
| <b>Part 1202—ROYALTIES</b>                         |   |   |                                    |                     |
| <b>Subpart C—Federal and Indian Oil</b>            |   |   |                                    |                     |
| 1202.101 .....                                     | Standards for reporting and paying royalties. Report oil volumes in barrels of clean oil of 42 standard U.S. gallons (231 cubic inches each) at 60 °F.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| <b>Subpart J—Gas Production From Indian Leases</b> |   |   |                                    |                     |
| 1202.551(b) .....                                  | How do I determine the volume of production for which I must pay royalty if my lease is not in an approved Federal unit or communitization agreement (AFA)? * * * (b) You and all other persons paying royalties on the lease must report and pay royalties based on your takes. * * *. | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1202.551(c) .....                                  | You and all other persons paying royalties on the lease may ask ONRR for permission to report and pay royalties based on your entitlements. * * *.  | 1   | 1                                  | 1                   |
| 1202.558(a) and (b) ...                            | What standards do I use to report and pay royalties on gas? (a) You must report gas volumes * * * (b) You must report residue gas and gas plant product volumes. * * *.   | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR  | Reporting and recordkeeping requirement   | Hour burden   | Average number of annual responses | Annual burden hours |
|---|---|---|------------------------------------|---------------------|
| <b>Part 1206—PRODUCT VALUATION<br/>Subpart B—Indian Oil</b> |   |   |                                    |                     |
| 1206.56(b)(2) .....   | What general transportation allowance requirements apply to me? * * * (2) Upon your request, ONRR may approve a transportation allowance deduction in excess of the limitation prescribed by paragraph (b)(1) of this section. * * * An application for exception (using Form ONRR-4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for ONRR to make a determination. * * *.   | 4   | 1                                  | 4                   |
| 1206.57(a)(1), (2), and (3).                                | How do I determine a transportation allowance if I have an arm's-length transportation contract? <i>Arm's-length transportation.</i> (a)(1) * * * You have the burden of demonstrating that your contract is arm's-length. (2) You must submit to ONRR a copy of your arm's-length transportation contract(s) and all subsequent amendments to the contract(s) within 2 months of the date that ONRR receives your report, which claims the allowance on form ONRR-2014. (3) * * * When ONRR determines that the value of the transportation may be unreasonable, ONRR will notify the lessee and give the lessee an opportunity to provide written information justifying the lessee's transportation costs. | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.57(a)(4)(i) .....                                      | * * * Except as provided in this paragraph, you may not take an allowance for the costs of transporting lease production, which is not royalty-bearing, without ONRR's approval.  | Burden covered under § 1206.57(a)(5).                           |                                    |                     |
| 1206.57(a)(4)(ii) .....                                     | Notwithstanding the requirements of paragraph (a)(4)(i) of this section, you may propose to ONRR a cost allocation method on the basis of the values of the products transported. * * *.  | 20  | 1                                  | 20                  |
| 1206.57(a)(5) .....   | If an arm's-length transportation contract includes both gaseous and liquid products, and the transportation costs attributable to each product cannot be determined from the contract, you must propose an allocation procedure to ONRR. * * *.  | 40  | 1                                  | 40                  |
| 1206.57(a)(5)(ii) .....                                     | You must submit to ONRR all available data to support your proposal.  | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.57(a)(5)(iii) .....                                    | You must submit your initial proposal within 3 months after the last day of the month for which you request a transportation allowance, whichever is later (unless ONRR approves a longer period).  | 4   | 1                                  | 4                   |
| 1206.57(b)(1) .....   | <i>Reporting requirements.</i> If ONRR requests, you must submit all data used to determine your transportation allowance. * * *.   | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.57(b)(2) .....   | You must report transportation allowances as a separate entry on Form ONRR-2014. * * *.   | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.58(a)(1) .....   | How do I determine a transportation allowance if I have a non-arm's-length transportation contract or have no contract? <i>Non-arm's-length or no contract.</i> If you have a non-arm's-length transportation contract or no contract, including those situations where you or your affiliate perform(s) transportation services for you, the transportation allowance is based on your reasonable, actual costs.   | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.58(a)(2) .....   | You must submit the actual cost information to support the allowance to ONRR on Form ONRR-4110, Oil Transportation Allowance Report, within 3 months after the end of the calendar year to which the allowance applies. * * *.  | 6   | 1                                  | 6                   |
| 1206.58(a)(3)(iv) .....                                     | * * * After you have elected to use either method for a transportation system, you may not later elect to change to the other alternative without approval of ONRR.   | 20  | 1                                  | 20                  |
| 1206.58(a)(3)(iv)(A) ....                                   | * * * After you make an election, you may not change methods without ONRR's approval. * * *.  | 20  | 1                                  | 20                  |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR                       | Reporting and recordkeeping requirement   | Hour burden   | Average number of annual responses | Annual burden hours |
|------------------------------|---|---|------------------------------------|---------------------|
| 1206.58(a)(4)(i) .....       | * * * Except as provided in this paragraph (a)(4)(i), you may not take an allowance for transporting lease production that is not royalty bearing without ONRR's approval.  | 40  | 1                                  | 40                  |
| 1206.58(a)(4)(ii) .....      | Notwithstanding the requirements of paragraph (a)(4)(i) of this section, you may propose to ONRR a cost allocation method on the basis of the values of the products transported. * * *.  | 20  | 1                                  | 20                  |
| 1206.58(a)(5)(ii) and (iii). | (ii) Where both gaseous and liquid products are transported through the same transportation system, you must propose a cost allocation procedure to ONRR. * * * (iii) You must submit to ONRR all available data to support your proposal. * * * You must submit your initial proposal within 3 months after the last day of the month for which you request a transportation allowance (unless ONRR approves a longer period).   | 20  | 1                                  | 20                  |
| 1206.58(a)(6) .....          | You may apply to ONRR for an exception from the requirement that you compute actual costs under paragraphs (a)(1) through (5) of this section.  | 20  | 1                                  | 20                  |
| 1206.58(b)(1) .....          | <i>Reporting requirements.</i> If ONRR requests, you must submit all data used to determine your transportation allowance. You must provide the data within a reasonable period of time that ONRR will determine.   | 4   | 1                                  | 4                   |
| 1206.58(b)(2) .....          | You must report transportation allowances as a separate entry on Form ONRR-2014. * * *.   | 4   | 1                                  | 4                   |
| 1206.58(b)(3) .....          | ONRR may require you to submit all of the data that you used to prepare your Form ONRR-4110. You must submit the data within a reasonable period of time that ONRR determines.  | 12  | 1                                  | 12                  |
| 1206.59(a) .....             | What interest applies if I improperly report a transportation allowance? If you deduct a transportation allowance on Form ONRR-2014 without complying with the requirements of §§ 1206.56 and 1206.57 or § 1206.58, you must pay additional royalties due plus late payment interest calculated under § 1218.54 of this chapter.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.60(a) .....             | What reporting adjustments must I make for transportation allowances? If your actual transportation allowance is less than the amount that you claimed on Form ONRR-2014 for each month during the allowance reporting period, you must pay additional royalties due, plus late payment interest calculated under § 1218.54 of this chapter.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.60(c) .....             | If you make an adjustment under paragraph (a) or (b) of this section, then you must submit a corrected Form ONRR-2014 to reflect actual costs, together with any payment, using instructions that ONRR provides.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.61(a)(2) .....          | How will ONRR determine if my royalty payments are correct? * * * If ONRR directs you to use a different royalty value, you must pay any additional royalties due plus late payment interest calculated under § 1218.54 of this chapter.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.62(a) .....             | How do I request a value determination? You may request a value determination from ONRR regarding any oil produced. Your request must include: (1) Be in writing. (2) Identify specifically all leases involved, all interest owners of those leases, the designee(s), and the operator(s) for those leases. (3) Completely explain all relevant facts. * * * (4) Include copies of all relevant documents. (5) Provide your analysis of the issue(s) * * * (6) Suggest your proposed valuation method. | 20  | 1                                  | 20                  |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR  | Reporting and recordkeeping requirement  | Hour burden   | Average number of annual responses | Annual burden hours |
|---|--|---|------------------------------------|---------------------|
| 1206.62(c)(2) .....   | After the Assistant Secretary [for Indian Affairs] issues a value determination, you must make any adjustments to royalty payments that follow from the determination, and, if you owe additional royalties, you must pay the additional royalties due plus late payment interest calculated under § 1218.54 of this chapter.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.64 .....   | What records must I keep to support my calculations of value under this subpart? If you determine the value of your oil under this subpart, you must retain all data relevant to the determination of royalty value. * * *.  | AUDIT PROCESS. See note.  |                                    |                     |
| <b>Part 1206—PRODUCT VALUATION<br/>Subpart E—Indian Gas</b> |  |   |                                    |                     |
| 1206.172(b)(1)(ii) .....                                    | How do I value gas produced from leases in an index zone? (b) <i>Valuing residue gas and gas before processing.</i> (1)(ii) Gas production that you certify on Form ONRR-4410, Certification for Not Performing Accounting for comparison (Dual Accounting), is not processed before it flows into a pipeline with an index but which may be processed later; * * *.   | 4   | 58                                 | 232                 |
| 1206.172(e)(6)(i) and (iii).                                | (e) <i>Determining the minimum value for royalty purposes of gas sold beyond the first index pricing point.</i> * * * (6)(i) You must report the safety net price for each index zone to ONRR on Form ONRR-4411, Safety Net Report, no later than June 30 following each calendar year; * * * (iii) ONRR may order you to amend your safety net price within one year from the date your Form ONRR-4411 is due or is filed, whichever is later. * * *.   | 3   | 11                                 | 33                  |
| 1206.172(e)(6)(ii) .....                                    | You must pay and report on Form ONRR-2014 additional royalties due no later than June 30 following each calendar year; * * *.  | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |
| 1206.172(f)(1)(ii), (f)(2), and (f)(3).                     | (f) <i>Excluding some or all tribal leases from valuation under this section.</i> (1) An Indian tribe may ask ONRR to exclude some or all of its leases from valuation under this section. * * * (ii) If an Indian tribe requests exclusion from an index zone for less than all of its leases, ONRR will approve the request only if the excluded leases may be segregated into one or more groups based on separate fields within the reservation. (2) An Indian tribe may ask ONRR to terminate exclusion of its leases from valuation under this section. * * * (3) The Indian tribe's request to ONRR under either paragraph (f)(1) or (2) of this section must be in the form of a tribal resolution. * * *. | 40  | 1                                  | 40                  |
| 1206.173(a)(1) .....  | How do I calculate the alternative methodology for dual accounting? (a) <i>Electing a dual accounting method.</i> (1) * * * You may elect to perform the dual accounting calculation according to either § 1206.176(a) (called actual dual accounting), or paragraph (b) of this section (called the alternative methodology for dual accounting).   | 2   | 12                                 | 24                  |
| 1206.173(a)(2) .....  | You must make a separate election to use the alternative methodology for dual accounting for your Indian leases in each ONRR-designated area. * * *.   | Burden covered under § 1206.173(a)(1).                          |                                    |                     |
| 1206.174(a)(4)(ii) .....                                    | How do I value gas production when an index-based method cannot be used? (a) <i>Situations in which an index-based method cannot be used.</i> (4)(ii) If the major portion value is higher, you must submit an amended Form ONRR-2014 to ONRR by the due date specified in the written notice from ONRR of the major portion value. * * *.   | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR                                       | Reporting and recordkeeping requirement   | Hour burden                                | Average number of annual responses | Annual burden hours |
|--|---|--|------------------------------------|---------------------|
| 1206.174(b)(1)(i) and (iii); (b)(2); (d)(2). | (b) <i>Arm's-length contracts.</i> * * * (1) The value of gas, residue gas, or any gas plant product you sell under an arm's-length contract is the gross proceeds accruing to you or your affiliates * * * (i) You have the burden of demonstrating that your contract is arm's-length. * * * (iii) * * * In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your value. * * * (2) ONRR may require you to certify that your arm's-length contract provisions include all of the consideration the buyer pays, either directly or indirectly, for the gas, residue gas, or gas plant product. * * * (d) <i>Supporting data.</i> * * * (2) You must make all such data available upon request to the authorized ONRR or Indian representatives, to the Office of the Inspector General of the Department, or other authorized persons. * * *. | AUDIT PROCESS. See note.                   |                                    |                     |
| 1206.174(d) .....                            | <i>Supporting data.</i> If you determine the value of production under paragraph (c) of this section, you must retain all data relevant to determination of royalty value.  | AUDIT PROCESS. See note.                   |                                    |                     |
| 1206.174(f) .....                            | <i>Value guidance.</i> You may ask ONRR for guidance in determining value. You may propose a valuation method to ONRR. Submit all available data related to your proposal and any additional information ONRR deems necessary. * * *.   | 40   | 1                                  | 40                  |
| 1206.175(d)(4) .....                         | How do I determine quantities and qualities of production for computing royalties? (d)(4) * * * You may request ONRR approval of other methods for determining the quantity of residue gas and gas plant products allocable to each lease. * * *.   | 20   | 1                                  | 20                  |
| 1206.176(b) .....                            | How do I perform accounting for comparison? * * * If you are required to account for comparison, you may elect to use the alternative dual accounting methodology provided for in § 1206.173 instead of the provisions in paragraph (a) of this section. * * *.   | Burden covered under § 1206.173(a)(1).     |                                    |                     |
| 1206.176(c) .....                            | * * * If you do not perform dual accounting, you must certify to ONRR that gas flows into such a pipeline before it is processed. * * *.  | Burden covered under § 1206.172(b)(1)(ii). |                                    |                     |
| <b>Transportation Allowances</b>             |   |  |                                    |                     |
| 1206.177(c)(2) and (c)(3).                   | What general requirements regarding transportation allowances apply to me? (c) * * * (2) If you ask ONRR, ONRR may approve a transportation allowance deduction in excess of the limitation in paragraph (c)(1) of this section. * * * (3) Your application for exception (using Form ONRR-4393, Request to Exceed Regulatory Allowance Limitation) must contain all relevant and supporting documentation necessary for ONRR to make a determination.  | Burden covered under § 1206.56(b)(2).      |                                    |                     |
| 1206.178(a)(1)(i) .....                      | How do I determine a transportation allowance? (a) <i>Determining a transportation allowance under an arm's-length contract.</i> (1) This paragraph explains how to determine your allowance if you have an arm's-length transportation contract. (i) * * * You are required to submit to ONRR a copy of your arm's-length transportation contract(s) and all subsequent amendments to the contract(s) within 2 months of the date ONRR receives your report which claims the allowance on the Form ONRR-2014.  | 1  | 18                                 | 18                  |
| 1206.178(a)(1)(iii) .....                    | If ONRR determines that the consideration paid under an arm's-length transportation contract does not reflect the value of the transportation because of misconduct by or between the contracting parties * * * In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your transportation costs. * * *.  | AUDIT PROCESS. See note.                   |                                    |                     |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR                           | Reporting and recordkeeping requirement  | Hour burden   | Average number of annual responses | Annual burden hours |
|----------------------------------|--|---|------------------------------------|---------------------|
| 1206.178(a)(2)(i) and (ii).      | (a)(2)(i) * * * [Y]ou cannot take an allowance for the costs of transporting lease production that is not royalty bearing without ONRR approval, or without lessor approval on tribal leases. (ii) As an alternative to paragraph (a)(2)(i) of this section, you may propose to ONRR a cost allocation method based on the values of the products transported. * * *.  | 20  | 1                                  | 20                  |
| 1206.178(a)(3)(i) and (ii).      | (3)(i) If your arm's-length transportation contract includes both gaseous and liquid products and the transportation costs attributable to each cannot be determined from the contract, you must propose an allocation procedure to ONRR. * * * (ii) You are required to submit all relevant data to support your allocation proposal. * * *.  | 40  | 1                                  | 40                  |
| 1206.178(b)(1)(ii) .....         | (b) <i>Determining a transportation allowance under a non-arm's-length contract or no contract.</i> (1)(ii) You must submit the actual cost information to support the allowance to ONRR on Form ONRR-4295, Gas Transportation Allowance Report, within 3 months after the end of the 12-month period to which the allowance applies. * * *.   | 15  | 5                                  | 75                  |
| 1206.178(b)(2)(iv) .....         | You may use either depreciation with a return on undepreciated capital investment or a return on depreciable capital investment. After you have elected to use either method for a transportation system, you may not later elect to change to the other alternative without ONRR approval.  | 20  | 1                                  | 20                  |
| 1206.178(b)(2)(iv)(A) ..         | * * * Once you make an election, you may not change methods without ONRR approval.   | 20  | 1                                  | 20                  |
| 1206.178(b)(3)(i) .....          | * * * Except as provided in this paragraph, you may not take an allowance for transporting a product that is not royalty bearing without ONRR approval.  | 40  | 1                                  | 40                  |
| 1206.178(b)(3)(ii) .....         | As an alternative to the requirements of paragraph (b)(3)(i) of this section, you may propose to ONRR a cost allocation method based on the values of the products transported. * * *.   | 20  | 1                                  | 20                  |
| 1206.178(b)(5) .....             | If you transport both gaseous and liquid products through the same transportation system, you must propose a cost allocation procedure to ONRR. * * * You are required to submit all relevant data to support your proposal. * * *.  | 40  | 1                                  | 40                  |
| 1206.178(d)(1) .....             | (d) <i>Reporting your transportation allowance.</i> (1) If ONRR requests, you must submit all data used to determine your transportation allowance. * * *.   | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.178(d)(2), (e), and (f)(1). | (d) <i>Reporting your transportation allowance.</i> (2) You must report transportation allowances as a separate entry on Form ONRR-2014. * * * (e) <i>Adjusting incorrect allowances.</i> If for any month the transportation allowance you are entitled to is less than the amount you took on Form ONRR-2014, you are required to report and pay additional royalties due, plus interest computed under § 1218.54 of this chapter from the first day of the first month you deducted the improper transportation allowance until the date you pay the royalties due. * * * (f) <i>Determining allowable costs for transportation allowances.</i> * * * (1) <i>Firm demand charges paid to pipelines.</i> * * * You must modify the Form ONRR-2014 by the amount received or credited for the affected reporting period. * * *. | Burden covered under § 1210.52 in OMB Control Number 1012-0004. |                                    |                     |

## RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR                       | Reporting and recordkeeping requirement   | Hour burden   | Average number of annual responses | Annual burden hours |
|------------------------------|---|---|------------------------------------|---------------------|
| <b>Processing Allowances</b> |   |   |                                    |                     |
| 1206.180(a)(1)(i) .....      | How do I determine an actual processing allowance? (a) <i>Determining a processing allowance if you have an arm's-length processing contract.</i> (1)(i) * * * You have the burden of demonstrating that your contract is arm's-length. You are required to submit to ONRR a copy of your arm's-length contract(s) and all subsequent amendments to the contract(s) within 2 months of the date ONRR receives your first report that deducts the allowance on the Form ONRR–2014.                             | 1   | 2                                  | 2                   |
| 1206.180(a)(1)(iii) .....    | If ONRR determines that the consideration paid under an arm's-length processing contract does not reflect the value of the processing because of misconduct by or between the contracting parties * * * In these circumstances, ONRR will notify you and give you an opportunity to provide written information justifying your processing costs.   | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.180(a)(3) .....         | If your arm's-length processing contract includes more than one gas plant product and the processing costs attributable to each product cannot be determined from the contract, you must propose an allocation procedure to ONRR. * * * You are required to submit all relevant data to support your proposal. * * *.   | 40  | 1                                  | 40                  |
| 1206.180(b)(1)(ii) .....     | (b) <i>Determining a processing allowance if you have a non-arm's-length contract or no contract.</i> (1)(ii) * * * You must submit the actual cost information to support the allowance to ONRR on Form ONRR–4109, Gas Processing Allowance Summary Report, within 3 months after the end of the 12-month period for which the allowance applies. * * *.   | 20  | 12                                 | 240                 |
| 1206.180(b)(2)(iv) .....     | You may use either depreciation with a return on undepreciable capital investment or a return on depreciable capital investment. After you elect to use either method for a processing plant, you may not later elect to change to the other alternative without ONRR approval. * * *.  | 20  | 1                                  | 20                  |
| 1206.180(b)(2)(iv)(A) ..     | * * * Once you make an election, you may not change methods without ONRR approval. * * *.   | 20  | 1                                  | 20                  |
| 1206.180(b)(3) .....         | Your processing allowance under this paragraph (b) must be determined based upon a calendar year or other period if you and ONRR agree to an alternative.   | 20  | 1                                  | 20                  |
| 1206.180(c)(1) .....         | (c) <i>Reporting your processing allowance.</i> (1) If ONRR requests, you must submit all data used to determine your processing allowance. * * *.  | AUDIT PROCESS. See note.  |                                    |                     |
| 1206.180(c)(2) and (d)       | (c)(2) You must report gas processing allowances as a separate entry on the Form ONRR–2014. * * * (d) <i>Adjusting incorrect processing allowances.</i> If for any month the gas processing allowance you are entitled to is less than the amount you took on Form ONRR–2014, you are required to pay additional royalties, plus interest computed under § 1218.54 of this chapter from the first day of the first month you deducted a processing allowance until the date you pay the royalties due. * * *. | Burden covered under § 1210.52 in OMB Control Number 1012–0004. |                                    |                     |
| 1206.181(c) .....            | How do I establish processing costs for dual accounting purposes when I do not process the gas? * * * A proposed comparable processing fee submitted to either the tribe and ONRR (for tribal leases) or ONRR (for allotted leases) with your supporting documentation submitted to ONRR. If ONRR does not take action on your proposal within 120 days, the proposal will be deemed to be denied and subject to appeal to the ONRR Director under 30 CFR part 1290.  | 40  | 1                                  | 40                  |

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

| 30 CFR   | Reporting and recordkeeping requirement  | Hour burden | Average number of annual responses | Annual burden hours |
|--|--|-------------|------------------------------------|---------------------|
| <b>PART 1207—SALES AGREEMENTS OR CONTRACTS GOVERNING THE DISPOSAL OF LEASE PRODUCTS</b><br><b>Subpart A—General Provisions</b> |  |             |                                    |                     |
| 1207.4(b) .....  | Contracts made pursuant to old form leases. * * * The stipulation, the substance of which must be included in the contract, or be made the subject matter of a separate instrument properly identifying the leases affected thereby, is as follows * * *.  |             | AUDIT PROCESS. See note.           |                     |
| 1207.5 .....   | Contract and sales agreement retention. Copies of all sales contracts, posted price bulletins, etc., and copies of all agreements, other contracts, or other documents which are relevant to the valuation of production are to be maintained by the lessee and made available upon request during normal working hours to authorized ONRR, State or Indian representatives, other ONRR or BLM officials, auditors of the General Accounting Office, or other persons authorized to receive such documents, or shall be submitted to ONRR within a reasonable period of time, as determined by ONRR. Any oral sales arrangement negotiated by the lessee must be placed in written form and retained by the lessee. Records shall be retained in accordance with 30 CFR part 1212. |             | AUDIT PROCESS. See note.           |                     |
| Total Burden .....   |  |             | 149                                | 1,319               |

**Note:** AUDIT PROCESS—The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Gregory J. Gould,**

*Director for Office of Natural Resources Revenue.*

[FR Doc. 2018–14854 Filed 7–10–18; 8:45 am]

**BILLING CODE 4335–30–P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 701–TA–588 (Final)]

**Polytetrafluoroethylene Resin From India**

**Determination**

On the basis of the record<sup>1</sup> developed in the subject investigation, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of

polytetrafluoroethylene resin from India, provided for in subheadings 3904.61.00 and 3904.69.50 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be subsidized by the government of India.<sup>2 3</sup>

**Background**

The Commission, pursuant to section 705(b) of the Act (19 U.S.C. 1671d(b)), instituted this investigation effective September 28, 2017, following receipt of a petition filed with the Commission and Commerce by The Chemours Company FC LLC, Wilmington, Delaware. The final phase of the investigation was scheduled by the Commission following notification of a preliminary determination by Commerce that imports of polytetrafluoroethylene resin from India were being subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)). Notice of the scheduling of the final phase of the Commission’s investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on March 23, 2018 (83 FR

12815). The hearing was held in Washington, DC, on May 17, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made this determination pursuant to section 705(b) of the Act (19 U.S.C. 1671d(b)). It completed and filed its determination in this investigation on July 6, 2018. The views of the Commission are contained in USITC Publication 4801 (July 2018), entitled *Polytetrafluoroethylene Resin from India: Investigation No. 701–TA–588 (Final)*.

By order of the Commission.  
Issued: July 6, 2018.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2018–14842 Filed 7–10–18; 8:45 am]

**BILLING CODE 7020–02–P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On July 2, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Western District of Missouri in the lawsuit entitled *United States v. MFA Incorporated, and MFA Enterprises, Inc.*, Civil Action No.: 2:18–cv–04133–WJE.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 83 FR 23423, May 21, 2018.

<sup>3</sup> Commissioner Kearns did not participate in this investigation.



The United States, on behalf of the United States Environmental Protection Agency, filed a complaint against MFA Incorporated and MFA Enterprises, Inc. (collectively, "MFA") seeking injunctive relief and the imposition of civil penalties for violations of Section 112(r) of the Clean Air Act ("CAA") in connection with MFA's storage and handling of anhydrous ammonia at nine of its farm supply centers in Missouri. The Consent Decree requires MFA to pay a cash civil penalty of \$850,000 for the violations alleged in the complaint, perform injunctive relief, and complete a Supplemental Environmental Project that involves installing electronic shut-off systems for anhydrous ammonia at no fewer than 53 facilities. In return, the United States agrees not to pursue MFA under Section 112(r) of the Clean Air Act for the violations alleged in the complaint.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. MFA Incorporated, and MFA Enterprises, Inc.*, D.J. Ref. No. 90-5-2-1-11257. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

| To submit comments: | Send them to:   |
|---------------------|---|
| By email .....      | <a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a>              |
| By mail .....       | Assistant Attorney General,<br>U.S. DOJ—ENRD, P.O.<br>Box 7611, Washington, DC<br>20044-7611. |

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$17.75 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy

without the exhibits and signature pages, the cost is \$9.25.

**Jeffrey Sands,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2018-14794 Filed 7-10-18; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Employment and Training Administration (ETA) Program Year (PY) 2018; Workforce Innovation and Opportunity Act (WIOA) Section 167, National Farmworker Jobs Program (NFJP) Formula Modifications and Allotments

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This Notice announces updates and modifications to the allotment formula for the National Farmworker Jobs Program (NFJP), authorized under the Workforce Innovation and Opportunity Act (WIOA), Section 167, and allotments for Program Year (PY) 2018. These allotments are based on the enacted NFJP funding appropriation in the Consolidated Appropriation Act, 2018.

On May 23, 2018, the Employment and Training Administration (ETA) published a notice in the **Federal Register** (83 FR 23937) concerning the use of updated data in and proposed modifications to the formula ETA uses to distribute funding for NFJP. The notice also presented preliminary State planning estimates for PY 2018. Public comments were requested at that time. The comment period closed May 30, 2018. This notice summarizes and responds to the comments, and publishes the final PY 2018 allotments.

**DATES:** The PY 2018 NFJP allotments cover July 1, 2018 through June 30, 2019.

**ADDRESSES:** Questions on this notice can be submitted to [NFJP@dol.gov](mailto:NFJP@dol.gov) or the Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave. NW, Room C4510, Washington, DC 20210, Attention: Laura Ibañez, Unit Chief, (202) 693-3645 or Steven Rietzke, Division Chief at (202) 693-3912.

**FOR FURTHER INFORMATION CONTACT:** Laura Ibañez, Unit Chief, (202) 693-3645 or Steven Rietzke, Division Chief at (202) 693-3912.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to Section 182(d) of the WIOA, Prompt Allotment of Funds.

### I. Background

This notice represents the second of a two-stage process. In the first stage, ETA solicited and considered public comments regarding the use of updated data in and three proposed modifications to the NFJP allotment formula. Based on the comments and ETA's consideration of them, ETA has applied the updated data to the formula and implemented two of the three proposed modifications. In this second stage, the final formula modifications are described and the resulting allotments are published. The updated data and modifications have been processed in accordance with the allotment formula methodology, which was described in detail in a notice that was published in the **Federal Register** on May 19, 1999 (64 FR 27390), which is accessible at <https://www.federalregister.gov/>.

The formula was developed for the purpose of distributing funds geographically by State service area, on the basis of each State service area's relative share of persons eligible for the program. New data from each of the four data files that have been the basis of the formula since 1999 are used to determine the distribution of PY 2018 funds. In addition, beginning in PY 2018, ETA will implement two modifications to the allotment formula, which will result in more accurate estimates of each State service area's relative share of persons eligible for the program. The modifications are the result of ETA's review of the formula in the context of the NFJP-eligible population and farm labor market changes, ETA's consideration of public comments received in response to the May 23, 2018 **Federal Register** Notice (FRN) (83 FR 23937), and feedback that it received from NFJP grantees prior to and following informational webinars that ETA hosted on February 23, 2017, and April 27, 2017.

Section II of this notice reviews the formula updates and modifications that were proposed in the May 23, 2018 notice.

Section III summarizes the comments that ETA received in response to the May 23, 2018 notice and ETA's decisions concerning the allotment formula based on those comments.

Section IV describes a hold-harmless provision, which will be put into place for the implementation year and the following years. The hold-harmless provision is designed to provide a

staged transition from old to new funding levels for State service areas. This was also proposed and discussed in the May 23, 2018 FRN (83 FR 23937).

Section V describes minimum funding provisions to address State service areas which would receive less than \$60,000.

Section VI describes the application of the formula and the hold-harmless provision using allotments for PY 2018.

## II. Formula Updates and Modifications

As with all State allotments since 1999, the PY 2018 allotments are based on four data sources: (1) State-level, hired farm labor expenditure data from the United States Department of Agriculture's (USDA) Census of Agriculture (COA); (2) regional-level, average hourly earnings data from the USDA's Farm Labor Survey (FLS); (3) regional-level, demographic data from ETA's National Agricultural Workers Survey (NAWS); and, (4) Lower Living Standard Income Level data from the United States Census Bureau's American Community Survey (ACS). The PY 2018 allotments are based on 2012 COA and FLS data, 2006 to 2014 NAWS data, and 2010 to 2014 ACS data. A detailed description of how each data source is used in the formula is in the May 19, 1999 FRN (64 FR 27390) on pages 27396 to 27399.

In addition to populating the formula with new data, two modifications have been implemented. Both are "back-out" adjustments to the COA hired labor expenditures (Wage Bill) to account for: (1) Unemployment Insurance (UI) payroll tax payments made on behalf of farmworkers; and (2) expenditures on H-2A workers. A third modification was proposed to align the allotment formula with the definition of dependent under WIOA Section 167(i)(2)(B) and (3)(B) by accounting for eligible dependents ages 14 and over of eligible Migrant and Seasonal Farmworkers (MSFW) in each State's share of the total eligible population. However, based on public comments and ETA's consideration of them, the third modification will not be implemented. The rationale for not implementing this modification is described in Section III, below.

Modifications 1 and 2 more accurately estimate each State's share of the NFJP-eligible population. Modification 1 removes non-wages from COA farm labor expenditures. UI payroll tax payments, which vary by State, are not wages. Modification 2 removes labor expenditures on H-2A workers from COA farm labor expenditures to align the allotment formula with the NFJP-eligible population. Therefore,

including the UI payroll tax payments and labor expenditures on H-2A workers in the formula did not accurately count the number of eligible NFJP participants.

## III. Response to Public Comments

ETA received a total of 24 comments from four commenters. Nine comments were general in nature, one concerned Modification 1, two concerned Modification 2, nine concerned Modification 3, and three concerned state-specific issues. The following is a summary of these comments and ETA's response.

### A. General Comments

General comments concerned basic elements of the formula, applying newer data to and modifying the formula, support for including a hold-harmless mechanism, and questions about how a hold-harmless works. Several of the general comments were supportive of using updated data in and modifying the allotment formula. Support for the modifications, however, was limited to modifications 1 and 2: Backing out UI and H-2A expenditures from the COA Wage Bill, respectively. Two general comments concerned the accounting of work-authorized farmworkers in the formula. One commenter opined that no modification was made to account for farmworkers who do not have authorization to work in the United States, and one commenter inquired if ETA used 2013-2014 NAWS data on work authorization status to determine the total number of NFJP-eligible individuals. One commenter opined that the data used in the formula will not fully capture the totality of MSFWs to whom grantees provide services, while another opined that the Legal Services Corporation's allotment formula is a better representation of the NFJP-eligible population. Lastly, there was a general question about how the hold-harmless mechanism affects grantees' percentage of the allotment.

ETA used nine years (2006-2014) of regional-level NAWS data to determine the share of crop hours in each state that were performed by NFJP-eligible crop workers. The eligibility criteria included whether a crop worker was authorized to work in the United States. The application of NAWS data to the allotment formula is discussed in greater detail in the May 19, 1999 FRN (64 FR 27390) on pages 27397 to 27399. While ETA is aware that the formula does not account for the totality of the NFJP-eligible population, it is not aware of data sources that could be used to estimate subpopulations of NFJP-eligible farmworkers that would meet

the requirements for allotment formula of accuracy, transparency, and reliance on published data.

Although there are similarities between the LSC and ETA formula, they are different, because they are constructed for different purposes. While LSC's formula is designed to estimate the total number of agricultural workers and their dependents who are eligible for LSC-funded services, ETA's formula is concerned with determining each State service area's relative share of the NFJP-eligible population. Therefore, ETA will not adopt the LSC formula.

The hold-harmless functions in the following manner. There is a limited total amount of funding to be distributed to all of the states. For states that would have lost funds based on the formula without the hold-harmless, when the hold-harmless is applied, funding must be reduced from other states that did not fall below the hold-harmless to make up the shortfall. This reduction is implemented by formula proportionally across the affected states. In some cases, this can result in a state experiencing a reduction in funding with the hold-harmless provision even though it would have experienced an increase without the hold-harmless provision. However, in no instance will a state's funding fall below the hold-harmless level.

### B. Modification 1 Comment

One commenter agreed that it was appropriate to remove UI payroll tax payments from Census of Agriculture farm labor expenditures (Modification 1), noting that UI payments are not wages, and UI rules, regulations, and rates vary by State.

ETA is pleased that it is now possible to back out this number from the calculation of the NFJP allotment formula.

### C. Modification 2 Comments

One commenter questioned the backing out of H-2A expenditures from COA expenditures (Modification 2) due to: (1) A recent increase in the number of foreign-born farmworkers employed through the H-2A program, which could create an increase in emergencies for which NFJP grantees will be asked to provide assistance; and (2) a greater coordination, stemming from the enactment of the WIOA, between State Monitor Advocates (SMA) and NFJP grantees regarding the provision of emergency services for H-2A farmworkers.

ETA has determined that Modification 2 is needed to strike a balance between ETA policy concerning the utilization of grant funds for

emergency services and the primary purpose of NFJP, which is to strengthen the ability of eligible MSFWs and their dependents to obtain or retain unsubsidized employment, stabilize their unsubsidized employment, and achieve economic self-sufficiency, including upgraded employment in agriculture (WIOA 20 CFR 685.100).

#### *D. Modification 3 Comments*

Of the nine comments concerning Modification 3, only one was supportive. Generally, commenters expressed concern that Modification 3 caused big changes in funding levels for some states, particularly those in the Midwest that have large numbers of animal agricultural workers relative to crop workers. One commenter pointed out that the Department was able to estimate the share of animal agricultural workers in each state with income below the Lower Living Standard Income Level (LLSIL) and inquired if the Department was also able to estimate the number of dependents of animal agricultural workers and, if not, whether it would be possible to assume animal agricultural and crop workers are similar with respect to the number of their offspring. Another commenter opined that the Department should either use data on crop workers to estimate the number of dependents of animal agricultural workers or drop Modification 3. One commenter inquired if the Department had used NAWS data to account for eligible dependents of eligible MSFWs in each State's share of the total NFJP-eligible population and, if so, had it accounted for the fact that some children of farmworkers are themselves farmworkers, while another commenter opined that the Department triple-counted dependents because some are themselves farmworkers and some have two farmworker parents. Lastly, one commenter expressed concern that grantees were not given sufficient time to comment on Modification 3.

ETA informed the public through the May 23, 2018 FRN (83 FR 23937) of its proposal to use NAWS data to estimate, by region, the average number of NFJP-eligible dependents ages 14 and above per MSFW-eligible crop worker and, in doing so, accounted for the fact that some dependents are themselves farmworkers.

Based on the public comments received, ETA agrees with the comments that states with large numbers of animal agricultural workers relative to crop workers would be unfairly impacted by this modification. As such, it has not applied Modification 3 to the PY 2018 allotment formula.

Should survey data on animal agricultural workers, like NAWS data on crop workers, become available, ETA would reconsider applying this modification to the formula and would give the public an opportunity to comment.

Although in some circumstances it may be appropriate to use demographic data collected from crop agricultural workers to estimate the characteristics of animal agricultural workers, ETA does not believe it would be appropriate to use crop worker data to estimate, by region of the country, the average number of NFJP-eligible dependents per eligible MSFW employed in animal agriculture. Doing so would require ETA to make a large number of assumptions, which would fail to adhere to the requirements for allotment formula of accuracy, transparency, and reliance on published data.

Regarding the question and opinion about over-counting dependents of crop workers, ETA confirms that it did not over-count these dependents. ETA reviewed the analysis program that was used to estimate, by region, the average number of eligible dependents ages 14 and over per eligible MSFW and confirms that dependents who themselves worked in agriculture were not included in the analysis. Furthermore, crop workers in families where the spouse was also a farmworker were weighted appropriately, so that the number of dependents in such families was not overestimated.

ETA will include background analyses steps, such as these, in a future FRN concerning changes to the allotment formula involving the calculation of dependents, should it ever determine that it is able to account for eligible dependents of eligible MSFWs employed in animal agriculture in the NFJP allotment formula.

#### *E. State-Specific Comments*

Two commenters inquired how a particular state would be impacted by the hold-harmless, and one inquired about the breakdown of funds, within a particular state, by grantee.

ETA would like to clarify that a State's hold-harmless is not based on its PY 2018 allotment percentage share without the hold-harmless. The calculation is based on 95 percent of its PY 2017 allotment percentage share (column 2) as applied to the PY 2018 formula funds available.

Regarding the breakdown of a State's award by grantee within that State, ETA will provide this information when it issues its final allotment TEGL.

#### **IV. Description of the Hold-Harmless Provision**

For PY 2018, 2019, and 2020, the Department intends to apply a hold-harmless provision to the allotment formula in order to allow a staged transition from the application of the previous formula to the modified formula. The hold-harmless provision provides for a stop loss/stop gain limit to transition to the use of the updated data. Due to the length of time since the data has been updated, it is anticipated there may be significant changes for a few states, necessitating the stop loss/stop gain approach. The stop loss/stop gain approach is based on a State service area's previous year's allotment percentage share, which is its relative share of the total formula allotments. The staged transition of the hold-harmless provision will be implemented specifically as follows:

(1) In PY 2018, State service areas will receive an amount equal to at least 95 percent of their PY 2017 allotment percentage share, as applied to the PY 2018 formula funds available;

(2) In PY 2019, State service areas will receive an amount equal to at least 90 percent of their PY 2018 allotment percentage share, as applied to the PY 2019 formula funds available;

(3) In PY 2020, State service areas will receive an amount equal to at least 85 percent of their PY 2019 allotment percentage share, as applied to the PY 2020 formula funds available.

In PY 2018, 2019, and 2020, the hold-harmless provision also provides that no State service area will receive an amount that is more than 150 percent of their previous year's allotment percentage share.

In PY 2021, since the Department has a responsibility to use the most current and reliable data available, amounts for the new awards will be based on updated data from the sources described in Section II, pending their availability. At that time, the Department will determine whether the changes to State allotments are significant enough to warrant another hold-harmless provision. Otherwise, allotments to each State service area will be for an amount resulting from a direct allotment of the proposed funding formula without adjustment.

#### **V. Minimum Funding Provisions**

A State area that would receive less than \$60,000 by application of the formula will, at the option of the DOL, receive no allotment or, if practical, be combined with another adjacent State area. Funding below \$60,000 is deemed insufficient for sustaining an

independently administered program. However, if practical, a State jurisdiction that would receive less than \$60,000 may be combined with another adjacent State area.

#### **VI. Program Year 2018 Allotments**

The state allotments set forth in the Table appended to this notice reflect the distribution resulting from the allotment formula described above. For PY 2017, \$81,896,000 was appropriated for migrant and seasonal farmworker programs, of which \$75,505,575 was allotted on the basis of the old formula after \$407,010 was set aside for program integrity. The remaining \$5,489,415 of

the PY 2017 appropriation was retained to fund housing grants after \$27,585 was set aside for program integrity, and \$494,000 was retained for Training and Technical Assistance. The figures in the first numerical column show the actual PY 2017 formula allotments to State service areas. The next column shows the percentage of each allotment.

For PY 2018, the funding level provided for in the Consolidated Appropriations Act, 2018 for the migrant and seasonal farmworker program is \$81,203,000 and will be allotted on the basis of the formula. For purposes of illustrating the effects of the allotment formula, the State service area

allotments with the application of the first-year (95 percent) hold-harmless and minimum funding provisions, followed by the percentages, are shown in columns 3 and 4. The difference between PY 2017 and PY 2018 allotments are shown in column 5. The sixth column of the Table shows the allotments based on the formula without the application of the hold-harmless or minimum funding provisions. The percentages are reported in column 7.

**Rosemary Lahasky,**

*Deputy Assistant Secretary for Employment and Training, Labor.*

**BILLING CODE 4510-FN-P**

| U. S. Department of Labor<br>Employment and Training Administration<br>National Farmworker Jobs Program<br>Impact of Final PY 2018 Allotments to States |                     |                            |                        |                            |  |                       |                            |
|---|---------------------|----------------------------|------------------------|----------------------------|--|-----------------------|----------------------------|
| State   | PY 2017             |                            | PY 2018 (UI, H-2A Adj) |                            |  |                       |                            |
|   | Allotment<br>(1)    | Percentage<br>Share<br>(2) | With hold harmless     |                            |  | Without hold harmless |                            |
|   |                     |                            | Allotment<br>(3)       | Percentage<br>Share<br>(4) | Difference<br>(PY 2018 vs. PY 2017)<br>(5) | Allotment<br>(6)      | Percentage<br>Share<br>(7) |
| <b>Total</b>  | <b>\$75,505,575</b> | <b>100.00000</b>           | <b>\$81,203,000</b>    | <b>100.00000</b>           | <b>\$5,697,425</b>                         | <b>\$81,203,000</b>   | <b>100.00000</b>           |
| Alabama   | 764,119             | 1.01200                    | 780,688                | 0.96140                    | 16,569                                     | 768,204               | 0.94603                    |
| Alaska  | -                   | 0.00000                    | -                      | 0.00000                    | -  | -                     | 0.00000                    |
| Arizona   | 2,057,698           | 2.72523                    | 2,208,505              | 2.71973                    | 150,807                                    | 2,432,392             | 2.99545                    |
| Arkansas  | 1,104,657           | 1.46301                    | 1,128,611              | 1.38986                    | 23,954                                     | 1,096,396             | 1.35019                    |
| California  | 19,283,115          | 25.53866                   | 20,302,807             | 25.00253                   | 1,019,692                                  | 22,360,997            | 27.53716                   |
| Colorado  | 964,874             | 1.27788                    | 1,172,108              | 1.44343                    | 207,234                                    | 1,290,930             | 1.58976                    |
| Connecticut   | 340,039             | 0.45035                    | 350,127                | 0.43117                    | 10,088                                     | 385,621               | 0.47489                    |
| Delaware  | 122,461             | 0.16219                    | 135,621                | 0.16701                    | 13,160                                     | 149,369               | 0.18395                    |
| Dist of Columbia  | -                   | 0.00000                    | -                      | 0.00000                    | -  | -                     | 0.00000                    |
| Florida   | 4,000,446           | 5.29821                    | 4,087,192              | 5.03330                    | 86,746                                     | 3,606,857             | 4.44178                    |
| Georgia   | 1,478,430           | 1.95804                    | 1,510,489              | 1.86014                    | 32,059                                     | 1,602,040             | 1.97288                    |
| Hawaii  | 318,882             | 0.42233                    | 325,797                | 0.40121                    | 6,915                                      | 308,641               | 0.38009                    |
| Idaho   | 1,037,089           | 1.37353                    | 1,546,823              | 1.90488                    | 509,734                                    | 1,703,632             | 2.09799                    |
| Illinois  | 1,386,739           | 1.83660                    | 1,520,015              | 1.87187                    | 133,276                                    | 1,674,107             | 2.06163                    |
| Indiana   | 891,099             | 1.18018                    | 996,927                | 1.22770                    | 105,828                                    | 1,097,990             | 1.35215                    |
| Iowa  | 1,135,326           | 1.50363                    | 1,381,814              | 1.70168                    | 246,488                                    | 1,521,896             | 1.87419                    |
| Kansas  | 1,037,193           | 1.37366                    | 1,061,734              | 1.30751                    | 24,541                                     | 1,169,367             | 1.44005                    |
| Kentucky  | 1,168,337           | 1.54735                    | 1,193,671              | 1.46998                    | 25,334                                     | 1,000,708             | 1.23235                    |
| Louisiana   | 878,803             | 1.16389                    | 897,859                | 1.10570                    | 19,056                                     | 764,787               | 0.94182                    |
| Maine   | 282,793             | 0.37453                    | 288,925                | 0.35581                    | 6,132                                      | 315,182               | 0.38814                    |
| Maryland  | 349,786             | 0.46326                    | 357,371                | 0.44010                    | 7,585                                      | 370,569               | 0.45635                    |
| Massachusetts   | 310,726             | 0.41153                    | 317,464                | 0.39095                    | 6,738                                      | 349,258               | 0.43010                    |
| Michigan  | 1,350,141           | 1.78813                    | 1,852,921              | 2.28184                    | 502,780                                    | 2,040,761             | 2.51316                    |
| Minnesota   | 1,190,716           | 1.57699                    | 1,418,215              | 1.74651                    | 227,499                                    | 1,561,987             | 1.92356                    |
| Mississippi   | 1,251,630           | 1.65767                    | 1,278,771              | 1.57478                    | 27,141                                     | 929,482               | 1.14464                    |
| Missouri  | 951,239             | 1.25983                    | 971,866                | 1.19684                    | 20,627                                     | 944,305               | 1.16289                    |
| Montana   | 576,293             | 0.76325                    | 588,789                | 0.72508                    | 12,496                                     | 602,338               | 0.74177                    |
| Nebraska  | 1,049,996           | 1.39062                    | 1,127,274              | 1.38822                    | 77,278                                     | 1,241,551             | 1.52895                    |
| Nevada  | 173,439             | 0.22970                    | 177,200                | 0.21822                    | 3,761                                      | 182,939               | 0.22529                    |
| New Hampshire   | 98,352              | 0.13026                    | 100,577                | 0.12386                    | 2,225                                      | 110,773               | 0.13641                    |
| New Jersey  | 671,802             | 0.88974                    | 686,369                | 0.84525                    | 14,567                                     | 577,864               | 0.71163                    |
| New Mexico  | 913,490             | 1.20983                    | 933,298                | 1.14934                    | 19,808                                     | 1,005,311             | 1.23802                    |
| New York  | 1,598,538           | 2.11711                    | 1,633,201              | 2.01126                    | 34,663                                     | 1,509,341             | 1.85873                    |
| North Carolina  | 2,596,474           | 3.43878                    | 2,652,776              | 3.26684                    | 56,302                                     | 2,528,390             | 3.11367                    |
| North Dakota  | 586,161             | 0.77631                    | 720,475                | 0.88725                    | 134,314                                    | 793,513               | 0.97720                    |
| Ohio  | 1,215,667           | 1.61004                    | 1,242,028              | 1.52953                    | 26,361                                     | 1,358,636             | 1.67314                    |
| Oklahoma  | 1,228,006           | 1.62638                    | 1,254,634              | 1.54506                    | 26,628                                     | 844,974               | 1.04057                    |
| Oregon  | 1,902,686           | 2.51993                    | 2,129,586              | 2.62255                    | 226,900                                    | 2,345,472             | 2.88841                    |
| Pennsylvania  | 1,490,645           | 1.97422                    | 1,522,968              | 1.87551                    | 32,323                                     | 1,424,004             | 1.75363                    |
| Puerto Rico   | 2,950,975           | 3.90829                    | 3,014,964              | 3.71287                    | 63,989                                     | 2,279,197             | 2.80679                    |
| Rhode Island  | 37,337              | 0.04945                    | 52,828                 | 0.06506                    | 15,491                                     | 58,183                | 0.07165                    |
| South Carolina  | 932,956             | 1.23561                    | 953,186                | 1.17383                    | 20,230                                     | 777,471               | 0.95744                    |
| South Dakota  | 598,476             | 0.79262                    | 611,453                | 0.75299                    | 12,977                                     | 585,156               | 0.72061                    |
| Tennessee   | 827,313             | 1.09570                    | 845,253                | 1.04091                    | 17,940                                     | 857,454               | 1.05594                    |
| Texas   | 6,438,740           | 8.52750                    | 6,578,359              | 8.10113                    | 139,619                                    | 4,828,716             | 5.94647                    |
| Utah  | 279,058             | 0.36959                    | 406,255                | 0.50030                    | 127,197                                    | 447,439               | 0.55101                    |
| Vermont   | 184,099             | 0.24382                    | 188,091                | 0.23163                    | 3,992                                      | 178,027               | 0.21924                    |
| Virginia  | 895,239             | 1.18566                    | 914,652                | 1.12638                    | 19,413                                     | 960,818               | 1.18323                    |
| Washington  | 2,981,590           | 3.94883                    | 3,931,488              | 4.84156                    | 949,898                                    | 4,330,041             | 5.33237                    |
| West Virginia   | 189,444             | 0.25090                    | 193,552                | 0.23836                    | 4,108                                      | 123,103               | 0.15160                    |
| Wisconsin   | 1,206,739           | 1.59821                    | 1,426,806              | 1.75709                    | 220,067                                    | 1,571,448             | 1.93521                    |
| Wyoming   | 225,722             | 0.29895                    | 230,617                | 0.28400                    | 4,895                                      | 235,363               | 0.28985                    |

[FR Doc. 2018-14747 Filed 7-10-18; 8:45 am]

BILLING CODE 4510-FN-C

**NATIONAL SCIENCE FOUNDATION****Request for Feedback on the  
Interagency Arctic Research Policy  
Committee's Draft Principles for  
Conducting Research in the Arctic****ACTION:** Request for public comment on  
*Principles for Conducting Research in  
the Arctic*; Corrected.**SUMMARY:** The National Science  
Foundation (NSF) published a  
document in the **Federal Register** of  
July 5, 2018, concerning request for  
public comment on the *Principles for  
Conducting Research in the Arctic*. The  
notice was published without a link to  
the document under review.

**Correction**

In the **Federal Register** published July 5, 2018, in FR Doc. 2018–14388 (Filed 7–3–18), on page 31424, fourth column, Summary Section, first paragraph, please add the following web link after the text “Principles for Conducting Research in the Arctic”: <https://www.iarpccollaborations.org/principles.html>.

For Further information, please contact Renee Crain [rcrain@nsf.gov](mailto:rcrain@nsf.gov) or 703–292–4482.

Dated: July 6, 2018.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2018–14802 Filed 7–10–18; 8:45 am]

BILLING CODE 7555–01–P

**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

**Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Changes to the Building Gap Between the Nuclear Island and Adjacent Buildings**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 127 and 126 to Combined License (COL) Nos. NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on June 15, 2018.

**ADDRESSES:** Please refer to Docket ID NRC–2008–0252 when contacting the

NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated February 1, 2018, and is available in ADAMS under Accession No. ML18032A359.

- **NRC’s PDR:** You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: [Chandu.Patel@nrc.gov](mailto:Chandu.Patel@nrc.gov).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

The NRC is granting an exemption from paragraph B of section III, “Scope and Contents,” of appendix D, “Design Certification Rule for the AP1000,” to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 127 and 126 to COL Nos. NPF–91 and NPF–92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, “Processes for Changes and Departures,” appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes to plant-specific DCD Tier 2 and Tier 2\*

information and related changes to plant-specific Tier 1 information, with corresponding changes to Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) in COL appendix C. Specifically, the proposed changes relax the minimum gap requirement above grade between the nuclear island and the annex building/turbine building and remove the minimum gap requirement between the nuclear island and the radwaste building from the ITAAC and corresponding Tier 1 information.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff’s review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in sections 50.12 and 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML18120A345.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML18120A339 and ML18120A340, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML18120A341 and ML18120A343, respectively. A summary of the amendment documents is provided in section III of this document.

**II. Exemption**

Reproduced in this notice is the exemption document issued to VEGP Unit Nos. 3 and 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated February 1, 2018, the Southern Nuclear Operating Company (SNC) requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, as part of license amendment request 18–002, “Changes to the Building Gap

between the Nuclear Island and Adjacent Buildings.”

For the reasons set forth in section 3.2 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML18120A345, the Commission finds that:

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to appendix C of the Facility Combined License, as described in the licensee's request dated February 1, 2018. This exemption is related to, and necessary for the granting of License Amendment No. 127 (Unit 3) and 126 (Unit 4), which is being issued concurrently with this exemption.

3. As explained in section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML18120A345), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

### III. License Amendment Request

By letter dated February 1, 2018 (ADAMS Accession No. ML18032A359), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The proposed amendment is described in section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on February 27, 2018 (83 FR 8519). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

### IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that the licensee requested on February 1, 2018.

The exemptions and amendments were issued on June 15, 2018, as part of a combined package to the licensee (ADAMS Accession No. ML18120A348).

Dated at Rockville, Maryland, this 5th day of July 2018.

For the Nuclear Regulatory Commission.

**Jennifer L. Dixon-Herrity**,

*Chief, Licensing Branch 4, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.*

[FR Doc. 2018-14746 Filed 7-10-18; 8:45 am]

**BILLING CODE 7590-01-P**

### OVERSEAS PRIVATE INVESTMENT CORPORATION

#### Submission for OMB Review; Comments Request

**AGENCY:** Overseas Private Investment Corporation (OPIC).

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act, agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying an existing previously approved information collection for OMB review and approval and requests public review and comment on the submission. OPIC received comments in response to the sixty (60) day notice, and pursuant to those comments, made no changes. The 60 Day Notice was published in **Federal Register** on May 3, 2018. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the

information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

**DATES:** Comments must be received within thirty (30) calendar days of publication of this Notice.

**ADDRESSES:** Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW, Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

#### FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: James Bobbitt, (202) 336-8558.

**SUPPLEMENTARY INFORMATION:** All mailed comments and requests for copies of the subject form should include form number OPIC-129 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to [James.Bobbitt@opic.gov](mailto:James.Bobbitt@opic.gov), subject line OPIC-129.

#### Summary Form Under Review

*Type of Request:* Revision of currently approved information collection.

*Title:* Sponsor Disclosure Report.

*Form Number:* OPIC-129.

*Frequency of Use:* One per investor per project.

*Type of Respondents:* Business or other institution (except farms); individuals.

*Standard Industrial Classification Codes:* All.

*Description of Affected Public:* U.S. companies or citizens investing overseas.

*Reporting Hours:* 500 (1 hours per form).

*Number of Responses:* 500 per year.  
*Federal Cost:* \$27,455 (\$54.91 × 500 × 1).

*Authority for Information Collection:* Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

*Abstract (Needs and Uses):* The information provided in the OPIC-129 is used by OPIC as a part of the Character Risk Due Diligence/background check procedure (similar to a commercial bank's Know Your Customer procedure) that it performs on each party that has a significant relationship (10% or more beneficial ownership, provision of significant credit support, significant managerial relationship) to the projects that OPIC finances or insures. OPIC has a robust

due diligence process that includes access to electronic databases. Certain questions that can be addressed through such electronic databases have been removed from the OPIC-129 form to eliminate duplication. These search tools provide immediate results, and thus, the OPIC-129 form is only one aspect of the due diligence review. The form has also been revised to update the electronic input fields in a manner that is consistent with new programming at OPIC. The form will include limited drop-down menus tailored to the specific applicant and OPIC business line.

Dated: July 5, 2018.

**Nichole Skoyles,**

*Administrative Counsel, Department of Legal Affairs.*

[FR Doc. 2018-14761 Filed 7-10-18; 8:45 am]

BILLING CODE 3210-01-P

## POSTAL SERVICE

### Product Change—Priority Mail Express and Priority Mail Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of required notice:* July 11, 2018.

**FOR FURTHER INFORMATION CONTACT:** Valerie J. Pelton, 202-268-3049.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on July 5, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express & Priority Mail Contract 70 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018-190, CP2018-264.

**Maria W. Votsch,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2018-14782 Filed 7-10-18; 8:45 am]

BILLING CODE 7710-12-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83595; File No. SR-NASDAQ-2018-038]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Amend Rule 4702(b)(14) To Establish a Price Improvement Only Variation on the Midpoint Extended Life Order

July 5, 2018.

On May 4, 2018, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to establish a price improvement only variation on the Midpoint Extended Life Order. The proposed rule change was published for comment in the **Federal Register** on May 23, 2018.<sup>3</sup> The Commission has received one comment letter on the proposal.<sup>4</sup>

Section 19(b)(2) of the Act <sup>5</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is July 7, 2018.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the Exchange's proposal, the comment received, and any response to the comment by the Exchange.

Accordingly, pursuant to Section 19(b)(2) of the Act <sup>6</sup> and for the reasons stated above, the Commission designates August 21, 2018, as the date

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 83272 (May 17, 2018), 83 FR 23978.

<sup>4</sup> See Letter to Brent J. Fields, Secretary, Commission, from Sal Arnuk and Joe Saluzzi, Partners, Co-Founders, and Co-Heads of Equity Trading, Themis Trading LLC, dated June 12, 2018.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> 15 U.S.C. 78s(b)(2).

by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-NASDAQ-2018-038).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-14751 Filed 7-10-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83594; File No. SR-CboeBZX-2018-044]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend BZX Rule 14.11(c), Index Fund Shares

July 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 21, 2018, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) 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.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend BZX Rule 14.11(c), Index Fund Shares, to make clear that a series of Index Fund Shares meets the quantitative requirements of Rules 14.11(c)(3), (4), and (5) where either the index or portfolio holdings underlying such fund meets the quantitative requirements.

The text of the proposed rule change is available at the Exchange's website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for

<sup>7</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.



the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend BZX Rule 14.11(c), Index Fund Shares, to make clear that a series of Index Fund Shares meets the quantitative requirements of Rules 14.11(c)(3), (4), and (5) where either the index or portfolio holdings underlying such fund meets the quantitative requirements. More specifically, the Exchange is proposing to make clear that any instance of the phrase "index or portfolio" or "portfolio or index" in Rules 14.11(c)(3)(A), 14.11(c)(4)(A) and (B), and 14.11(c)(5) (collectively, the "Generic Listing Standards") shall be interpreted as referring to the constituents of the underlying index or the portfolio holdings of the series of Index Fund Shares.

Practically, this proposal provides that a series of Index Fund Shares will be deemed to meet the Generic Listing Standards on a continuous basis where the underlying index meets the Generic Listing Standards or the fund's portfolio holdings meet the Generic Listing Standards. The Generic Listing Standards were designed to allow certain series of Index Fund Shares to be listed on the Exchange that, by virtue of meeting certain quantitative standards, are deemed as not being susceptible to manipulation and for which the creation and redemption process and arbitrage mechanism will operate efficiently.<sup>3</sup> Historically, Rule 14.11(c) provided that the Generic Listing Standards did not apply on an ongoing basis and meeting such requirements was required only prior to the series of Index Fund Shares being listed on the Exchange. Because such determination occurred prior to listing on the Exchange, the index constituents constituted the best means for determining whether a series of Index Fund Shares would be susceptible to manipulation and whether the creation and redemption process and

arbitrage mechanism would operate efficiently. However, the Exchange believes that after a series of Index Fund Shares is listed on the Exchange, both the index constituents and the portfolio holdings are equally viable for evaluating whether the shares are susceptible to manipulation and the efficiency of the creation and redemption process and the arbitrage mechanism.

On January 1, 2018, the Generic Listing Standards began applying on both an initial and continuous basis,<sup>4</sup> but the Adopting Order did not address the issue of whether the portfolio holdings could satisfy the Generic Listing Standards and, thus, the underlying index remains the only basis for determining whether a series of Index Fund Shares meets the Generic Listing Standards. Looking only to the index constituents to determine whether a series of Index Fund Shares can continue to be listed on the Exchange is contrary to the policy goals underlying the rules for a number of reasons, as further laid out below.

First, the portfolio holdings are at least as accurate of a measure as the index constituents to evaluate whether a series of Index Fund Shares are consistent with the policy goals after such fund is already listed and trading on the Exchange. When determining whether a series of Index Fund Shares are going to be susceptible to manipulation and how efficiently the creation and redemption process and the arbitrage mechanism will operate, the Generic Listing Standards require that the underlying assets associated with a series of Index Fund Shares are sufficiently liquid, diverse, uncorrelated, and large. The portfolio holdings are arguably a better means for making this determination than the index constituents because the portfolio holdings reflect the actual assets held by the series of Index Fund Shares while the index constituents are just the assets that the series is designed to track. As such, the Exchange is proposing that where either the portfolio holdings or the index constituents meet the Generic Listing Standards, the series of Index Fund Shares should be considered to meet the Generic Listing Standards and be able to continue to be listed on the Exchange.

Second, every index is bound by its respective methodology. This process is intentionally out of the control of the issuers, whose products are ultimately required to meet the Generic Listing Standards. While it makes sense to look to the index constituents for compliance with the Generic Listing Standards on an initial basis, it becomes problematic on an ongoing basis. Where the index constituents no longer meet the Generic Listing Standards, the only way that the constituents can get back into compliance is through natural market movements, an index rebalance, a change to the index methodology, or a change of index. It is not feasible for an issuer to rely on natural market movements to bring a series of Index Fund Shares back into compliance with the Generic Listing Standards. An index rebalance may bring a series of Index Fund Shares back into compliance with the Generic Listing Standards, but it isn't guaranteed (index providers do not generally consider the Generic Listing Standards in constructing indexes) and may not occur within the time frame of the cure periods provided under Rule 14.12 (rebalances generally occur quarterly or annually). Changes to an index methodology or changing the underlying index would require significant effort and months of notice, again putting the timeline for implementation outside of the window for the cure periods in Rule 14.12. Providing that a series of Index Fund Shares meets the Generic Listing Standards where the portfolio holdings meet the Generic Listing Standards will allow issuers with a greater degree of control over whether their products meet their ongoing listing obligations. While such portfolio holdings will still need to meet the requirements under the Investment Company Act of 1940 related to tracking the underlying index, such flexibility will allow issuers to continue to meet the Generic Listing Standards even where an underlying index narrowly fails to meet them. Further, it will provide issuers with certainty that they will be able to meet the Generic Listing Standards even where the underlying index may drift out of compliance for any number of reasons.

Finally, the generic listing standards applicable to the equity and index holdings of a series of Managed Fund Shares under Rule 14.11(i) are nearly identical to the Generic Listing Standards and are designed to mitigate the same policy concerns, but look only to portfolio holdings to determine compliance with ongoing listing

<sup>3</sup> Series of Index Fund Shares that meet the Generic Listing Standards and the other applicable provisions of Rule 14.11(c) are allowed to list on the Exchange pursuant to Rule 19b-4(e). See 17 CFR 240.19b-4(e).

<sup>4</sup> Securities Exchange Act Release Nos. 80169 (March 7, 2017), 82 FR 13536 (March 13, 2017) (SR-BatsBZX-2016-80) (order approving the application of listing standards on a continuous basis) (the "Adopting Order") and 81777 (September 29, 2017), 82 FR 46583 (October 5, 2017) (notice of filing and immediate effectiveness of proposed rule change to extend implementation to January 1, 2018).

obligations.<sup>5</sup> The only substantive difference between Index Fund Shares and Managed Fund Shares is that Index Fund Shares are designed to track the returns of an underlying index and Managed Fund Shares employ an actively managed portfolio that is designed to accomplish an investment objective rather than tracking an index. The Commission determined that such generic listing standards were consistent with the Act in the Active Generics Approval Order and the Exchange agrees with that determination and further believes that it would be consistent with the Act for compliance with the Generic Listing Standards to be evaluated based on either the series of Index Fund Shares underlying index constituents or portfolio holdings.

In sum, the Exchange believes that by allowing a series of Index Fund Shares to comply with the Generic Listing Standards where either its portfolio holdings or index constituents meet the Generic Listing Standards, the proposal would provide issuers with significant additional regulatory certainty related to a fund's ability to continue to be listed and traded on the Exchange pursuant to the Rule 19b-4(e), while simultaneously continuing to accomplish the policy goals underlying the Generic Listing Standards. The Exchange believes that this proposal would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would create greater investor confidence in exchange-traded products generally because there will be a greater degree of certainty that Index Fund Shares will not be subject to regulatory action or delisting.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>6</sup> in general, and furthers the objectives of Sections 6(b)(5) of the Act,<sup>7</sup> in particular, because 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 regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the

public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange has in place surveillance procedures that are adequate to properly monitor trading in Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The Exchange believes the proposed amendments, by explicitly permitting the portfolio holdings to determine compliance with the Generic Listing Standards, would provide issuers with significant additional regulatory certainty related to a fund's ability to continue to be listed and traded on the Exchange pursuant to the Rule 19b-4(e), while simultaneously continuing to accomplish the policy goals underlying the Generic Listing Standards, which would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would create greater investor confidence in exchange-traded products generally because there will be a greater degree of certainty that Index Fund Shares will not be subject to regulatory action or delisting.

The Exchange believes that looking only to the index constituents to determine whether a series of Index Fund Shares can continue to be listed on the Exchange is actually inconsistent with the policy goals underlying the Generic Listing Standards for a number of reasons, as further laid out below. First, the portfolio holdings are at least as accurate of a measure as the index constituents to evaluate whether a series of Index Fund Shares are consistent with the policy goals after such fund is already listed and trading on the Exchange. When determining whether a series of Index Fund Shares are going to be susceptible to manipulation and how efficiently the creation and redemption process and the arbitrage mechanism will operate, the Generic Listing Standards require that the underlying assets associated with a series of Index Fund Shares are sufficiently liquid, diverse, unconcentrated, and large. The portfolio holdings are arguably a better means for making this determination than the index constituents because the portfolio holdings reflect the actual assets held by the series of Index Fund Shares while the index constituents are just the assets that the series is designed to track. As such, the Exchange is proposing that where either the portfolio holdings or the index constituents meet the Generic Listing Standards, the series of Index Fund

Shares should be considered to meet the Generic Listing Standards and be able to continue to be listed on the Exchange.

Second, indexes are by design slow-moving, relatively inflexible, and generally out of the control of issuers. While it makes sense to look to the index constituents for compliance with the Generic Listing Standards on an initial basis, it becomes problematic on an ongoing basis. Where the index constituents no longer meet the Generic Listing Standards, the only way that the constituents can get back into compliance is through natural market movements, an index rebalance, a change to the index methodology, or a change of index. It is not feasible for an issuer to rely on natural market movements to bring a series of Index Fund Shares back into compliance with the Generic Listing Standards. An index rebalance may bring a series of Index Fund Shares back into compliance with the Generic Listing Standards, but it isn't guaranteed (index providers do not generally consider the Generic Listing Standards in constructing indexes) and may not occur within the time frame of the cure periods provided under Rule 14.12 (rebalances generally occur quarterly or annually). Changes to an index methodology or changing the underlying index would require significant effort and months of notice, again putting the timeline for implementation outside of the window for the cure periods in Rule 14.12. Providing that a series of Index Fund Shares meets the Generic Listing Standards where the portfolio holdings meet the Generic Listing Standards will allow issuers with a greater degree of control over whether their products meet their ongoing listing obligations. While such portfolio holdings will still need to meet the requirements under the Investment Company Act of 1940 related to tracking the underlying index, such flexibility will allow issuers to continue to meet the Generic Listing Standards even where an underlying index narrowly fails to meet them. Further, it will provide issuers with certainty that they will be able to meet the Generic Listing Standards even where the underlying index may drift out of compliance for any number of reasons.

Finally, the generic listing standards applicable to the equity and index holdings of a series of Managed Fund Shares under Rule 14.11(i) are nearly identical to the Generic Listing Standards and are designed to mitigate the same policy concerns, but look only to portfolio holdings to determine compliance with ongoing listing obligations. The only substantive

<sup>5</sup> See Securities Exchange Act Release No. 78396 (July 22, 2016), 81 FR 49698 (July 28, 2016) (SR-BATS-2015-100).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

difference between Index Fund Shares and Managed Fund Shares is that Index Fund Shares are designed to track the returns of an underlying index and Managed Fund Shares employ an actively managed portfolio that is designed to accomplish an investment objective rather than tracking an index. The Commission determined that such generic listing standards were consistent with the Act in the Active Generics Approval Order and the Exchange agrees with that determination and further believes that it would be consistent with the Act for compliance with the Generic Listing Standards to be evaluated based on either the series of Index Fund Shares underlying index constituents or portfolio holdings.

In sum, the Exchange believes that by allowing a series of Index Fund Shares to comply with the Generic Listing Standards where either its portfolio holdings or index constituents meet the Generic Listing Standards, the proposal would provide issuers with significant additional regulatory certainty related to a fund's ability to continue to be listed and traded on the Exchange pursuant to the Rule 19b-4(e), while simultaneously continuing to accomplish the policy goals underlying the Generic Listing Standards. The Exchange believes that this proposal would enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the proposed amendments would create greater investor confidence in exchange-traded products generally because there will be a greater degree of certainty that Index Fund Shares will not be subject to regulatory action or delisting.

For the above reasons, the Exchange believes that the proposal is consistent with the requirements of Section 6(b)(5) of the Act.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change would allow the portfolio holdings for a series of Index Fund Shares to be used to determine compliance with the Generic Listing Standards in addition to the index constituents, which would enhance competition among market participants, to the benefit of investors and the marketplace.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the 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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeBZX-2018-044 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-CboeBZX-2018-044. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the

provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2018-044 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-14752 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**Sunshine Act Meetings**

**TIME AND DATE:** Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission Fixed Income Market Structure Advisory Committee ("FIMSAC") will hold a public meeting on Monday, July 16, 2018 at 9:30 a.m.

**PLACE:** The meeting will be held in Multi-Purpose Room LL-006 at the Commission's headquarters, 100 F Street NE, Washington, DC.

**STATUS:** The meeting will begin at 9:30 a.m. and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9:00 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at [www.sec.gov](http://www.sec.gov).

**MATTERS TO BE CONSIDERED:** On June 20, 2018, the Commission published notice of the Committee meeting (Release No. 34-83475), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

<sup>8</sup> 17 CFR 200.30-3(a)(12).

The agenda for the meeting will include updates and presentations from the FIMSAC subcommittees.

**CONTACT PERSON FOR MORE INFORMATION:** For further information, please contact Brent J. Fields from the Office of the Secretary at (202) 551-5400.

Dated: July 9, 2018.

**Brent J. Fields,**  
Secretary.

[FR Doc. 2018-14960 Filed 7-9-18; 4:15 pm]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83596; File No. SR-CboeBZX-2018-047]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing of a Proposed Rule Change To Amend BZX Rule 14.8, General Listings Requirements—Tier I

July 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 21, 2018, Cboe BZX Exchange, Inc. (“Exchange” or “BZX”) 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.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend the listing rules under Rule 14.8, titled “General Listing Requirements—Tier I,” in order to adopt listing standards for closed-end funds.

The text of the proposed rule change is available at the Exchange’s website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

#### (A) Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend its listing rules in Rule 14.8 in order to add listing standards applicable to Closed-End Funds<sup>3</sup> based on existing criteria applicable to Closed-End Funds listed on NYSE American LLC (“NYSE American”).<sup>4</sup> Specifically, the Exchange is proposing to add new paragraphs (e) and (i) under Rule 14.8 related to the initial and continued listing requirements for Closed-End Funds, respectively, as well as to make certain corresponding changes.

##### Initial Listing

As proposed, a Closed-End Fund must meet the initial listing requirements for either an individual Closed-End Fund (the “Individual CEF Standard”) or a Group<sup>5</sup> of Closed-End Funds (the “Group CEF Standard”), as provided below, before being listed on the Exchange. The Individual CEF Standard requires: (a) A public distribution (which includes both shareholders of record and beneficial holders, but

<sup>3</sup> As defined in proposed Rule 14.8(a), the term Closed-End Fund means a Closed-End Management Investment Company registered under the Investment Company Act of 1940.

<sup>4</sup> The Exchange notes that the proposed quantitative rules are substantively identical to the listing standards applicable to Closed-End Funds on NYSE American. Specifically, the proposed quantitative rules are substantively identical to the following sections in the NYSE American Company Guide: 101(g), 102(a), and 1003(b)(v).

<sup>5</sup> As defined in proposed Rule 14.8(e)(2), a “Group” is a group of Closed-End Funds which are or will be listed on the Exchange, and which are managed by a common investment adviser or investment advisers who are “affiliated persons” as defined in Section 2(a)(3) of the Investment Company Act of 1940 as amended. Section 2(a)(3) of the Investment Company Act of 1940 defines affiliated person of another person as “(A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person; (E) if such other person is an investment company, any investment adviser thereof or any member of an advisory board thereof; and (F) if such other person is an unincorporated investment company not having a board of directors, the depositor thereof.”

excludes the holdings of officers, directors, controlling shareholders, and other concentrated (*i.e.* 10% or greater), affiliated or family holdings (“Public Shareholders”)) (a “Public Distribution”) of (i) at least 500,000 shares where there are at least 800 Public Shareholders, except that companies that are not banks whose securities are concentrated in a limited geographical area, or whose securities are largely held in block by institutional investors, are normally not considered eligible for listing unless the Public Distribution appreciably exceeds 500,000 shares;<sup>6</sup> or (ii) at least 1,000,000 shares where there are at least 400 Public Shareholders; (b) a Public Distribution with a Market Value or net assets of at least \$20 million; (c) a minimum bid price of at least \$4 per share; and (d) at least three registered and active Market Makers. The Group CEF Standard requires that a Closed-End Fund which is part of a Group be subject to the following criteria: (a) The Group has a Public Distribution with a Market Value or net assets of at least \$75 million; (b) the Closed-End Funds in the Group have a Public Distribution with an average Market Value or average net assets of at least \$15 million; (c) each Closed-End Fund in the Group has a Public Distribution with a Market Value or net assets of at least \$10 million; and (d) each Closed-End Fund in the Group has: (i) A Public Distribution of: (a) At least 500,000 shares where there are at least 800 Public Shareholders, except that companies that are not banks whose securities are concentrated in a limited geographical area, or whose securities are largely held in block by institutional investors, are normally not considered eligible for listing unless the Public Distribution appreciably exceeds 500,000 shares; or (b) at least 1,000,000 shares where there are at least 400 Public Shareholders; (ii) a minimum bid price of at least \$4 per share; and (iii) at least three registered and active Market Makers.

##### Continued Listing

As proposed, The Exchange will consider the suspension of trading in and will initiate delisting proceedings (and are not eligible to follow the cure procedures outlined in Rule 14.12) for a Closed-End Fund where: (a) The Market Value of the Public Distribution and net assets each are less than \$5,000,000 for

<sup>6</sup> The Exchange notes that where the Public Distribution appreciably exceeds 500,000 shares for companies that are not banks whose securities are concentrated in a limited geographical area, or whose securities are largely held in block by institutional investors, the 800 Public Shareholders requirement would also apply.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

more than 60 consecutive days; (b) the Closed-End Fund no longer qualifies as a closed-end fund under the Investment Company Act of 1940 (unless the resultant entity otherwise qualifies for listing); or (c) it appears that the extent of Public Distribution, the Market Value of such Public Distribution, or net assets of such Public Distribution has become so reduced as to make further dealings on the Exchange inadvisable. Any failure to meet any of the continued listing requirements will subject the applicable Closed-End Fund to delisting proceedings in accordance with the provisions set forth in Rule 14.12.

#### Trading Rules

Closed-End Funds are equity securities, thus rendering trading in Closed-End Funds subject to the Exchange's existing rules governing the trading of equity securities. The Exchange will allow trading in Closed-End Funds from 8:00 a.m. until 5:00 p.m. Eastern Time and the Exchange has appropriate rules to facilitate such transactions during all trading sessions. As provided in Rule 11.11(a), the minimum price variation for quoting and entry of orders in Closed-End Funds traded on the Exchange will be \$0.01, with the exception of securities that are priced less than \$1.00, for which the minimum price variation for quoting and order entry will be \$0.0001.

#### Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in a Closed-End Fund. The Exchange will halt trading in a Closed-End Fund under the conditions specified in Rule 11.18. Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These include whether unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

#### Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of Closed-End Funds on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. Trading of Closed-End Funds through the Exchange will be subject to the Exchange's surveillance procedures for ETPs.

#### Governance

Any Closed-End Funds listed on the Exchange will be subject to the

governance requirements in Rule 14.10 applicable to all management investment companies listed on the Exchange, including Closed-End Funds, except as provided in the exceptions to certain governance requirements for management investment companies as provided under Rule 14.10(e)(1)(E) and Interpretation and Policy .13 of Rule 14.10(e). The Exchange notes that its governance requirements for Closed-End Funds are substantially similar to those applicable to Closed-End Funds listed on NYSE American.

#### Other Changes

The Exchange is also proposing to make certain renumbering changes to Rule 14.8 in order to accommodate the other proposed rule changes described herein.

#### Listing Fees

The Exchange plans to separately submit a proposal to amend Rule 14.13 related to listing fees in order to implement fees applicable to Closed-End Funds prior to this proposal becoming operational.

#### 2. Statutory Basis

The Exchange believes that the proposal is consistent with Section 6(b) of the Act<sup>7</sup> in general and Section 6(b)(5) of the Act<sup>8</sup> in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed rules will facilitate the listing and trading of additional types of exchange-traded products on the Exchange that will enhance competition among market participants, to the benefit of investors and the marketplace. In addition, the listing and trading criteria set forth in the proposed rules are intended to protect investors and the public interest.

As noted above, the Exchange's proposed quantitative and qualitative listing requirements related to Closed-End Funds are substantively identical to those of NYSE American and, as such, the proposed rule change is consistent with the protection of investors and the public interest. Additionally, the proposal is designed to prevent fraudulent and manipulative acts and practices, as any Closed-End Funds

listed on the Exchange will be required to meet these proposed new rules related to initial and continued listing and will be subject to existing Exchange trading rules, trading halts, governance, and surveillance procedures, as set forth above.

The proposal is also designed to promote just and equitable principles of trade by way of the proposed initial and continued listing standards, which is further bolstered by the requirement that any failure to meet any of the continued listing requirements will subject the applicable Closed-End Fund to delisting proceedings in accordance with the provisions set forth in Rule 14.12. These requirements, together with the applicable Exchange equity trading rules (which will apply to Closed-End Funds listed under the proposed criteria), ensure that no investor would have an unfair advantage over another respecting the trading of Closed-End Funds. On the contrary, all investors will have the same access to trading in Closed-End Funds listed on the Exchange, as is the case for all other products listed and/or traded on the Exchange, all to the benefit of public customers and the marketplace as a whole.

On the whole, the proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional product type on the Exchange that will enhance competition among market participants, to the benefit of investors and the marketplace.

For the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

#### *(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended. Instead, the proposal is a competitive one which would facilitate the listing and trading of Closed-End Funds on the Exchange, which the Exchange believes will enhance competition among exchanges that list Closed-End Funds, to the benefit of investors, issuers, and the marketplace generally.

<sup>7</sup> 15 U.S.C. 78f.

<sup>8</sup> 15 U.S.C. 78f(b)(5).

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove such proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

**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](mailto:rule-comments@sec.gov). Please include File Number SR-CboeBZX-2018-047 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-CboeBZX-2018-047. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2018-047 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-14788 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-83597; File No. SR-CboeBZX-2018-046]

**Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend BZX Rule 14.13, Company Listing Fees**

July 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 21, 2018, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange filed a proposal to amend the fees applicable to securities listed on the Exchange, which are set forth in BZX Rule 14.13.

The text of the proposed rule change is available at the Exchange's website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

On August 30, 2011, the Exchange received approval of rules applicable to the qualification, listing, and delisting of companies on the Exchange,<sup>5</sup> which it modified on February 8, 2012 in order to adopt pricing for the listing of exchange traded products ("ETPs")<sup>6</sup> on the Exchange.<sup>7</sup> On July 3, 2017, the Exchange made certain changes to Rule 14.13 such that there were no entry fees or annual fees for ETPs listed on the Exchange.<sup>8</sup> The Exchange is proposing to amend Rule 14.13 in order to charge an entry fee for ETPs that are not Generically-Listed ETPs, as defined below and to add annual listing fees for ETPs listed on the Exchange.

<sup>5</sup> See Securities Exchange Act Release No. 65225 (August 30, 2011), 76 FR 55148 (September 6, 2011) (SR-BATS-2011-018).

<sup>6</sup> As defined in Rule 11.8(e)(1)(A), the term "ETP" means any security listed pursuant to Exchange Rule 14.11.

<sup>7</sup> See Securities Exchange Act Release No. 66422 (February 17, 2012), 77 FR 11179 (February 24, 2012) (SR-BATS-2012-010).

<sup>8</sup> See Securities Exchange Act Release No. 81152 (July 14, 2017), 82 FR 33525 (July 20, 2017) (SR-BatsBZX-2017-45).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

### Entry Fee

The Exchange is proposing that a Company that submits an application to list any ETP, which term includes all securities set forth in Rule 14.11, shall be required to pay an entry fee<sup>9</sup> as follows:

(i) All ETPs, with the exception of Index Fund Shares, Portfolio Depositary Receipts, Managed Fund Shares, and Currency Trust Shares that are listed on the Exchange pursuant to Rule 19b-4(e) under the Exchange Act and for which a proposed rule change pursuant to Section 19(b) of the Exchange Act is not required to be filed with the Commission (collectively, “Generically-Listed ETPs”), shall pay an entry fee of \$7,500. Each issuer will be subject to an aggregate maximum entry fee of \$22,500 per calendar year.

(ii) There is no entry fee for Generically-Listed ETPs.

### Annual Fees

The Exchange is proposing to establish annual fees for listing on the Exchange, largely based on the consolidated average daily volume (“CADV”) of an ETP. The Exchange is also providing certain exceptions to such CADV-based annual fees for Legacy Listings, New Listings, and Auction Fee Listings, each defined below.

Specifically, the Exchange is proposing that where an ETP was listed on the Exchange prior to January 1, 2019 (a “Legacy Listing”), such ETP will have an annual listing fee of \$4,000. Where an ETP first lists on the Exchange or has been listed for fewer than three calendar months on the ETP’s first trading day of the year (a “New Listing”),<sup>10</sup> and is not a series of Linked Securities listed pursuant to Rule 14.11(d), such ETP will have an annual listing fee of \$4,500. Where an ETP is a New Listing and is a series of Linked Securities listed pursuant to Rule 14.11(d), such ETP will have an annual listing fee of \$10,000. Where the average daily auction volume combined between the opening and closing auctions on the Exchange across all of an issuer’s ETPs listed on the Exchange exceeds 500,000 shares (an “Auction Fee Listing”), there is no annual listing fee for any of the issuer’s ETPs listed on the Exchange.

<sup>9</sup> The Exchange notes that the proposed entry fee is substantively identical to those charged by NYSE Arca, Inc. (“Arca”). See Securities Exchange Act Release No. 81796 (October 2, 2017), 82 FR 46865 (October 6, 2017) (SR-NYSEArca-2017-105).

<sup>10</sup> Upon initial listing on the Exchange, the annual listing fee applicable to New Listings will be prorated based on the number of trading days remaining in the calendar year.

Where an ETP is not a Legacy Listing, a New Listing, an Auction Fee Listing, or a series of Linked Securities listed pursuant to Rule 14.11(d), such ETP will have an annual listing fee as follows based on the CADV of the ETP in the fourth quarter of the preceding calendar year:

| CADV Range                          | Annual listing fee |
|-------------------------------------|--------------------|
| 0–10,000 shares .....               | \$7,000            |
| 10,001–100,000 shares .....         | 6,000              |
| 100,001–1,000,000 shares ...        | 5,500              |
| Greater than 1,000,000 shares ..... | 5,000              |

Where an ETP is not a Legacy Listing, a New Listing, or an Auction Fee Listing, but is a series of Linked Securities listed pursuant to Rule 14.11(d), such ETP will have an annual listing fee as follows based on the consolidated average daily volume (“CADV”) in the fourth quarter of the preceding calendar year:

| CADV Range                          | Annual listing fee |
|-------------------------------------|--------------------|
| 0–10,000 shares .....               | \$15,000           |
| 10,001–100,000 shares .....         | 14,000             |
| 100,001–1,000,000 shares ...        | 13,000             |
| Greater than 1,000,000 shares ..... | 12,000             |

### Implementation Date

The Exchange proposes to implement these amendments to its fee schedule on January 1, 2019.

### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.<sup>11</sup> Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) and 6(b)(5) of the Act,<sup>12</sup> in that it provides for the equitable allocation of reasonable dues, fees and other charges among issuers and it does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed amendment to Rule 14.13(b)(1)(C) to implement an entry fee for ETPs listed on the Exchange that are not Generically-Listed ETPs is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would

apply equally for all issuers and all ETPs. The Exchange believes that charging such entry fee is reasonable given the additional resources required by the Exchange in connection with ETPs requiring a proposed rule change pursuant to Section 19(b), specifically the significant additional time and extensive legal and business resources required by Exchange staff to prepare and review such filings and to communicate with issuers and the Commission regarding such filings. As noted above, this proposed change is also substantively identical to fees charged by Arca.<sup>13</sup>

The Exchange believes that the proposed amendment to the annual listing fees in Rule 14.13(b)(2)(C) to charge issuers listed on the Exchange based on the CADV of the applicable ETPs is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges because it would create a distribution of fees and other charges applicable to all issuers that generally reflect the additional revenue that an ETP listed on the Exchange creates for the Exchange through executions occurring in the auctions and additional shares executed on the Exchange. Listing exchanges generally receive an outsized portion of intraday trading activity and receive all auction volume for ETPs listed on the exchange. The higher the CADV for an ETP, the greater the likely income the Exchange will receive based on outsized intraday trading activity and auction volume for such ETP. As such, the Exchange is proposing lower annual listing fees for ETPs listed on the Exchange as their CADV increases. This structure is designed to reward the issuer of an ETP for such additional revenue brought to the Exchange as CADV increases, which the Exchange believes creates a more equitable and appropriate fee structure for issuers based on the revenue and expenses associated with listing ETPs on the Exchange. With this in mind, the Exchange believes that that it is reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to charge lower fees for ETPs with a higher CADV.

Further, the Exchange believes that charging different fees for Linked Securities and other ETPs is reasonable because there is generally less auction volume for Linked Securities than for other ETPs, meaning that an exchange can generally expect less revenue from a Linked Security with the same CADV

<sup>11</sup> 15 U.S.C. 78f.

<sup>12</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>13</sup> See Securities Exchange Act Release No. 81796 (October 2, 2017), 82 FR 46865 (October 6, 2017) (SR-NYSEArca-2017-105).



as another ETP. The CADV structure proposed is designed to reward the issuer of an ETP for providing the Exchange with additional revenue as CADV increases, so it is logically consistent to charge higher fees to Linked Securities for which the Exchange does not expect as much revenue. The proposed annual listing fees for Linked Securities would, however, still reward the issuer of a series of Linked Securities for the additional revenue brought to the Exchange as the CADV of the Linked Securities increases, which the Exchange believes creates a more equitable and appropriate fee structure for issuers based on the revenue and expenses associated with listing ETPs on the Exchange.

The Exchange believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to offer lower annual listing fees to Legacy Listings because it will incentivize issuers to transfer ETPs to the Exchange in advance of January 1, 2019 in order to receive a lower long term listing fee while simultaneously providing reduced fees to those ETPs that have been listed on the Exchange at a time when the Exchange was not charging listing fees. The Exchange believes that this proposed change is not unfairly discriminatory because it is available to all issuers and, because any ETP that is listed on the Exchange prior to January 1, 2019 will qualify as a Legacy Listing, issuers have plenty of time to coordinate transferring ETPs to the Exchange and still receiving such pricing.<sup>14</sup>

The Exchange also believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to offer lower annual listing fees to New Listings because the Exchange believes that offering such lower pricing to ETPs that are either just beginning their listing on the Exchange or have been listed on the Exchange for fewer than three months on January 1 of a given year will help to incentivize issuers to bring new ETPs to market. Further, such ETPs have not had any meaningful amount of time to increase CADV and potentially reduce the applicable annual listing fees. As such, the Exchange believes that it is reasonable, fair and equitable, and not

unfairly discriminatory allocation of fees and other charges to offer lower annual listing fees to New Listings.

The Exchange also believes that it is a reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to not charge an annual listing fee to Auction Fee Listings because, similar to determining annual listing fees based on CADV, it would create a distribution of fees and other charges applicable to all issuers that generally reflect the additional revenue that such ETPs create for the Exchange through auction volume. As noted above, listing exchanges generally receive an outsized portion of intraday trading activity and receive all auction volume for ETPs listed on the exchange. The higher the auction volume of ETPs listed on the Exchange, the greater the income the Exchange will receive through the daily opening and closing auctions. As such, the Exchange is proposing to eliminate annual listing fees for ETPs from an issuer for which the average daily auction volume combined between the opening and closing auctions on the Exchange across all of that issuer's ETPs listed on the Exchange exceeds 500,000 shares. This structure is designed to reward the issuer of an ETP for such additional revenue that the Exchange will receive from the auctions, which the Exchange believes creates a more equitable and appropriate fee structure for issuers based on the revenue and expenses associated with listing ETPs on the Exchange. Finally, the Exchange also believes that such a fee structure will also incentivize issuers to transfer products with greater auction volume, which are thus more profitable, to the Exchange. As such, the Exchange believes that that it is reasonable, fair and equitable, and not unfairly discriminatory allocation of fees and other charges to charge lower fees for Auction Fee Listings.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. With respect to the proposed new pricing for the listing of ETPs, the Exchange does not believe that the changes burden competition, but instead, enhance competition, as it is intended to increase the revenue of the Exchange's listing program in order to better compete. Further, such proposed changes are directly related to the amount of revenue that the Exchange receives from ETPs listed on the Exchange. As such,

the proposal is a competitive proposal designed to enhance pricing competition among listing venues and implement pricing for listings that better reflects the revenue and expenses associated with listing ETPs on the Exchange.

The Exchange does not believe the proposed amendments would burden intramarket competition as they would be available to all issuers uniformly.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>15</sup> and Rule 19b-4(f)(2) thereunder.<sup>16</sup> 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 proposal 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](mailto:rule-comments@sec.gov). Please include File No. SR-CboeBZX-2018-046 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.

<sup>14</sup> The Exchange notes that there is precedent for offering listing fees that are dependent on when the listing occurs. For example, Investors Exchange, LLC ("IEX") offers credits of at least \$250,000 that are paid out over up to five years to corporate issuers that announce a transfer of their listing to IEX within 120 days of the first listing on IEX. See Securities Exchange Act Release No. 81725 (September 26, 2017), 82 FR 45917 (October 2, 2017) (SR-IEX-2017-30).

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f).



All submissions should refer to File No. SR–CboeBZX–2018–046. 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 will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CboeBZX–2018–046 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018–14789 Filed 7–10–18; 8:45 am]

**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33148; 812–14886]

### DMS ETF Trust I, et al.

July 6, 2018.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the “Act”) for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under

sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (“Funds”) to issue shares redeemable in large aggregations only (“Creation Units”); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (“NAV”); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (“Funds of Funds”) to acquire shares of the Funds; and (f) certain Funds (“Feeder Funds”) to create and redeem Creation Units in-kind in a master-feeder structure.

**APPLICANTS:** DMS ETF Trust I and DMS ETF Trust II (each a “Trust” and collectively, the “Trusts”), each a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series, and DMS ETF Solutions LLC (“Initial Adviser”), a limited liability company that will be registered as an investment adviser under the Investment Advisers Act of 1940.

**FILING DATES:** The application was filed on March 12, 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 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 31, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street NE,

Washington, DC 20549–1090; Applicants, 4500 Main Street, Kansas City, MO 64111.

**FOR FURTHER INFORMATION CONTACT:** Jessica Shin, Attorney-Adviser, at (202) 551–3685, or Andrea Ottomanelli Magovern, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or 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. Applicants request an order that would allow Funds to operate as index exchange traded funds (“ETFs”).<sup>1</sup> Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an “Authorized Participant,” which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Certain Funds may operate as Feeder Funds in a master-feeder structure. Any order granting the requested relief would be subject to the terms and conditions stated in the application (“Application”).

2. Each Fund will hold investment positions selected to correspond generally to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (“Affiliated Person”), or an affiliated person of an Affiliated Person (“Second-Tier Affiliate”), of the Trust or a Fund, of the Adviser, of any sub-adviser to or

<sup>1</sup> Applicants request that the order apply to the initial series of the Trusts identified and described in Appendix A to the Application and any additional series of either Trust, and any other existing or future open-end management investment company or series thereof (each, included in the term “Funds”), that will operate as ETFs, and their respective existing or future Master Funds, and track a specified index comprised of domestic and/or foreign equity securities and/or domestic and/or foreign fixed income securities (each, an “Underlying Index”). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each of the foregoing and any successor thereto, an “Adviser”) and (b) comply with the terms and conditions of the Application. For purposes of the requested Order, a “successor” is limited to an entity or entities that result from a reorganization into another jurisdiction or a change in the type of business organization.

<sup>17</sup> 17 CFR 200.30–3(a)(12).

promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.<sup>2</sup>

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the Application, purchasers will be required to purchase Creation Units by depositing specified instruments ("Deposit Instruments"), and shareholders redeeming their shares will receive specified instruments ("Redemption Instruments"). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the Application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c-1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by

<sup>2</sup> Each Self-Indexing Fund will post on its website the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The Application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second-Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.<sup>3</sup> The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the

<sup>3</sup> The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Applicants also request relief to permit a Feeder Fund to acquire shares of another registered investment company managed by the Adviser having substantially the same investment objectives as the Feeder Fund ("Master Fund") beyond the limitations in section 12(d)(1)(A) and permit the Master Fund, and any principal underwriter for the Master Fund, to sell shares of the Master Fund to the Feeder Fund beyond the limitations in section 12(d)(1)(B).

10. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if 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. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-14843 Filed 7-10-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83599; File No. SR-CboeEDGX-2018-022]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on the Exchange's Equity Options Platform

July 6, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 29, 2018, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange filed a proposed rule change to modify its fee schedule with respect to Market Maker Fees.

The text of the proposed rule change is available at the Exchange’s website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

### **II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

#### *A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

The Exchange proposes to amend its fee schedule for its equity options platform (“EDGX Options”) to eliminate Customer Volume Tier 4, effective July 2, 2018.

By way of background, fee codes PC and NC are currently appended to all Customer orders in Penny Pilot Securities and Non-Penny Pilot

Securities, respectively, and result in a standard rebate of \$0.01 per contract. The Customer Volume Tiers in footnote 1 consist of five separate tiers, each providing an enhanced rebate to a Member’s Customer orders that yield fee codes PC or NC upon satisfying monthly volume criteria required by the respective tier. Customer Volume Tier 4 in particular currently provides Members a rebate of \$0.16 per contract where a Member (i) has an ADV<sup>5</sup> in Customer orders greater than or equal to 0.15% of average OCV<sup>6</sup> and (ii) has an ADV in Customer or Market Maker orders greater than or equal to 0.50% of average OCV. The Exchange no longer wishes to maintain this tier level. As such, the Exchange proposes to eliminate Customer Volume Tier 4 from the Fee Schedule and renumber the subsequent Volume Tier accordingly.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6 of the Act.<sup>7</sup> Specifically, the Exchange believes that the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>8</sup> in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and other persons using any facility or system which the Exchange operates or controls.

The Exchange believes that the proposal to eliminate Customer Volume Tier 4 is reasonable, fair, and equitable because the current tier is not providing the desired result of incentivizing Members to increase their participation in EDGX Options. Therefore, eliminating the tier will have a negligible effect on order flow and market behavior. The Exchange believes the proposed change is not unfairly discriminatory because it will apply equally to all Members.

<sup>5</sup> “ADV” means average daily volume calculated as the number of contracts added or removed, combined, per day. ADV is calculated on a monthly basis. See EDGX Options Exchange Fee Schedule.

<sup>6</sup> “OCV” means the total equity and ETF options volume that clears in the Customer range at the Options Clearing Corporation (“OCC”) for the month for which the fees apply, excluding volume on any day that the Exchange experiences an Exchange System Disruption and on any day with a scheduled early market close. See EDGX Options Exchange Fee Schedule.

<sup>7</sup> 15 U.S.C. 78f.

<sup>8</sup> 15 U.S.C. 78f(b)(4).

#### *B. Self-Regulatory Organization’s Statement on Burden on Competition*

The Exchange believes the proposed amendments to its fee schedule would not 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 changes represent a significant departure from previous pricing offered by the Exchange or pricing offered by the Exchange’s competitors. Members may opt to disfavor the Exchange’s pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets.

#### *C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and paragraph (f) of Rule 19b-4<sup>10</sup> 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 will 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

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

• Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2018-022 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-CboeEDGX-2018-022. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeEDGX-2018-022 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>11</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-14848 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83600; File No. SR-CboeEDGX-2018-024]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on the Exchange's Equity Options Platform

July 6, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on June 29, 2018, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to implement proposed changes to its fee schedule for its equity options platform ("EDGX Options") relating to logical and physical connectivity fees, effective July 2, 2018.

The text of the proposed rule change is available at the Exchange's website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set

forth in Sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to implement proposed changes to its fee schedule for its equity options platform ("EDGX Options") relating to logical and physical connectivity fees, effective July 2, 2018.

##### Logical Connectivity

The Exchange proposes to amend certain logical connectivity fees. Currently, EDGX Options market participants may utilize a variety of logical connectivity ports. A logical port provides users with the ability within the Exchange's system to accomplish a specific function through a connection, such as order entry, data receipt, or access to information. Currently, with respect to logical port fees, the Exchange only assesses a fee for Purge Ports. Additionally, logical connectivity fees are limited to logical ports in the Exchange's primary data center and no logical port fees are assessed for redundant secondary data center ports.

The Exchange first proposes to adopt a \$500 per month, per port fee for all logical ports excluding Purge, Multicast Pitch Spin Server, GRP and Bulk Ports.<sup>5</sup> The Exchange notes that fees for these excluded ports are explicitly set forth in the Fees Schedule. The Exchange notes that the proposed fee of \$500 per port is in line with the fee assessed for similar ports on BZX Options and C2 Options.<sup>6</sup>

Next, the Exchange proposes to adopt fees for Multicast PITCH/Spin Server and GRP ports. Multicast PITCH Spin Server Ports and GRP Ports are used to request and receive a retransmission of data from the Exchange's Multicast PITCH data feed. The Exchange's Multicast PITCH/Top data feed is available from two primary feeds, identified as the "A feed" and the "C feed", which contain the same information but differ only in the way such feeds are received. The Exchange also offers two redundant feeds,

<sup>5</sup> The Exchange notes that even though Ports with Bulk Quoting Capabilities ("Bulk Ports") already has its own line item in the logical connectivity fees table, it's not explicitly excluded from the general "Logical Ports" line item. The Exchange proposes to add a reference relating to its exclusion to maintain clarity in the Fees Schedule.

<sup>6</sup> See Cboe BZX Options Exchange Fee Schedule, Options Logical Port Fees and Cboe C2 Options Exchange Fees Schedule, Logical Connectivity Fees.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>11</sup> 17 CFR 200.30-3(a)(12).

identified as the “B feed” and the “D feed.” The Exchange proposes to adopt a \$500 per month, per set fee. All secondary feed Multicast PITCH Spin Server and GRP Ports will be provided for redundancy at no additional cost. The Exchange notes that the proposed fee is in line with the fee assessed for the same ports on BZX Options and C2 Options.<sup>7</sup>

Lastly, the Exchange proposes to amend fees for ports with bulk quoting capabilities (“Bulk Ports”). A Bulk Port is a logical port that provides users with the ability to submit bulk messages to enter, modify or cancel orders designated as Post Only Orders, provided such orders are entered with a Time-in-Force of DAY or a Time-in-Force of GTD with an expiration time on that trading day. The Exchange does not currently assess fees for Bulk Ports. The Exchange now proposes to adopt a monthly fee of \$600 per port. The Exchange notes that the proposed Bulk Port fee is less than the fee assessed for similar ports on BZX Options and C2 Options.<sup>8</sup>

#### Physical Port Clarification

The Exchange next proposes to add clarifying language relating to its Options Physical Connectivity Fees. First, the Exchange proposes to clarify that all Physical Connectivity Fees will be prorated based on the remaining trading days in the calendar month. The Exchange notes that while this is current practice, it is not currently codified under the Options Physical Connectivity Fees section (although similar language is found under the Options Logical Port Fees section). The Exchange also proposes to clarify that physical ports (other than Disaster Recovery physical ports) may be used to connect to C2 Options, Cboe BZX, Cboe BYX and Cboe EDGA. Disaster Recovery physical ports may be used to connect to the Disaster Recovery Systems for C2 Options, Cboe BZX, Cboe BYX, Cboe EDGA, Cboe Options and CFE. Additionally, the Exchange proposes to make clear that Members and non-Members will only be assessed a single fee for any physical port or Disaster Recovery physical port that accesses the identified exchanges, respectively. The Exchange notes that similar language appears in the Fees Schedule of C2 Options.<sup>9</sup>

#### 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.<sup>10</sup> Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,<sup>11</sup> which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes it’s reasonable to assess the proposed fees for each of the logical connectivity ports described above as the proposed fees enable the Exchange to continue to maintain and improve its market technology and services. Additionally, the Exchange notes the proposed fees are in line with, and indeed less than, the fees assessed on certain of its affiliated exchanges for similar connectivity.<sup>13</sup> The proposed logical connectivity fees are also equitable and not unfairly discriminatory because the Exchange will apply the same fees to all market participants that use the same respective connectivity options.

The Exchange also believes it’s reasonable, equitable and not unfairly discriminatory to prorate physical connectivity fees because it provides for a more precise assessment of physical connectivity fees based on when a user obtains a new physical port or Disaster Recovery physical port. The Exchange believes it’s reasonable, equitable and not unfairly discriminatory to assess a physical port fee only once if it connects with another affiliate exchange because only one port is being used and the Exchange does not wish to charge multiple fees for the same port. The Exchange believes listing the affiliate exchanges that physical ports and Disaster Recovery physical ports can connect to adds clarity to the fee schedule and avoids potential confusion. The alleviation of confusion removes impediments to and perfects the mechanism of a free and open market and a national market system.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4).

<sup>12</sup> 15 U.S.C. 78f(b)(5).

<sup>13</sup> See Affiliated Exchange Fee Schedules, Logical Port Fees.

#### 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 represents a significant departure from pricing offered by the Exchange’s affiliates. Additionally, members may opt to disfavor the Exchange’s pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing venues to maintain their competitive standing in the financial markets. The Exchange believes that fees for connectivity are constrained by the robust competition for order flow among exchanges and non-exchange markets. Further, excessive fees for connectivity, would serve to impair an exchange’s ability to compete for order flow rather than burdening competition. The Exchange also does not believe the proposed rule change would impact intramarket competition as it would apply to all members and non-members equally.

#### 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<sup>14</sup> and paragraph (f) of Rule 19b-4<sup>15</sup> 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 will 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,

<sup>14</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>15</sup> 17 CFR 240.19b-4(f).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> See e.g., Cboe C2 Options Exchange Fees Schedule, Physical Connectivity Fees.

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](mailto:rule-comments@sec.gov). Please include File Number SRb-4CboeEDGX-2018-024 on the subject line.

#### Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SRb-4CboeEDGX-2018-024. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of 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 SRb-4CboeEDGX-2018-024 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-14849 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-83601; File No. SR-NYSE-2018-31]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Require Certain Member Organizations To Participate in Scheduled Market-Wide Circuit Breaker Testing

July 6, 2018.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on June 26, 2018, the New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change. On July 5, 2018, the Exchange filed Amendment No. 1 to 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, as amended, from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to require certain member organizations to participate in scheduled Market-Wide Circuit Breaker testing. Amendment No.1 supersedes the original filing in its entirety. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received

on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend NYSE Rule 49 to require certain member organizations to participate in scheduled Market-Wide Circuit Breaker ("MWCB") testing.

MWCBs are important, automatic mechanisms that are invoked to promote stability and investor confidence during a period of significant stress when securities markets experience extreme broad-based declines. MWCBs are designed to slow the effects of extreme price movement through coordinated trading halts across securities markets when severe price declines reach levels that may exhaust market liquidity. All U.S. equity and options exchanges have established procedures that allow for trading to be halted, or under extreme circumstances, for markets to be closed before the normal close of trading for a trading day. MWCBs provide for trading halts in all equities and options markets during a severe market decline as measured by a single-day decline in the S&P 500 Index.

Pursuant to NYSE Rule 80B (Trading Halts Due to Extraordinary Market Volatility), a market-wide trading halt will be triggered if the S&P 500 Index declines in price by specified percentages from the prior day's closing price of that index. Currently, the triggers are set at three circuit breaker thresholds: 7% (Level 1), 13% (Level 2) and 20% (Level 3). A market decline that triggers a Level 1 or Level 2 circuit breaker after 9:30 a.m. ET and before 3:25 p.m. ET would halt market-wide trading for 15 minutes, while a similar market decline at or after 3:25 p.m. ET would not halt market-wide trading. A market decline that triggers a Level 3 circuit breaker, at any time during the trading day, would halt market-wide trading for the remainder of the trading day.

The Security [sic] Information Processors ("SIP") for the U.S. equity markets have established a quarterly MWCB testing schedule.<sup>4</sup> On the

<sup>16</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> See [https://www.nyse.com/publicdocs/ctaplan/notifications/trader-update/CTS\\_CQS%202018\\_Failover%20Testing\\_Q1.pdf](https://www.nyse.com/publicdocs/ctaplan/notifications/trader-update/CTS_CQS%202018_Failover%20Testing_Q1.pdf).

scheduled dates, the Consolidated Tape Association Plan (“CTA Plan”) and the Consolidated Quotation Plan (“CQ Plan”) (collectively “the CTA/CQ Plans”)<sup>5</sup> and the Nasdaq/UTP Plan<sup>6</sup> conduct MWCB testing that allows market participants across the securities industry to test their ability to receive messages associated with MWCBs, including decline status, halt and resume messages. Market participants are also able to participate in testing of re-opening auctions following market-wide circuit breaker halts.

The Exchange believes the quarterly tests are critical to ensure that securities markets halt trading and subsequently re-open in a manner consistent with the MWCB rules. To that end, the Exchange believes that certain member organizations should be required to participate in scheduled MWCB tests. The proposed rule would provide the Exchange with authority to require participation by member organizations in industry-wide tests to validate that their processing in the event of MWCB is as expected within their systems.

In 2015, in connection with Regulation Systems Compliance and Integrity (“Regulation SCI”), the Exchange adopted rules to require certain member organizations to participate in testing of the operation of the Exchange’s business continuity and disaster recovery plans. The Exchange similarly believes that requiring member organizations to participate in mandatory MWCB testing because they, for example, account for a significant portion of the Exchange’s overall volume or maintain exclusive responsibilities with respect to Exchange-listed securities would be a reasonable means to ensure the maintenance of a fair and orderly market. Because member organizations required to participate in Regulation SCI testing have already been identified as essential for the maintenance of a fair and orderly market, the Exchange believes these same member organizations should also be required to participate in scheduled MWCB testing.

<sup>5</sup> The CTA/CQ Plans govern the collection, consolidation, processing and dissemination of last sale and quotation information for Network A and Network B securities. Network A refers to securities listed on NYSE and Network B refers to securities listed on exchanges other than the Nasdaq Stock Market LLC (“Nasdaq”).

<sup>6</sup> The Joint Self-Regulatory Organization Plan Governing the Collection, Consolidation and Dissemination of Quotation and Transaction Information for Nasdaq-Listed Securities Traded on Exchanges on an Unlisted Trading Privileges Basis (“Nasdaq/UTP Plan”) governs the collection, consolidation, processing, and dissemination of last sale and quotation information for Network C securities. Network C refers to securities listed on Nasdaq.

Accordingly, the Exchange proposes new Rule 49(c)(1), which would provide that each member organization notified of its obligation to participate in mandatory testing pursuant to standards established under paragraphs (b)(1) and (3)<sup>7</sup> of Rule 49 would also be required to participate in scheduled MWCB testing, in the manner and frequency specified by the Exchange.

Currently, the annual Regulation SCI test is conducted in October of each calendar year and at least three (3) months prior to such test, the Exchange provides a notice to member organizations that are required to participate in such test (“SCI Notice”). The Exchange proposes that future SCI Notices would also include notification to member organizations of their obligation to participate in a scheduled MWCB test.

Finally, proposed Rule 49(c)(2) would provide that member organizations not required to participate in a scheduled MWCB test pursuant to standards established in paragraphs (b)(1) and (3) of Rule 49 would be permitted to participate in a scheduled MWCB test.

The Exchange proposes to implement the proposed rule change at the same time that the Exchange notifies member organizations of required participation in the 2019 Regulation SCI industry test.<sup>8</sup> The 2019 SCI Notice would identify the member organizations that would be required to participate in scheduled MWCB testing. Member organizations notified in the 2019 SCI Notice of their obligation to participate in a scheduled MWCB test would be required to participate in such test on at least one of the testing dates established by the SIPs.<sup>9</sup>

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>10</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>11</sup> in particular, because it is designed to prevent fraudulent and

<sup>7</sup> Paragraph (b)(1) of Rule 49 establishes standards for the designation of member organizations that the Exchange determines are necessary to participate in business continuity and disaster recovery plans testing in connection with Regulation SCI. See Securities Exchange Act Release No. 76346 (November 4, 2015), 80 FR 69765 (November 10, 2015).

<sup>8</sup> Member organizations were notified of required participation for the 2018 Regulation SCI test scheduled for October 13, 2018 in April 2018. As noted above, the Exchange encourages all member organizations to test voluntarily but believes that implementing the new rule in 2019 would provide member organizations with adequate time to prepare for a scheduled MWCB test.

<sup>9</sup> See *supra*, note 4.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

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 mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest and because it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The proposed rule requiring member organizations to participate in mandatory MWCB testing would enable the Exchange, participating member organizations, and others to evaluate the readiness of such member organizations in the event of unanticipated market volatility. The proposal would also ensure that the member organizations necessary to ensure the maintenance of a fair and orderly market are properly designated as such designation would be determined by the same clear and objective standards used by the Exchange currently to determine which member organizations are required to participate in mandatory Regulation SCI testing.

## B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that requiring participation in MWCB testing does not impose an undue burden on competition that is not necessary or appropriate because member organizations required to participate in MWCB testing under the proposal have been designated by the Exchange as essential to the maintenance of a fair and orderly market, such that their demonstrated ability to halt and subsequently re-open trading in response to an emergency should contribute to a fair and orderly market for the benefit of all market participants.

## C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.



### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) By order approve or disapprove the 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2018-31 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-NYSE-2018-31. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for

inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2018-31 and should be submitted on or before August 1, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-14850 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33149; 812-14835]

### Blackstone/GSO Floating Rate Enhanced Income Fund, et al.

July 6, 2018.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit business development companies ("BDCs") and closed-end management investment companies to co-invest in portfolio companies with each other and with certain affiliated investment funds and accounts.

**APPLICANTS:** Blackstone/GSO Floating Rate Enhanced Income Fund ("BGFREI"); Blackstone/GSO Long-Short Credit Income Fund ("BGX"); Blackstone/GSO Senior Floating Rate Term Fund ("BSL"); Blackstone/GSO Strategic Credit Fund ("BGB"); Blackstone/GSO Secured Lending Fund ("BGSL," and together with BGFREI, BGX, BSL, BGB, the "GSO Regulated Funds"); GSO/Blackstone Debt Funds Management LLC ("GDFM"), the investment adviser to BGFREI, BGX, BSL and BGB; GSO Asset Management LLC ("GAM"), the proposed investment

adviser to BGSL; the investment advisers set forth in Schedule A to the application (together with GDFM and GAM, the "GSO Advisers"); the Existing Affiliated Funds set forth on Schedule A to the application<sup>1</sup>; and Blackstone Alternative Solutions L.L.C. ("BAS").

**FILING DATES:** The application was filed on October 13, 2017, and amended on June 25, 2018. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

#### **HEARING OR NOTIFICATION OF HEARING:**

An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 30, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F St. NE, Washington, DC 20549-1090. Applicants: 345 Park Avenue, New York, New York 10154.

#### **FOR FURTHER INFORMATION CONTACT:**

Asen Parachkevov, Senior Counsel, or David J. Marcinkus, Branch Chief, at (202) 551-6821 (Chief Counsel's Office, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://>

<sup>1</sup> The Existing Affiliated Funds, together with their direct and indirect wholly-owned subsidiaries, are entities (i) (A) whose primary investment adviser is a GSO Adviser or (B) whose primary investment adviser is a registered investment adviser that controls, is controlled by or is under common control with an Adviser (as defined below), but is itself not an Adviser (each, an "Existing Primary Adviser"), and whose sub-adviser is an Adviser (each, an "Existing Sub-Advised Affiliated Fund") and (ii) that either (A) would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act or (B) rely on the rule 3a-7 exemption thereunder from investment company status. The sole Existing Primary Adviser is BAS. Each of the Existing Sub-Advised Affiliated Funds are sub-advised by GSO Capital Partners LP, a GSO Adviser.

<sup>12</sup> 17 CFR 200.30-3(a)(12).



[www.sec.gov/search/search.htm](http://www.sec.gov/search/search.htm) or by calling (202) 551-8090.

### Applicants' Representations

1. BGFREI, BGX, BSL and BGB, each a Delaware statutory trust, are externally managed, diversified, closed-end management investment companies. Each of BGFREI's and BGX's investment objective is to provide current income, with a secondary objective of capital appreciation. Each of BSL's and BGB's investment objective is to seek high current income, with a secondary objective to seek preservation of capital, consistent with its primary goal of high current income. Each of BGFREI, BGX, BSL and BGB have a five-member Board, of which four members are Non-Interested Trustees.<sup>2</sup>

2. BGSL is a Delaware statutory trust that intends to file an election to be regulated as a business development company ("BDC") under the Act.<sup>3</sup> BGSL's investment objective is to seek high current income, with a secondary objective to seek preservation of capital, consistent with its primary goal of high current income. BGSL will have a seven-member Board, of which four members will be Non-Interested Trustees.

3. Each Adviser<sup>4</sup> is a subsidiary of The Blackstone Group, L.P. ("Blackstone"). Blackstone is a leading global alternative asset manager, whose alternative asset management businesses include investment vehicles focused on private equity, real estate, hedge fund solutions, non-investment grade credit, secondary private equity funds of funds and multi-asset class strategies. Blackstone's four business segments are

(1) private equity, (2) real estate, (3) hedge fund solutions and (4) credit.

4. The GSO Advisers operate as a self-contained advisory business within Blackstone's credit group. Each GSO Adviser is under common control with GDFM and GAM, the Adviser to each of the GSO Regulated Funds, and collectively they conduct a single advisory business for purposes of the requested Order. The GSO Advisers are each either separately registered as investment advisers with the Commission, or are relying advisers that rely on the registration of another GSO Adviser. No GSO Adviser is a relying adviser of any Blackstone-affiliated investment adviser from outside of the self-contained group. BAS is the sole Existing Primary Adviser and serves as investment adviser of the Existing Sub-Advised Affiliated Funds.

5. Applicants seek an order to permit one or more Regulated Funds<sup>5</sup> to be able to participate with one or more other Regulated Funds and/or one or more Affiliated Investors<sup>6</sup> in the same investment opportunities through a proposed co-investment program where such participation would otherwise be prohibited under sections 17(d) and 57(a)(4) of the Act and rule 17d-1 thereunder (the "Co-Investment Program").

6. For purposes of the requested Order, "Co-Investment Transaction" means any transaction in which one or more Regulated Funds (or one or more Wholly-Owned Investment Subsidiaries, as defined below) participates together with one or more other Regulated Funds (or one or more Wholly-Owned Investment Subsidiaries, as defined

below) and/or one or more Affiliated Investors in reliance on the requested Order. "Potential Co-Investment Transaction" means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Subsidiary, as defined below) could not participate together with one or more Affiliated Investors and/or one or more other Regulated Funds without obtaining and relying on the requested Order.<sup>7</sup> Funds that are advised or sub-advised by affiliates of Blackstone other than an Adviser or Primary Adviser will not participate in the Co-Investment Program. No Primary Adviser will be the source of any Potential Co-Investment Transactions under the requested Order. Potential Co-Investment Transactions will not be shared outside of the Co-Investment Program.

7. Applicants state that a Regulated Fund may, from time to time, form a special purpose subsidiary (a "Wholly-Owned Investment Subsidiary").<sup>8</sup> A Wholly-Owned Investment Subsidiary would be prohibited from investing in a Co-Investment Transaction with another Regulated Fund or any Affiliated Investor because it would be a company controlled by its parent Regulated Fund for purposes of sections 17(d) and 57(a)(4) of the Act and rule 17d-1 thereunder. Applicants request that a Wholly-Owned Investment Subsidiary be permitted to participate in Co-Investment Transactions in lieu of the applicable Regulated Fund and that the Wholly-Owned Investment Subsidiary's participation in any such transaction be treated, for purposes of the requested

<sup>2</sup> "Board" means the board of trustees (or equivalent) of the GSO Regulated Funds and any other Regulated Fund (as defined below).

"Non-Interested Trustees" means the Non-Interested Trustees of the GSO Regulated Funds and any other Regulated Fund who are not "interested persons" within the meaning of section 2(a)(19) of the Act.

<sup>3</sup> Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

<sup>4</sup> The term "Adviser" means (i) the GSO Advisers and (ii) any future investment adviser that controls, is controlled by or is under common control with a GSO Adviser and is registered as an investment adviser under the Advisers Act that intends to participate in the Co-Investment Program (as defined below). The term Adviser does not include any Primary Adviser. The term "Primary Adviser" means the Existing Primary Adviser or any future investment adviser that (i) controls, is controlled by or is under common control with an Adviser, (ii) is registered as an investment adviser under the Advisers Act, and (iii) is not an Adviser.

<sup>5</sup> "Regulated Fund" means any of the GSO Regulated Funds and any future closed-end management investment company (i) that has elected to be regulated as a BDC or is registered under the Act, (ii) whose investment adviser is an Adviser and (iii) who intends to participate in the Co-Investment Program.

<sup>6</sup> "Affiliated Investor" means (i) the Existing Affiliated Funds, (ii) any Affiliated Proprietary Account and (iii) any Future Affiliated Fund.

"Future Affiliated Fund" means an entity (i)(A) whose investment adviser is an Adviser or (B) whose investment adviser is a Primary Adviser and whose sub-adviser is an Adviser, (ii) that either (A) would be an investment company but for an exemption in section 3(c)(1), 3(c)(5)(C) or 3(c)(7) of the Act or (B) relies on the rule 3a-7 exemption thereunder from investment company status, and (iii) that intends to participate in the Co-Investment Program.

"Affiliated Proprietary Account" means any account of an Adviser or its affiliates or any company that is an indirect, wholly- or majority-owned subsidiary of an Adviser or its affiliates, which, from time to time, may hold various financial assets in a principal capacity. For the avoidance of doubt, neither the Regulated Funds nor the Affiliated Investors shall be deemed to be Affiliated Proprietary Accounts for purposes of the requested Order.

<sup>7</sup> All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

<sup>8</sup> "Wholly-Owned Investment Subsidiary" means an (i) whose sole business purpose is to hold one or more investments on behalf of a Regulated Fund (and, in the case of an SBIC Subsidiary (as defined below), maintain a license under the SBA Act (as defined below) and issue debentures guaranteed by the SBA (as defined below)); (ii) that is wholly-owned by a Regulated Fund (with such Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (iii) with respect to which the Board of the Regulated Fund has the sole authority to make all determinations with respect to the Wholly-Owned Investment Subsidiary's participation under the conditions of the requested Order; and (iv) that is an entity that would be an investment company but for an exemption in section 3(c)(1) or 3(c)(7) of the Act.

The term "SBIC Subsidiary" means a Wholly-Owned Investment Subsidiary that is licensed by the Small Business Administration (the "SBA") to operate under the Small Business Investment Act of 1958, as amended, (the "SBA Act") as a small business investment company (a "SBIC").

Order, as though the parent Regulated Fund were participating directly.

8. When considering Potential Co-Investment Transactions for any Regulated Fund, an Adviser will consider only the Objectives and Strategies,<sup>9</sup> Board-Established Criteria,<sup>10</sup> investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. The participation of a Regulated Fund in a Potential Co-Investment Transaction may only be approved by a Required Majority, as defined in section 57(o) of the Act (a "Required Majority"), of the trustees of the Board eligible to vote on that Co-Investment Transaction under section 57(o) of the Act (the "Eligible Trustees").<sup>11</sup> When selecting investments for the Affiliated Investors, an Adviser will select investments separately for each Affiliated Investor, considering, in each case, only the investment objective, investment policies, investment position, capital available for investment, and other pertinent factors applicable to that particular Affiliated Investor.

9. With respect to participation in a Potential Co-Investment Transaction by a Regulated Fund, the application Adviser will present each Potential Co-

<sup>9</sup>The term "Objectives and Strategies" means a Regulated Fund's investment objectives and strategies, as described in the filings made with the Commission by the Regulated Fund under the Securities Exchange Act of 1934, as amended, the Securities Act of 1933, as amended (the "1933 Act") and the Act, and the Regulated Fund's reports to shareholders.

<sup>10</sup>The term "Board-Established Criteria" means criteria that the Board of the applicable Regulated Fund may establish from time to time to describe the characteristics of Potential Co-Investment Transactions regarding which an Adviser to the Regulated Fund should be notified under condition 1 of the requested Order. The Board-Established Criteria will be consistent with the Regulated Fund's then-current Objectives and Strategies. If no Board-Established Criteria are in effect, then the Regulated Fund's Adviser will be notified of all Potential Co-Investment Transactions that fall within the Regulated Fund's then current Objectives and Strategies. Board-Established Criteria will be objective and testable, meaning that they will be based on observable information, such as industry/sector of the issuer, minimum earnings before interest, taxes, depreciation, and amortization of the issuer, asset class of the investment opportunity or required commitment size, and not on characteristics that involve discretionary assessment. The Adviser to the Regulated Fund may from time to time recommend criteria for the applicable Board's consideration, but Board-Established Criteria will only become effective if approved by a majority of the Non-Interested Trustees. The Non-Interested Trustees of a Regulated Fund may at any time rescind, suspend or qualify its approval of any Board-Established Criteria, though Applicants anticipate that, under normal circumstances, the Board would not modify these criteria more often than quarterly.

<sup>11</sup>The defined terms Eligible Trustees and Required Majority apply as if each Regulated Fund were a BDC subject to section 57(o) of the Act.

Investment Transaction and the proposed allocation of each investment opportunity to the Eligible Trustees. The Required Majority of a Regulated Fund will approve each Co-Investment Transaction prior to any investment by the Regulated Fund.

10. Applicants state that the majority of the GSO Advisers' employees work on matters for Close Affiliates<sup>12</sup> and information about potential investment opportunities is routinely disseminated among such Adviser's employees. Other than to satisfy compliance obligations, information regarding Potential Co-Investment Transactions will not be shared with Remote Affiliates,<sup>13</sup> which would include other investment advisers that operate in other Blackstone business groups, except in unusual circumstances, as the Blackstone business groups each generally target different investment strategies or asset classes and there are information barrier policies in place between the Blackstone business groups. Applicants further note within the GSO Advisers, the personnel overlap and coordination among portfolio management teams ensures that all relevant investment opportunities will be brought to the attention of each Regulated Fund (as defined below) managed by the respective Adviser. Applicants submit that the GSO Advisers will receive all information regarding all investment opportunities that fall within the then-current Objectives and Strategies and Board-Established Criteria of each Regulated Fund managed by the respective Adviser.

11. Applicants submit that, in the event that a Potential Co-Investment Transaction would be within the investment objectives and strategies of the Existing Sub-Advised Affiliated Fund, the respective Adviser shall have the primary responsibility for the investment, including making the initial investment recommendation, and day-to-day monitoring of the investment. Applicants further note that the Adviser will be responsible for complying with the conditions of the requested Order.

<sup>12</sup>The term "Close Affiliate" means the Advisers, the Regulated Funds, the Affiliated Investors and any other person described in section 57(b) of the Act (after giving effect to rule 57b-1 thereunder) in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) except for limited partners included solely by reason of the reference in section 57(b) to section 2(a)(3)(D) of the Act.

<sup>13</sup>The term "Remote Affiliate" means any person described in section 57(e) of the Act in respect of any Regulated Fund (treating any registered investment company or series thereof as a BDC for this purpose) and any limited partner holding 5% or more of the relevant limited partner interests that would be a Close Affiliate but for the exclusion in that definition.

Applicants state that if the Adviser and Primary Adviser agree that the Existing Sub-Advised Affiliated Fund should invest in the Potential Co-Investment Transaction and at what size of investment, then the Adviser would, consistent with the conditions of the requested Order, determine an allocation for the Regulated Funds and Affiliated Investors, including such Existing Sub-Advised Affiliated Fund.

12. Applicants acknowledge that some of the Affiliated Investors may not be funds advised by an Adviser because they are Affiliated Proprietary Accounts. Applicants do not believe the participation of these Affiliated Proprietary Accounts in Co-Investment Transactions should raise issues under the conditions of the requested Order because allocation policies and procedures of the account owners provide that investment opportunities are offered to client accounts before they are offered to Affiliated Proprietary Accounts.

13. Under condition 14, if an Adviser or its principals, or any person controlling, controlled by, or under common control with the Adviser or its principals, and any Affiliated Investor (collectively, the "Holders") own in the aggregate more than 25 percent of the outstanding voting shares of a Regulated Fund ("Shares"), then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) all other matters under either the Act or applicable state law affecting the Board's composition, size or manner of election.

14. No Non-Interested Trustee of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than indirectly through share ownership in one of the Regulated Funds.

#### Applicants' Legal Analysis

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4) of the Act. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4) of the Act, the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to

section 57(a)(4) of the Act. Because the Commission has not adopted any rules under section 57(a)(4) of the Act, rule 17d-1 thereunder applies.

2. Section 17(d) of the Act and rule 17d-1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d-1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that certain transactions effected as part of the Co-Investment Program may be prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d-1 thereunder without a prior exemptive order of the Commission to the extent that the Affiliated Investors fall within the category of persons described by section 17(d) or section 57(b) of the Act, as modified by rule 57b-1 thereunder with respect to a Regulated Fund. Applicants believe that the proposed terms and conditions will ensure would ensure that the conflicts of interest that section 17(d) and section 57(a)(4) of the Act were designed to prevent would be addressed and the standards for an order under rule 17d-1 under the Act are met.

### Applicants' Conditions

Applicants agree that any Order granting the requested relief shall be subject to the following conditions:

1. (a) Each Adviser will establish, maintain and implement policies and procedures reasonably designed to ensure that each Adviser is promptly notified, for each Regulated Fund the Adviser manages, of all Potential Co-Investment Transactions<sup>14</sup> that (i) an Adviser considers for any other Regulated Fund or Affiliated Investor and (ii) fall within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria.

(b) When an Adviser to a Regulated Fund is notified of a Potential Co-Investment Transaction under condition 1(a), such Adviser will make an independent determination of the appropriateness of the investment for the Regulated Fund in light of the

Regulated Fund's then-current circumstances.

2. (a) If the Adviser deems a Regulated Fund's participation in any Potential Co-Investment Transaction to be appropriate for the Regulated Fund, it will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Investors, collectively, in the same transaction, exceeds the amount of the investment opportunity, then the investment opportunity will be allocated among them pro rata based on each participant's Available Capital up<sup>15</sup> to the amount proposed to be invested by each. The applicable Adviser will provide the Eligible Trustees of each participating Regulated Fund with information concerning each participating party's Available Capital to assist the Eligible Trustees with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a), the applicable Adviser will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Investor) to the Eligible Trustees of each participating Regulated Fund for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Investors only if, prior to the Regulated Fund's participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

<sup>15</sup> "Available Capital" means (a) for each Regulated Entity, the amount of capital available for investment determined based on the amount of cash on hand, liquidity considerations, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix, risk return and target-return profile, tax implications, regulatory or contractual restrictions or consequences and other investment policies and restrictions set from time to time by the Board of the applicable Regulated Entity or imposed by applicable laws, rules, regulations or interpretations, and (b) for each Affiliated Investor, the amount of capital available for investment determined based on the amount of cash on hand, liquidity considerations, existing commitments and reserves, if any, the targeted leverage level, targeted asset mix, risk return and target-return profile, tax implications, regulatory or contractual restrictions or consequences and other investment policies and restrictions set from time to time by the Affiliated Investors' directors, general partners, or adviser or imposed by applicable laws, rules, regulations or interpretations.

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) the interests of the shareholders of the Regulated Fund; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Investors would not disadvantage the Regulated Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of other Regulated Funds or Affiliated Investors; provided that, if any other Regulated Fund or Affiliated Investor, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition (2)(c)(iii), if:

(A) The Eligible Trustees will have the right to ratify the selection of such director or board observer, if any;

(B) the applicable Adviser agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Investor or any Regulated Fund or any affiliated person of any Affiliated Investor or any Regulated Fund receives in connection with the right of an Affiliated Investor or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Investors (who each may, in turn, share its portion with its affiliated persons), and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Advisers, the Affiliated Investors, the other Regulated Funds or any Primary Adviser or any affiliated person of any

<sup>14</sup> No Primary Adviser will be the source of any Potential Co-Investment Transactions under the requested Order.

of them (other than the parties to the Co-Investment Transaction), except

(A) to the extent permitted by condition 13;

(B) to the extent permitted by section 17(e) or 57(k) of the Act, as applicable;

(C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction; or

(D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The applicable Adviser will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Investors during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies and Board Established Criteria that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with Condition 8,<sup>16</sup> a Regulated Fund will not invest in reliance on the Order in any issuer in which a Related Party<sup>17</sup> has an investment. The Adviser will maintain books and records that demonstrate compliance with this condition for each Regulated Fund.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Investor. The grant to an Affiliated Investor or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the

portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Investor or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired in a Co-Investment Transaction, the applicable Adviser will:<sup>18</sup>

(i) notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by each Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Investors and Regulated Funds.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Investor in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Investor and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Investor or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired in a Co-Investment Transaction, the applicable Advisers will:

(i) Notify each Regulated Fund that participated in the Co-Investment

Transaction of the proposed transaction at the earliest practicable time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) the proposed participation of each Regulated Fund and each Affiliated Investor in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the Adviser will provide its written recommendation as to the Regulated Fund's participation to the Eligible Trustees, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Investors' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the applicable Adviser to be invested by the applicable Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Investors, collectively, in the same transaction, exceeds the amount of the investment opportunity; then the amount invested by each such party will be allocated among them pro rata based on each party's Available Capital, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Trustees of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions that fell within the Regulated Fund's then-current Objectives and Strategies and Board-Established Criteria, including investments in Potential Co-Investment Transactions made by other Regulated Funds or Affiliated Investors that the

<sup>16</sup> This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

<sup>17</sup> The term "Related Party" means (i) any Close Affiliate and (ii) in respect of matters as to which any Adviser has knowledge, any Remote Affiliate.

<sup>18</sup> Any Affiliated Proprietary Account that is not advised by an Adviser is itself deemed to be an Adviser for purposes of Conditions 7(a)(i) and 8(a)(i).

Regulated Fund considered but declined to participate in, and concerning Co-Investment Transactions in which the Regulated Fund participated, so that the Non-Interested Trustees may determine whether all Potential Co-Investment Transactions and Co-Investment Transactions during the preceding quarter, including those Potential Co-Investment Transactions which the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Trustees will consider at least annually: (a) The continued appropriateness for the Regulated Fund of participating in new and existing Co-Investment Transactions, and (b) the continued appropriateness of any Board-Established Criteria.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Trustee of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an "affiliated person" (as defined in the Act) of any of the Affiliated Investors.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the 1933 Act) will, to the extent not payable by the Advisers under their respective investment advisory agreements with Affiliated Investors and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Investors in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee<sup>19</sup> (including break-up, structuring, monitoring or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable), received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Investors on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the

transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Investors based on the amount they invest in such Co-Investment Transaction. None of the Advisers, the Primary Advisers, the Affiliated Investors, the other Regulated Funds nor any affiliated person of the Regulated Funds or Affiliated Investors will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Investors, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C), and (b) in the case of an Adviser or Primary Adviser, investment advisory fees paid in accordance with their respective agreements between the Advisers and the Regulated Fund or Affiliated Investor).

14. If the Holders own in the aggregate more than 25% of the Shares, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of trustees; (2) the removal of one or more trustees; or (3) all other matters under either the Act or applicable state law affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in rule 38a-1(a)(4) under the Act, will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance.

16. The Affiliated Proprietary Accounts will not be permitted to invest in a Potential Co-Investment Transaction except to the extent the aggregate demand from the Regulated Funds and the other Affiliated Investors is less than the total investment opportunity.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-14844 Filed 7-10-18; 8:45 am]

**BILLING CODE 8011-01-P**

## DEPARTMENT OF STATE

[Public Notice 10459]

### In the Matter of the Designation of al-Ashtar Brigades (AAB), aka Saraya al-Ashtar, as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to al-Ashtar Brigades (AAB), also known as Saraya al-Ashtar.

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: June 19, 2018.

**Michael R. Pompeo,**

*Secretary of State.*

[FR Doc. 2018-14837 Filed 7-10-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice 10460]

### In the Matter of the Designation of al-Ashtar Brigades (AAB), aka Saraya al-Ashtar, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as al-Ashtar Brigades (AAB), also known as Saraya al-Ashtar, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this

<sup>19</sup> Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: June 19 2018.

**Michael R. Pompeo**,  
Secretary of State.

[FR Doc. 2018-14830 Filed 7-10-18; 8:45 am]

BILLING CODE 4710-AD-P

## SURFACE TRANSPORTATION BOARD

### 60-Day Notice of Intent To Seek Extension of Approval of Collections: Rail Carrier Financial Reports

**ACTION:** Notice and request for comments.

**AGENCY:** Surface Transportation Board.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Surface Transportation Board (Board) gives notice of its intent to request from the Office of Management and Budget (OMB) approval without change of the six existing collections described below.

**DATES:** Comments on these information collections should be submitted by September 10, 2018.

**ADDRESSES:** Direct all comments to Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or to [PRA@stb.gov](mailto:PRA@stb.gov). When submitting comments, please refer to "Paperwork Reduction Act Comments, Rail Carrier Financial Reports."

**FOR FURTHER INFORMATION CONTACT:** For further information regarding these collections, contact Pedro Ramirez at (202) 245-0333 or [pedro.ramirez@stb.gov](mailto:pedro.ramirez@stb.gov). Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** Comments are requested concerning each collection as to (1) whether the particular collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility; (2) the accuracy of the Board's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of

information technology, when appropriate. Submitted comments will be included and/or summarized in the Board's request for OMB approval.

**Subjects:** In this notice, the Board is requesting comments on the following information collections:

#### Description of Collection 1

**Title:** Quarterly Report of Revenues, Expenses, and Income—Railroads (Form RE&I).

**OMB Control Number:** 2140-0013.

**Form Number:** Form RE&I.

**Type of Review:** Extension without change.

**Respondents:** Class I railroads.

**Number of Respondents:** Seven.

**Estimated Time per Response:** Six hours.

**Frequency of Response:** Quarterly.

**Total Annual Hour Burden:** 168 hours annually.

**Total Annual "Non-Hour Burden" Cost:** None identified. Filings are submitted electronically to the Board.

**Needs and Uses:** This collection is a report of railroad operating revenues, operating expenses and income items. It is also a profit and loss statement, disclosing net railway operating income on a quarterly and year-to-date basis for current and prior years. See 49 CFR 1243.1. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to monitor and assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Some of the information from these reports is compiled by the Board in our quarterly Selected Earnings Data Report, which is published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). The information contained in these reports is not available from any other source.

#### Description of Collection 2

**Title:** Quarterly Condensed Balance Sheet—Railroads (Form CBS).

**OMB Control Number:** 2140-0014.

**Form Number:** Form CBS.

**Type of Review:** Extension without change.

**Respondents:** Class I railroads.

**Number of Respondents:** Seven.

**Estimated Time per Response:** Six hours.

**Frequency of Response:** Quarterly.

**Total Annual Hour Burden:** 168 hours annually.

**Total Annual "Non-Hour Burden" Cost:** None identified. Filings are submitted electronically to the Board.

**Needs and Uses:** This collection shows the balance, quarterly and cumulative, for the current and prior year of the carrier's assets and liabilities, gross capital expenditures, and revenue tons carried. See 49 CFR 1243.2. The Board uses the information in this report to ensure competitive, efficient, and safe transportation through general oversight programs that monitor and forecast the financial and operating condition of railroads, and through specific regulation of railroad rate and service issues and rail restructuring proposals, including railroad mergers, consolidations, acquisitions of control, and abandonments. Information from these reports is used by the Board, other Federal agencies, and industry groups to assess industry growth and operations, detect changes in carrier financial stability, and identify trends that may affect the national transportation system. Revenue ton-miles, which are reported in these reports, are compiled and published by the Board in its quarterly Selected Earnings Data Report, which is published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). The information contained in these reports is not available from any other source.

#### Description of Collection 3

**Title:** Report of Railroad Employees, Service and Compensation (Wage Forms A and B).

**OMB Control Number:** 2140-0004.

**Form Number:** Wage Form A; and Wage Form B.

**Type of Review:** Extension without change.

**Respondents:** Class I railroads.

**Number of Respondents:** Seven.

**Estimated Time per Response:** No more than 3 hours per quarterly report and 4 hours per annual summation.

**Frequency of Response:** Quarterly, with an annual summation.

**Total Annual Hour Burden:** No more than 128 hours annually.

**Total Annual "Non-Hour Burden" Cost:** None identified. Filings are submitted electronically to the Board.

**Needs and Uses:** This collection shows the number of employees, service hours, and compensation, by employee group (e.g., executive, professional, maintenance-of-way and equipment, and transportation), of the reporting railroads. See 49 CFR 1245. The

information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate proposed regulated transactions that may impact rail employees, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the Railroad Retirement Board (RRB), Bureau of Labor Statistics (BLS), and Association of American Railroads (AAR), use the information contained in the reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). The information contained in these reports is not available from any other source.

#### Description of Collection 4

*Title:* Monthly Report of Number of Employees of Class I Railroads (Wage Form C).

*OMB Control Number:* 2140-0007.

*Form Number:* STB Form C.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Seven.

*Estimated Time per Response:* 1.25 hours.

*Frequency of Response:* Monthly.

*Total Annual Hour Burden:* 105 hours annually.

*Total Annual "Non-Hour Burden" Cost:* None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* This collection shows, for each reporting carrier, the average number of employees at mid-month in the six job-classification groups that encompass all railroad employees. See 49 CFR 1246. The information is used by the Board to forecast labor costs and measure the efficiency of the reporting railroads. The information is also used by the Board to evaluate the impact on rail employees of proposed regulated transactions, including mergers and consolidations, acquisitions of control, purchases, and abandonments. Other Federal agencies and industry groups, including the RRB, BLS, and AAR, use the information contained in these reports to monitor railroad operations. Certain information from these reports is compiled and published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). The information contained in these reports is not available from any other source.

#### Description of Collection 5

*Title:* Annual Report of Cars Loaded and Cars Terminated.

*OMB Control Number:* 2140-0011.

*Form Number:* Form STB-54.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Seven.

*Estimated Time per Response:* Four hours.

*Frequency of Response:* Annual.

*Total Annual Hour Burden:* 28 hours annually.

*Total Annual "Non-Hour Burden" Cost:* None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* This collection reports the number of cars loaded and cars terminated on the reporting carrier's line. See 49 CFR 1247. Information in this report is entered into the Board's Uniform Rail Costing System (URCS), which is a cost measurement methodology. URCS, which was developed by the Board pursuant to 49 U.S.C. 11161, is used as a tool in rail rate proceedings, in accordance with 49 U.S.C. 10707(d), to calculate the variable costs associated with providing a particular service. The Board also uses URCS to carry out more effectively other of its regulatory responsibilities, including: acting on railroad requests for authority to engage in Board-regulated financial transactions such as mergers, acquisitions of control, and consolidations, see 49 U.S.C. 11323-11324; analyzing the information that the Board obtains through the annual railroad industry waybill sample, see 49 CFR 1244; measuring off-branch costs in railroad abandonment proceedings, in accordance with 49 CFR 1152.32(n); developing the "rail cost adjustment factors," in accordance with 49 U.S.C. 10708; and conducting investigations and rulemakings. This collection is compiled and published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). There is no other source for the information contained in this report.

#### Description of Collection 6

*Title:* Quarterly Report of Freight Commodity Statistics (Form QCS).

*OMB Control Number:* 2140-0001.

*Form Number:* Form QCS.

*Type of Review:* Extension without change.

*Respondents:* Class I railroads.

*Number of Respondents:* Seven.

*Estimated Time per Response:* 0.25 hours.

*Frequency of Response:* Quarterly, with an annual summation.

*Total Annual Hour Burden:* 8.75 hours annually.

*Total Annual "Non-Hour Burden" Cost:* None identified. Filings are submitted electronically to the Board.

*Needs and Uses:* This collection, which is based on information contained in carload waybills used by railroads in the ordinary course of business, reports car loadings and total revenues by commodity code for each commodity that moved on the railroad during the reporting period. See 49 CFR 1248. Information in this report is entered into the Board's URCS, the uses of which are explained under Collection Number 5. This collection is compiled and published on the Board's website, [https://www.stb.gov/stb/industry/econ\\_reports.html](https://www.stb.gov/stb/industry/econ_reports.html). There is no other source for the information contained in this report.

The Board makes this submission because, under the PRA, a federal agency that conducts or sponsors a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under 44 U.S.C. 3506(c)(2)(A), federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: July 6, 2018.

**Jeff Herzig,**

*Clearance Clerk.*

[FR Doc. 2018-14810 Filed 7-10-18; 8:45 am]

**BILLING CODE 4915-01-P**

#### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2018-0025]

#### Procedures To Consider Requests for Exclusion of Particular Products From the Determination of Action Pursuant to Section 301: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for comments.

**SUMMARY:** In a notice published on June 20, 2018, the U.S. Trade Representative



(Trade Representative) determined that appropriate action to obtain the elimination of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation includes the imposition of an additional *ad valorem* duty of 25 percent on products from China classified in certain enumerated subheadings of the Harmonized Tariff Schedule of the United States (HTSUS). See 83 FR 28710. The June 20 notice also announced that the Trade Representative would establish a process by which U.S. stakeholders may request that particular products classified within a covered tariff subheading be excluded from the additional duties. Today's notice sets out the specific procedures and criteria related to requests for product exclusions, and opens up a docket for the receipt of exclusion requests.

**DATES:** USTR must receive requests to exclude a particular product by October 9, 2018. Responses to a request for exclusion of a particular product are due 14 days after the request is posted in docket number USTR-2018-0025 on [www.regulations.gov](http://www.regulations.gov). Any replies to responses to an exclusion request are due 7 days after the close of the 14 day response period.

**ADDRESSES:** USTR strongly prefers electronic submissions made through the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting requests for exclusion and responses to requests in section B below. The docket number is USTR-2018-0025.

**FOR FURTHER INFORMATION CONTACT:** For questions about the product exclusion process, contact USTR Assistant General Counsel Arthur Tsao or Director of Industrial Goods Justin Hoffmann at (202) 395-5725. For questions on customs classification or implementation of additional duties, contact [Traderemedy@cbp.dhs.gov](mailto:Traderemedy@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On August 18, 2017, the Trade Representative initiated an investigation of the government of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. See 82 FR 40213. The proceedings in the investigation up through the Trade Representative's determination that China's acts, policies, and practices are actionable under section 301(b) of the Trade Act of 1974 (19 U.S.C. 2411(b)) are set out in the notice published at 83 FR 14906 (April 6, 2018).

The April 6, 2018 notice invited public comment on a proposed action in the investigation: The imposition of an additional *ad valorem* duty of 25 percent on products from China classified in a list of 1,333 tariff subheadings. As explained in the notice, the value of the products on the list was approximately \$50 billion in terms of estimated annual trade value for calendar year 2018, and the level was appropriate both in light of the estimated harm to the U.S. economy, and to obtain elimination of China's harmful acts, policies, and practices. USTR invited interested persons to provide comments and participate in a hearing. The public submissions and a transcript of the hearing are available on [www.regulations.gov](http://www.regulations.gov) in docket number USTR-2018-0005.

USTR and the interagency Section 301 Committee carefully reviewed the public comments and the testimony from the three day public hearing. USTR and the Section 301 Committee also carefully reviewed the extent to which the tariff subheadings in the April 6, 2018 notice included products containing industrially significant technology, including technologies and products related to the "Made in China 2025" program. Based on this review process, on June 20, 2018, the Trade Representative determined that appropriate action in this investigation includes the imposition of an additional *ad valorem* duty of 25 percent on products from China classified in the 818 subheadings of the HTSUS set out in Annex A of the notice published at 83 FR 28710 (June 20, 2018). The additional duties on these products took effect on July 6, 2018.

During the notice and comment process, a number of interested persons asserted that specific products within a particular tariff subheading only were available from China, that imposition of additional duties on the specific products would cause severe economic harm to a U.S. interest, and that the specific products were not strategically important or related to the "Made in China 2025" program. In light of such concerns, the Trade Representative determined to establish a process by which U.S. stakeholders may request that particular products classified within a covered HTSUS subheading be excluded from the additional duties. That process is set out in the remainder of this notice.

**B. Procedures To Request the Exclusion of Additional Particular Products**

USTR invites interested persons, including trade associations, to submit requests for exclusion from the

additional duties of a particular product classified within a HTSUS subheading set out in Annex A of the notice published at 83 FR 28710 (June 20, 2018). As explained in more detail below, each request must specifically identify a particular product, and provide supporting data and the rationale for the requested exclusion. USTR will evaluate each request on a case-by-case basis, taking into account whether the exclusion would undermine the objective of the Section 301 investigation. Any exclusion will be effective starting from the July 6, 2018 effective date of the additional duties, and extend for *one year* after the publication of the exclusion determination in the **Federal Register**. In other words, an exclusion, if granted, will apply retroactively to the July 6 date of the imposition of the additional duties. USTR periodically will announce decisions on pending requests.

*1. Requests for Exclusion of Particular Products*

With regard to product identification, any request for exclusion must include the following information:

- Identification of the particular product in terms of the physical characteristics (e.g., dimensions, material composition, or other characteristics) that distinguish it from other products within the covered 8-digit subheading. USTR will not consider requests that identify the product at issue in terms of the identity of the producer, importer, ultimate consumer, actual use or chief use, or trademarks or tradenames. USTR will not consider requests that identify the product using criteria that cannot be made available to the public.
  - The 10 digit subheading of the HTSUS most applicable to the particular product requested for exclusion.
  - Requestors also may submit information on the ability of U.S. Customs and Border Protection to administer the exclusion.
  - Requestors must provide the annual quantity and value of the Chinese-origin product that the requestor purchased in each of the last three years. For trade association requestors, please provide such information based on your members' data. If precise annual quantity and value information is not available, please provide an estimate and explain the basis for the estimation.
- With regard to the rationale for the requested exclusion, each request for exclusion should address the following factors:
- Whether the particular product is available only from China. In addressing



this factor, requestors should address specifically whether the particular product and/or a comparable product is available from sources in the United States and/or in third countries.

- Whether the imposition of additional duties on the particular product would cause severe economic harm to the requestor or other U.S. interests.
- Whether the particular product is strategically important or related to “Made in China 2025” or other Chinese industrial programs.

Requestors may also provide any other information or data that they consider relevant to an evaluation of the request.

Any request that contains business confidential information (BCI) must be accompanied by a public version. The public version will be posted on *regulations.gov*.

## 2. Responses to Requests for Exclusions

After a request for exclusion of a particular product is posted on docket number USTR 2018–0025, interested persons will have 14 days to respond to the request, indicating support or opposition and providing reasons for their view. All responses must clearly identify the specific request for exclusion being addressed. You can view requests for exclusions on *www.regulations.gov* by entering docket number USTR–2018–0025 in the search field on the home page.

## 3. Replies to Responses to Requests for Exclusions

After a response is posted on docket number USTR 2018–0025, interested persons will have the opportunity to reply to the response. Any reply must be posted within 7 days after the close of the 14 day response period. All replies clearly must identify the specific responses being addressed.

## 4. Submission Instructions

As noted above, interested persons must submit requests for exclusions by October 9, 2018; any responses to those requests must be submitted within 14 days after the requests are posted; and any reply to a response must be submitted within 7 days after the close of the 14 day response period. Interested persons seeking to exclude two or more products must submit a separate request for each product, *i.e.*, one product per request.

All submissions must include a statement that the submitter certifies that the information provided is complete and correct to the best of his or her knowledge.

To assist in review of requests for exclusion, USTR has prepared a request form that will be posted on the USTR website under “Enforcement/Section 301 investigations” and on the *www.regulations.gov* docket in the “supporting documents” section. USTR strongly encourages interested persons to use the form to submit requests. All submissions must be in English and sent electronically via *www.regulations.gov*.

## 5. Submitting a Product Exclusion Request

To submit requests via *www.regulations.gov*, enter document ID number USTR–2018–0025–0001 on the home page and click “search.” The site will provide a search-results page listing the **Federal Register** Notice associated with this docket. Find a reference to this notice and click on the link titled “comment now!”. Once posted on the electronic docket, the exclusion request will be viewable in the “primary documents” section.

File names for requests for exclusions should include the 10 digit subheading of the HTSUS most applicable to the particular product and the name of the person or entity submitting the comments (*e.g.*, 1234567890 Initech). If the request includes BCI, then two files must be submitted—the business confidential version and a public version. The file names should indicate the version, *e.g.*, 1234567890 Initech BC and 1234567890 Initech P. Additional instructions on business confidential submissions can be found below.

## 6. Submitting a Response to a Product Exclusion Request

To respond to a request for exclusion, please find the request in the “primary documents” section of the docket and click on the link titled “comment now!” associated with that specific request. Responses made on requests for exclusion will appear in the “comments” section of the docket.

File names for responses to requests should include the document ID of the request and the name of the person or entity submitting the response (*e.g.*, USTR–2018–0025–0005 Inirode). If the response includes BCI, then two files must be submitted—the BCI version and a public version. The file names should indicate the version, *e.g.*, USTR–2018–0025–0001 Inirode BC and USTR–2018–0025–0001 Inirode P.

## 7. Submitting a Reply to a Response on a Product Exclusion Request

To reply to a response made to an exclusion request, please find the exclusion request that is the subject of the response in the “primary

documents” section of the docket and click on the link titled “comment now!”. Replies will appear in the “comments” section of the docket.

File names for replies should include the document ID of the response and the name of the person or entity submitting the reply (*e.g.*, USTR–2018–0025–0020 Initech). If the reply includes BCI, then two files must be submitted—the BCI version and a public version. The file names should indicate the version, *e.g.*, USTR–2018–0025–0020 Initech BC and USTR–2018–0025–0020 Initech P.

For further information on using the *www.regulations.gov* website, please consult the resources provided on the website by clicking on “How to Use Regulations.gov” on the bottom of the home page.

## 8. Document Format Instructions

USTR prefers that you submit requests for product exclusions in an attached document. If you attach a document, it is sufficient to type “see attached” in the “comment” field. USTR strongly prefers that you make submissions using the request form that will be posted on the USTR website under “Enforcement/Section 301 investigations” and on the *www.regulations.gov* docket in the “supporting documents” section saved as a searchable Adobe Acrobat file (.pdf). If you do not use the USTR form, USTR prefers submissions made in Microsoft Word (.doc) or searchable Adobe Acrobat (.pdf). If you use an application other than those two, please indicate the name of the application in the “comment” field.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the comment itself, rather than submitting them as separate files.

For any documents submitted electronically containing BCI, the file name of the business confidential version should end with the characters “BC”. Any page containing BCI must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page and the submission should clearly indicate, via brackets, highlighting, or other means, the specific information that is business confidential. If you request business confidential treatment, you must certify in writing that disclosure of the information would endanger trade secrets or profitability, and that the information would not customarily be released to the public. Filers of submissions containing BCI

also must submit a public version of their submissions. The file name of the public version should end with the character "P". The "BC" and "P" should follow the rest of the file name. If these procedures are not sufficient to protect BCI or otherwise protect business interests, please contact the USTR Section 301 line at (202) 395-5725 to discuss whether alternative arrangements are possible.

USTR will post submissions in the docket for public inspection, except BCI. You can view submissions on the <https://www.regulations.gov> website by entering docket number USTR-2018-0025 in the search field on the home page.

**Robert E. Lighthizer,**  
*United States Trade Representative.*

[FR Doc. 2018-14820 Filed 7-10-18; 8:45 am]

**BILLING CODE 3290-F8-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Request To Release Airport Property at Charleston International Airport, Charleston, South Carolina

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comment.

**SUMMARY:** The Federal Aviation Administration (FAA) is considering a request to release and authorize the sale of 19.098 acres of airport property located at the Charleston International Airport, Charleston, South Carolina, and invites public comment on this notice. The airport property is planned to be sold by the Charleston County Aviation Authority (CCAA) for the proposed use of aircraft manufacturing. Currently, ownership of the property provides for protection of FAR Part 77 surfaces and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership.

**DATES:** Comments must be received on or before August 10, 2018.

**ADDRESSES:** Comments on this application may be mailed or delivered to the FAA at the following address: Aimee McCormick, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Ave., Ste. 220, College Park, GA 30337.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Hernan Pena, Deputy Director, Charleston County Aviation Authority, 5500 International

Blvd., #101, North Charleston, SC 29418.

**FOR FURTHER INFORMATION CONTACT:** Aimee McCormick, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Ave., Ste. 220, College Park, GA 30337, [aimee.mccormick@faa.gov](mailto:aimee.mccormick@faa.gov). The request to release property may be reviewed, by appointment, in person at this same location.

**SUPPLEMENTARY INFORMATION:** On November 9, 2017, CCAA requested the FAA to release 19.089 acres of airport property. The request will allow CCAA to transfer ownership to the South Carolina Department of Commerce for the use of aircraft manufacturing. In return, the Department of Commerce will transfer 33.715 acres of property to CCAA. The fair market value of the two properties involved are of equal value. The use of the 33.715 acres will allow CCAA to construct a public parking facility. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon appointment and request, inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Charleston International Airport.

Issued in Atlanta, GA, on July 3, 2018,

**Larry F. Clark,**

*Manager, Atlanta Airports District Office.*

[FR Doc. 2018-14785 Filed 7-10-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities: Requests for Comments; Clearance of New Approval of Information Collection: Safety Assurance System (SAS) External Portal

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice

with a 60-day comment period soliciting comments on the following collection of information was published on February 23, 2018. The collection involves an internet-based tool, Safety Assurance System (SAS) External Portal. SAS External Portal is used by the FAA's Office of Flight Standards to conduct initial certification, routine surveillance, and certificate management for applicants and certificate holders. The information to be collected will be used to better facilitate efficient certification, surveillance and certificate management activities.

**DATES:** Written comments should be submitted by August 10, 2018.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov), or faxed to (202) 395-6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Barbara Hall at (940) 594-5913, or by email at [Barbara.L.Hall@faa.gov](mailto:Barbara.L.Hall@faa.gov).

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2120-XXXX.

*Title:* Safety Assurance System External Portal.

*Form Numbers:* (Pending) Initial Certification Data Collection Tool (14 CFR 121 and 135) and Initial Certification Data Collection Tool (14 CFR 145).

*Type of Review:* This is a new information collection.

**Background:** Safety Assurance System (SAS) External Portal is a tool used by aviation industry applicants and certificate holders to provide information to the FAA, primarily with Principal Inspectors and Certification Project Managers. SAS External Portal

allows external users to register and gain secure access to SAS functions for initial certification, configuration, and to collaborate with their FAA counterparts in the execution of these functions. There will be extensive use of the External Portal for submittal of electronic documents from certificate holders and applicants. SAS External Portal is now accessible to all users via the internet, regardless of geographical location of the certificate holder or applicant, thus making it easier for applicants and certificate holders to collaborate with the FAA.

*Respondents:* 300 respondents.

*Frequency:* On occasion.

*Estimated Average Burden per*

*Response:* 146 hours.

*Estimated Total Annual Burden:*

43,800 hours.

Issued in Washington, DC, on June 28, 2018.

**Barbara Hall,**

*FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP-110.*

[FR Doc. 2018-14784 Filed 7-10-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### **FY 2018 Competitive Funding Opportunity: Public Transportation on Indian Reservations Program; Tribal Transit Program**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of funding opportunity (NOFO).

**SUMMARY:** The Federal Transit Administration (FTA) announces the availability of approximately \$5 million in funding provided by the Public Transportation on Indian Reservations Program (Tribal Transit Program). This notice is a national solicitation for project proposals and includes the selection criteria and program eligibility information for Fiscal Year (FY) 2018 projects. FTA may fund the program for more or less than the full year appropriation when made available, and may include other funding if available from prior fiscal years toward project proposals received in response to this Notice of Funding Opportunity (NOFO).

This announcement is available on the FTA website at: <http://www.transit.dot.gov>. Additionally, a synopsis of the funding opportunity, FTA-2018-001-TPM-TR, will be posted in the FIND module of the government-wide electronic grants

website at <http://www.grants.gov>. The program is located in the Catalog of Federal Domestic Assistance (CFDA) under 20.509.

**DATES:** Complete proposals for the TTP announced in this Notice must be submitted by 11:59 p.m. EDT on September 10, 2018. All proposals must be submitted electronically through the *GRANTS.GOV* APPLY function. Any applicant intending to apply should initiate the process of registering on the *GRANTS.GOV* site immediately to ensure completion of registration before the submission deadline. Instructions for applying can be found on FTA's website at <http://www.transit.dot.gov> and in the "FIND" module of *GRANTS.GOV*. Mail and fax submissions will not be accepted.

**FOR FURTHER INFORMATION CONTACT:**

Contact the appropriate FTA Regional Office at <http://www.transit.dot.gov> for proposal-specific information and issues. For general program information, contact Douglas Moore, Office of Program Management, (202) 366-0876, email: [douglas.moore@dot.gov](mailto:douglas.moore@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- A. Program Description
- B. Federal Award Information
- C. Eligibility Information
- D. Application and Submission Information
- E. Application Review
- F. Federal Award Administration
- G. Federal Awarding Agency Contacts
- Appendix A: Registering in SAM and *Grants.gov*

**A. Program Description**

The Tribal Transit Program is authorized by Federal Transit law 49 U.S.C. 5311(c)(1)(A), as amended by the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94 (December 4, 2015), contingent on full appropriations. The FAST Act increased the Tribal Transit formula program from \$25 million to \$30 million and continued the \$5 million competitive program authorized under 49 U.S.C. 5311(c)(1). The program authorizes grants "under such terms and conditions as may be established by the Secretary" to Indian tribes for any purpose eligible under FTA's Formula Grants for Rural Areas Program, 49 U.S.C. 5311. Tribes may apply for this funding directly.

The primary purpose of these competitively selected grants is to support planning, capital, and, in limited circumstances, operating assistance for tribal public transit services. Funds distributed to Indian

tribes under the TTP should NOT replace or reduce funds that Indian tribes receive from States through FTA's Formula Grants for Rural Areas Program. Specific project eligibility under this competitive allocation is described in Section C of this notice.

**B. Federal Award Information**

Five million dollars is authorized for the Tribal Transit competitive allocation in FY 2018 to projects selected pursuant to the process described in the following sections. Federal awards under this competitive program will be in the form of grants. Additionally, there is a \$25,000 cap on planning grant awards, and FTA has the discretion to cap capital and operating awards.

**C. Eligibility Information**

*1. Eligible Applicants*

Eligible applicants include federally recognized Indian tribes or Alaska Native villages, groups, or communities as identified by the U.S. Department of the Interior (DOI) Bureau of Indian Affairs (BIA). As evidence of Federal recognition, an Indian tribe may submit a copy of the most up-to-date **Federal Register** notice published by BIA: Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs. To be an eligible recipient, an Indian tribe must have the requisite legal, financial and technical capabilities to receive and administer Federal funds under this program. Additionally, applicants must be located and provide service in a rural area with a population of 50,000 or less. A service area can include some portions of urban areas, as long as the tribal transit service begins in and serves rural areas. An applicant must be registered in the System for Award Management (SAM) database and maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by FTA.

*2. Cost Sharing or Matching*

There is a 90 percent Federal share for projects selected under the TTP competitive program, unless the Indian tribe can demonstrate a financial hardship in its application. FTA is interested in the Indian tribe's financial commitment to the proposed project, thus the proposal should include a description of the Indian tribe's financial commitment. Tribes may use any eligible local match under Chapter 53.

### 3. Eligible Projects

Eligible projects include public transportation planning and capital expenses. Operating projects are eligible in limited circumstances. In FY 2018, FTA will only consider operating assistance requests from tribes without existing transit service, or those tribes who received a TTP formula allocation of less than \$20,000.

Public transportation includes regular, continuing shared-ride surface transportation services open to the public or open to a segment of the public defined by age, disability, or low income. FTA will award grants to eligible Indian tribes located in rural areas. Applicants may submit one proposal for each project or one proposal containing multiple projects. Specific types of projects include: Capital projects for start-ups, replacement or expansion needs; operating assistance for start-ups; and planning projects up to \$25,000. Indian tribes applying for capital replacement or expansion needs must demonstrate a sustainable source of operating funds for existing or expanded services.

#### D. Application and Submission Information

##### 1. Address To Request Application Package

A complete proposal submission will consist of at least two files: (1) The SF 424 Mandatory form (downloaded from *GRANTS.GOV*); and (2) the Tribal Transit supplemental form found on the FTA website at <http://www.transit.dot.gov>. The Tribal Transit supplemental form provides guidance and a consistent format for applicants to respond to the criteria outlined in this NOFO.

##### 2. Content and Form of Application Submission

###### (i) Proposal Submission

A complete proposal submission will consist of at least two files: (1) The SF 424 Mandatory form (downloaded from *GRANTS.GOV*); and (2) the Tribal Transit supplemental form found on the FTA website at <http://www.transit.dot.gov>. The applicant must place the supplemental form in the attachments section of the SF-424 Mandatory form. Applicants must use the supplemental form designated for TTP and attach the form to their submission in *GRANTS.GOV* to complete the application process. A proposal submission may include additional supporting documentation as attachments. Within 24 to 48 hours after submitting an electronic application, the

applicant should receive three email messages from *GRANTS.GOV*: (1) Confirmation of successful or unsuccessful transmission to *GRANTS.GOV*; (2) confirmation of successful validation by *GRANTS.GOV*; and (3) confirmation of successful validation by FTA. If the applicant does not receive confirmations of successful validation or instead receives a notice of failed validation or incomplete materials, the applicant must address the reason(s) for the failed validation or incomplete materials, as described in the notice, and resubmit the proposal before the submission deadline. If making a resubmission for any reason, the applicant must include all original attachments regardless of which attachments were updated and check the box on the supplemental form indicating this is a resubmission.

Complete instructions on the application process can be found at <http://www.transit.dot.gov>. Important: FTA urges applicants to submit their project proposals at least 72 hours prior to the due date to allow time to receive the validation message and to correct any problems that may have caused a rejection notification. FTA will not accept submissions after the stated submission deadline. *GRANTS.GOV* scheduled maintenance and outage times are announced on the *GRANTS.GOV* website <http://www.GRANTS.GOV>. The deadline will not be extended due to scheduled maintenance or outages.

Applicants are encouraged to begin the process of registration on the *Grants.gov* site well in advance of the submission deadline. Registration is a multi-step process which may take several weeks to complete before an application can be submitted. Registered proposers may still be required to take steps to keep their registration up to date before submissions can be made successfully: (1) Registration in the SAM is renewed annually; and (2) persons making submissions on behalf of the Authorized Organization Representative (AOR) must be authorized in *Grants.gov* by the AOR to make submissions. Instructions on the *Grants.gov* registration process are provided at <https://www.grants.gov/web/grants/applicants.html>.

Applicants may submit one proposal for each project or one proposal containing multiple projects. Applicants submitting multiple projects in one proposal must be sure to clearly define each project by completing a supplemental form for each project. Additional supplemental forms must be added within the proposal by clicking

the “add project” button in Section II of the supplemental form.

Information such as applicant name, Federal amount requested, description of areas served, and other information may be requested in varying degrees of detail on both the SF 424 form and supplemental form. Applicants must fill in all fields unless stated otherwise on the forms. Applicants should use both the “Check Package for Errors” and the “Validate Form” validation buttons on both forms to check all required fields on the forms, and ensure that the Federal and local amounts specified are consistent.

###### (ii) Application Content

The SF 424 Mandatory Form and the Supplemental Form will prompt applicants for the required information, including:

a. Name of federally recognized tribe and, if appropriate, the specific tribal agency submitting the application.

b. Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number if available. (*Note:* If selected, applicant will be required to provide DUNS number prior to grant award.)

c. Contact information including: Contact name, title, address, fax and phone number, email address if available.

d. Description of public transportation services including areas currently served by the tribe, if any.

e. Name of person(s) authorized to apply on applicant's behalf must accompany the proposal (attach a signed transmittal letter).

f. Complete Project Description: Indicate the category for which funding is requested (*i.e.*, project type: capital, operating or planning), and then indicate the project purpose (*i.e.*, start-up, expansion or replacement). Describe the proposed project and what it will accomplish (*e.g.*, number and type of vehicles, routes, service area, schedules, type of services, fixed route or demand responsive, safety aspects), route miles (if fixed route), ridership numbers expected (actual if an existing system, estimated if a new system), major origins and destinations, population served, and whether the tribe provides the service directly, contracts for services, and note vehicle maintenance plans.

g. Project Timeline: Include significant milestones such as date of contract for purchase of vehicle(s), actual or expected delivery date of vehicles; facility project phases (*e.g.*, NEPA compliance, design, construction); or dates for completion of planning studies. If applying for operational funding for new services,

indicate the period of time funds are used to operate the system (e.g., one year). This section should also include any needed timelines for tribal council project approvals, if applicable.

h. Budget: Provide a detailed budget for each proposed purpose noting the Federal amount requested and any additional funds that will be used. An Indian tribe may use up to fifteen percent of a grant award for capital projects for specific project-related planning and administration, and the indirect cost rate may not exceed ten percent (if necessary add as an attachment) of the total amount requested/awarded. Indian tribes must also provide their annual operating budget as an attachment or under the *Financial Commitment and Operating Capacity* section of the supplemental form.

i. Technical, Legal, Financial Capacity: Applicants must be able to demonstrate adequate technical, legal and financial capacity to be considered for funding. Every proposal MUST describe this capacity to implement the proposed project.

1. Technical Capacity: Provide examples of management of other Federal projects, including previously funded FTA projects and/or similar types of projects for which funding is being requested. Describe the resources available to implement the proposed transit project.

2. Legal Capacity: Provide documentation or other evidence to demonstrate status as a federally recognized Indian tribe. Further, demonstrate evidence of an authorized representative with authority to bind the applicant and execute legal agreements with FTA. If applying for capital or operating funds, identify whether appropriate Federal or State operating authority exists.

3. Financial Capacity: Provide documentation or other evidence demonstrating current adequate financial systems to receive and manage a Federal grant. Fully describe: (1) All financial systems and controls; (2) other sources of funds currently managed; and (3) the long-term financial capacity to maintain the proposed or existing transit services.

### 3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (1) Be registered in SAM before submitting an application; (2) provide a valid unique entity identifier in its application; and (3) continue to maintain an active SAM registration with current information at all times during which the applicant has an active Federal award or an

application or plan under consideration by FTA. These requirements do not apply if the applicant: (1) Is an individual; (2) is excepted from the requirements under 2 CFR 25.110(b) or (c); or (3) has an exception approved by FTA under 2 CFR 25.110(d). FTA may not make an award until the applicant has complied with all applicable unique entity identifier and SAM requirements. If an applicant has not fully complied with the requirements by the time FTA is ready to make an award, FTA may determine that the applicant is not qualified to receive an award and use that determination as a basis for making a Federal award to another applicant. SAM registration takes approximately 3–5 business days, but FTA recommends allowing ample time, up to several weeks, for completion of all steps.

#### Step 1: Obtain DUNS Number

If requested by phone (1–866–705–5711) DUNS is provided immediately. If your organization does not have one, you will need to go to the Dun & Bradstreet website at <http://fedgov.dnb.com/webform> to obtain the number.

#### Step 2: Register With SAM

Three to five business days or up to two weeks. If you already have a Taxpayer Identification Number (TIN), your SAM registration will take three to five business days to process. If you are applying for an Employer Identification Number (EIN) please allow up to two weeks. Ensure that your organization is registered with the System for Award Management (SAM) at <https://www.sam.gov>. If your organization is not, an authorizing official of your organization must register.

#### Step 3: Establish an Account in Grants.gov—Username & Password

Complete your Authorized Organization Representative (AOR) profile in *Grants.gov* and create your username and password. You will need to use your organization's DUNS Number to complete this step. <https://apply07.grants.gov/apply/OrcRegister>.

#### Step 4: Grants.gov—AOR Authorization

The E-Business Point of Contact (E-Biz POC) at your organization must login to *Grants.gov* to confirm an Authorized Organization Representative (AOR). Please note that there can be more than one AOR for your organization. In some cases the E-Biz POC is also the AOR for an organization. \*Time depends on responsiveness of your E-Biz POC.

#### Step 5: Track AOR Status

At any time, you can track your AOR status by logging in with your username and password. Login as an Applicant (enter your username & password you obtained in Step 3) using the following link: [applicant\\_profile.jsp](#).

#### 4. Submission Dates and Times

Project proposals must be submitted electronically through *GRANTS.GOV* by 11:59 p.m. EDT on September 10, 2018. Mail and fax submissions will not be accepted. Proposals submitted after the deadline will not be considered under any circumstance. Applications are time and date stamped by the FTA's Discretionary Grants System (DGS) upon successful submission.

#### 5. Funding Restrictions

Funds must be used only for the specific purposes requested in the application. Funds under this NOFO cannot be used to reimburse projects for otherwise eligible expenses incurred prior to FTA award under this program.

#### 6. Other Submission Requirements

FTA requires that all project proposals be submitted electronically through <http://www.GRANTS.GOV> by 11:59 p.m. EDT on September 10, 2018. Mail and fax submissions will not be accepted.

### E. Application Review

#### 1. Selection Criteria

FTA will use the following primary selection criteria when evaluating competing capital and operating assistance projects eligible under this program. Applications will be evaluated based on the quality and extent to which the following evaluation criteria are addressed.

##### i. Planning and Local/Regional Prioritization

Applications will be evaluated based on the degree to which the applicant: (1) Describes how the proposed project was developed; (2) demonstrates that a sound basis for the project exists; and (3) demonstrates that the applicant is ready to implement the project if funded. Information may vary depending upon how the planning process for the project was conducted and what is being requested. Planning and local/regional prioritization should:

- a. Describe the planning document and/or the planning process conducted to identify the proposed project;
- b. Provide a detailed project description including the proposed service, vehicle and facility needs, and other pertinent characteristics of the

proposed or existing service implementation;

c. Identify existing transportation services in and near the proposed service area, and document in detail whether the proposed project will provide opportunities to coordinate service with existing transit services, including human service agencies, intercity bus services, or other public transit providers;

d. Discuss the level of support by the community and/or tribal government for the proposed project;

e. Describe how the mobility and client-access needs of tribal human services agencies were considered in the planning process;

f. Describe what opportunities for public participation were provided in the planning process and how the proposed transit service or existing service has been coordinated with transportation provided for the clients of human services agencies, with intercity bus transportation in the area, or with any other rural public transit providers;

g. Describe how the proposed service complements rather than duplicates any currently available services;

h. Describe the implementation schedule for the proposed project, including time period, staffing, and procurement; and

i. Describe any other planning or coordination efforts not mentioned above.

#### ii. Project Readiness

Applications will be evaluated on the degree to which the applicant describes readiness to implement the project. The project readiness factor involves assessing whether:

a. Project is a Categorical Exclusion (CE) or the required environmental work has been initiated or completed for construction projects requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS) under, among others, the National Environmental Policy Act of 1969, as Amended;

b. Project implementation plans are complete, including initial design of facilities Projects;

c. Project funds can be obligated and the project can be implemented quickly, if selected; and

d. Applicant demonstrates the ability to carry out the proposed project successfully.

#### iii. Demonstration of Need

Applications will be evaluated based on the degree to which the applicant identifies the need for transit resources. In addition to project-specific criteria, FTA will consider the project's impact on service delivery and whether the project represents a one-time or periodic need that cannot reasonably be funded from the FTA program formula allocations or State and/or local resources. FTA will evaluate how the proposal demonstrates the transit needs of the Indian tribe as well as how the proposed transit improvements or the new service will address identified transit needs. Proposals should include information such as destinations and services not currently accessible by transit, needs for access to jobs or health care, safety enhancements or special needs of elders, individuals with disabilities, behavioral health care needs of youth, income-based community needs, or other mobility needs. If an applicant received a planning grant in previous fiscal years, it should indicate the status of the planning study and how the proposed project relates to that study.

Applicants applying for capital expansion or replacement projects should also address the following factors in their proposal. If the proposal is for capital funding associated with an expansion or expanded service, the applicant should describe how current or growing demand for the service necessitates the expansion (and therefore, more capital) and/or the degree to how the project is addressing a current capacity constraint. Capital replacement projects should include information about the age, condition, and performance of the asset to be replaced by the proposed project and/or how the replacement may be necessary to maintain the transit system in a state of good repair.

#### iv. Demonstration of Benefits

Applications will be evaluated based on the degree to which the applicant identifies expected or, in the case of existing service, achieved project benefits. FTA is particularly interested in how these investments will improve the quality of life for the tribe and surrounding communities in which it is located. Applicants should describe how the transportation service or capital investment will provide greater access to employment opportunities, educational centers, healthcare, or other

needs that profoundly impact the quality of life for the community, as described in the program purpose above. Possible examples include increased or sustained ridership and daily trips, improved service, elimination of gaps in service, improved operations and coordination, increased reliability, health care, education, and economic benefits to the community. Benefits can be demonstrated by identifying the population of tribal members and non-tribal members in the proposed project service area and estimating the number of daily one-way trips the proposed transit service will provide or the actual number of individual riders served. Applicants are encouraged to consider qualitative and quantitative benefits to the Indian tribe and to the surrounding communities that are meaningful to them.

Based on the information provided under the demonstration of benefits, FTA will rate proposals based on the quality and extent to which they discuss the following four factors:

a. The project's ability to improve transit efficiency or increase ridership;

b. Whether the project will improve or maintain mobility, or eliminate gaps in service for the Indian tribe;

c. Whether the project will improve or maintain access to important destinations and services;

d. Any other qualitative benefits, such as greater access to jobs, education and health care services.

#### v. Financial Commitment and Operating Capacity

Applications must identify the source of local match (10 percent is required for all operating and capital projects), and any other funding sources used by the Indian tribe to support proposed transit services, including human service transportation funding, FHWA's Tribal Transportation Program funding, or other FTA programs. If requesting that FTA waive the local match based on financial hardship, the applicant must submit budgets and sources of other revenue to demonstrate hardship. FTA will review this information and notify tribes at the time of award if the waiver is approved. If applicable, the applicant also should describe how prior year TTP funds were spent to date to support the service. Additionally, Indian tribes applying to operate new services should provide a sustainable funding plan that demonstrates how it intends to maintain operations.

In evaluating proposals, FTA will consider any other resources the Indian tribe will contribute to the project, including in-kind contributions, commitments of support from local businesses, donations of land or equipment, and human resources. The proposal should describe to what extent the new project or funding for existing service leverages other funding. Based upon the information provided, the proposals will be rated on the extent to which the proposal demonstrates that:

- a. TTP funding does not replace existing funding;
- b. The Indian tribe will provide non-financial support to the project;
- c. The Indian tribe is able to demonstrate a sustainable funding plan; and
- d. Project funds are used in coordination with other services for efficient utilization of funds.

#### vi. Evaluation Criteria for Planning Proposals

For planning grants, the proposal must describe the need for and a general scope of the proposed study. Applications will be evaluated based on the degree to which the applicant addresses the following:

1. The tribe's long-term commitment to transit; and
2. The method used to implement the proposed study and/or further tribal transit.

#### 2. Review and Selection Process

An FTA technical evaluation committee will review proposals under the project evaluation criteria. Members of the technical evaluation committee and other involved FTA staff reserve the right to screen, rate the applications, and seek clarification about any statement in an application. After consideration of the findings of the technical evaluation committee, the FTA Administrator will determine the final selection and amount of funding for each project. Geographic diversity and the applicant's receipt and management of other Federal transit funds may be considered in FTA's award decisions. After applying the above preferences, the FTA Administrator will consider the following key Departmental objectives:

- (A) Supporting economic vitality at the national and regional level;
- (B) Utilizing alternative funding sources and innovative financing models to attract non-Federal sources of infrastructure investment;

(C) Accounting for the life-cycle costs of the project to promote the state of good repair;

(D) Using innovative approaches to improve safety and expedite project delivery; and,

(E) Holding grant recipients accountable for their performance and achieving specific, measurable outcomes identified by grant applicants.

Prior to making an award, FTA is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS). An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM.

#### F. Federal Award Administration

##### 1. Federal Award Notice

FTA will publish a list of the selected projects, including Federal dollar amounts and award recipients on the FTA's website. Project recipients should contact their FTA Regional Offices and tribal liaison for information about setting up grants in FTA's Transit Award Management System (TrAMS).

##### 2. Award Administration

Successful proposals will be awarded through FTA's TrAMS as grant agreements. The appropriate FTA Regional Office and tribal liaison will manage project agreements.

##### 3. Administrative and National Policy Requirements

Except as otherwise provided in this NOFO, TTP grants are subject to the requirements of 49 U.S.C. 5311(c)(1) as described in the latest FTA Circular 9040 for the Formula Grants for Rural Areas Program.

##### 4. Reporting

The post award reporting requirements include submission of the Federal Financial Report (FFR) and Milestone Progress Report in TrAMs, and FTA's National Transit Database (NTD) reporting as appropriate (see FTA Circular 9040). Reports to TrAMS and NTD are due annually.

#### G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact Douglas Moore, Office of Program Management,

(202) 366-0876, email: [douglas.moore@dot.gov](mailto:douglas.moore@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

#### H. Other Information

This program is not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs." FTA will consider applications for funding only from eligible recipients for eligible projects listed in Section C-2. Due to funding limitations, applicants that are selected for funding may receive less than the amount requested.

Additionally, to assist tribes with understanding requirements under the TTP, FTA has conducted Tribal Transit Technical Assistance Workshops and will continue those efforts in FY 2018. FTA has expanded its technical assistance to tribes receiving funds under this program. Through the Tribal Transit Technical Assistance Assessments Initiative, FTA collaborates with Tribal Transit Leaders to review processes and identify areas in need of improvement and then assists to offer solutions to address these needs—all in a supportive and mutually beneficial manner that results in technical assistance. FTA has completed thirty assessments to date and expects to conduct fifteen assessments in FY 2018. These assessments include discussions of compliance areas pursuant to the Master Agreement, a site visit, promising practices reviews, and technical assistance from FTA and its contractors. These workshops and assessments have received exemplary feedback from Tribal Transit Leaders and provided FTA with invaluable opportunities to learn more about Tribal Transit Leaders' perspectives and better honor the sovereignty of tribal nations.

FTA will post information about upcoming workshops to its website and will disseminate information about the assessments through its regional offices.

Contact information for FTA's regional offices can be found on FTA's website at [www.transit.dot.gov](http://www.transit.dot.gov). Applicants may also receive technical assistance by contacting their FTA regional Tribal Liaison. A list of Tribal Liaisons is available on FTA's website at [www.transit.dot.gov](http://www.transit.dot.gov).

Issued in Washington, DC.

**K. Jane Williams,**

*Acting Administrator.*

[FR Doc. 2018-14748 Filed 7-10-18; 8:45 am]

**BILLING CODE P**

**UNITED STATES INSTITUTE OF  
PEACE****Notice of Meeting**

*Agency:* United States Institute of Peace.

*Date/Time:* Friday, July 20, 2018  
(10:00 a.m.–12:15 p.m.)

*Location:* 2301 Constitution Avenue  
NW, Washington, DC 20037.

*Status:* Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

*Agenda:* July 20, 2018 Board Meeting: Chairman's Report; Vice Chairman's Report; President's Report; Approval of Minutes of the One Hundred and Sixty Sixth Meeting (April 20, 2018) of the

Board of Directors; North Africa Update, Reports from USIP Board Committees; and Emerging Security Competition in the Red Sea report.

*Contact:* William B. Taylor, Executive Vice President: [wtaylor@usip.org](mailto:wtaylor@usip.org).

Dated: July 5, 2018.

**William B. Taylor,**  
*Executive Vice President.*

[FR Doc. 2018–14781 Filed 7–10–18; 8:45 am]

**BILLING CODE 6820-AR-P**



# Reader Aids

Federal Register

Vol. 83, No. 133

Wednesday, July 11, 2018

## CUSTOMER SERVICE AND INFORMATION

### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

### Presidential Documents

Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

### Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: [www.fdsys.gov](http://www.fdsys.gov).

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: [www.ofr.gov](http://www.ofr.gov).

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

**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

|                  |    |
|------------------|----|
| 30831-31036..... | 2  |
| 31037-31324..... | 3  |
| 31325-31440..... | 5  |
| 31441-31640..... | 6  |
| 31641-31840..... | 9  |
| 31841-32060..... | 10 |
| 32061-32190..... | 11 |

## 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.

|                               |                      |                             |
|-------------------------------|----------------------|-----------------------------|
| <b>2 CFR</b>                  | 73.....              | 32061                       |
|                               | 91.....              | 31450                       |
| 180.....                      | 31037                | 97.....30833, 30836, 31450  |
|                               | 107.....             | 31450                       |
|                               | 110.....             | 31450                       |
|                               | 119.....             | 31450                       |
|                               | 121.....             | 31450                       |
| <b>3 CFR</b>                  | 125.....             | 31450                       |
| <b>Proclamations:</b>         | 129.....             | 31450                       |
| 9766.....                     | 31641                | 133.....                    |
|                               |                      | 31450                       |
| <b>Administrative Orders:</b> | 135.....             | 31450                       |
| Memorandums:                  | 137.....             | 31450                       |
| Memorandum of June            | 141.....             | 31450                       |
| 4, 2018.....                  | 31321                | 142.....                    |
| Presidential                  |                      | 31450                       |
| Determinations:               | 145.....             | 31450                       |
| No. 2018-1 of June 4,         |                      | 183.....                    |
| 2018.....                     | 31323                | 31450                       |
| <b>5 CFR</b>                  |                      |                             |
| <b>Proposed Rules:</b>        |                      |                             |
| 531.....                      | 31694                | <b>Proposed Rules:</b>      |
|                               |                      | 33.....                     |
|                               |                      | 39.....                     |
|                               |                      | 31488, 31491, 31493,        |
|                               |                      | 31496, 31499, 31504, 31507, |
|                               |                      | 31509, 31705, 31911         |
|                               |                      | 71.....                     |
|                               |                      | 31708                       |
| <b>7 CFR</b>                  |                      |                             |
| 52.....                       | 31441                | <b>16 CFR</b>               |
| 905.....                      | 31442                | 1112.....                   |
| 930.....                      | 31444                | 30837                       |
| 3201.....                     | 31841                | 1237.....                   |
| 4280.....                     | 30831                | 30837                       |
| <b>Proposed Rules:</b>        |                      |                             |
| 357.....                      | 31697, 31702         | <b>17 CFR</b>               |
| 906.....                      | 31471                | 210.....                    |
| 981.....                      | 31473                | 229.....                    |
| 1220.....                     | 31477                | 31992                       |
|                               |                      | 230.....                    |
|                               |                      | 31992                       |
|                               |                      | 239.....                    |
|                               |                      | 31992                       |
|                               |                      | 240.....                    |
|                               |                      | 31992                       |
| <b>8 CFR</b>                  |                      | 249.....                    |
| 212.....                      | 31447                | 31992                       |
|                               |                      | 274.....                    |
|                               |                      | 31859                       |
| <b>10 CFR</b>                 |                      | <b>Proposed Rules:</b>      |
| <b>Proposed Rules:</b>        |                      | 1.....                      |
| 431.....                      | 31704                | 31078                       |
| <b>12 CFR</b>                 |                      | <b>19 CFR</b>               |
| 611.....                      | 30833                | 12.....                     |
| 615.....                      | 30833                | 31654                       |
| <b>Proposed Rules:</b>        |                      | <b>20 CFR</b>               |
| 1610.....                     | 31896                | 404.....                    |
|                               |                      | 30849                       |
|                               |                      | 416.....                    |
|                               |                      | 30849                       |
| <b>14 CFR</b>                 |                      | <b>21 CFR</b>               |
| 1.....                        | 31450                | 1308.....                   |
| 21.....                       | 31450                | 31877                       |
| 25.....                       | 31450                | <b>22 CFR</b>               |
| 26.....                       | 31450                | 41.....                     |
| 27.....                       | 31450                | 31451                       |
| 34.....                       | 31450                | <b>24 CFR</b>               |
| 39.....                       | 31325, 31643, 31646, | 200.....                    |
|                               | 31648, 31650, 31850  | 31038                       |
|                               |                      | 330.....                    |
|                               |                      | 31042                       |
| 43.....                       | 31450                | <b>29 CFR</b>               |
| 45.....                       | 31450                | 1910.....                   |
| 60.....                       | 31450                | 31045                       |
| 61.....                       | 31450                | <b>Proposed Rules:</b>      |
| 63.....                       | 31450                | 1910.....                   |
| 65.....                       | 31450                | 31086                       |
| 71.....                       | 31327, 31653, 31853, | <b>30 CFR</b>               |
|                               | 31854, 31855, 31857  | <b>Proposed Rules:</b>      |
|                               |                      | 70.....                     |
|                               |                      | 31710                       |

|                              |                               |                             |                        |
|------------------------------|-------------------------------|-----------------------------|------------------------|
| 71.....31710                 | 668.....31296                 | 180.....31893               | 68.....31659           |
| 72.....31710                 | <b>37 CFR</b>                 | <b>Proposed Rules:</b>      | <b>Proposed Rules:</b> |
| 75.....31710                 | <b>Proposed Rules:</b>        | Ch. I.....31098             | 0.....30901            |
| 90.....31710                 | 201.....32068                 | 52.....31087, 31348, 31350, | 1.....30901, 31515     |
| 250.....31343                |                               | 31352, 31511, 31513, 31915  | 5.....30901            |
| <b>32 CFR</b>                | <b>38 CFR</b>                 | 63.....31939                | 27.....31515           |
| 706.....31046                | 17.....31452                  | 80.....31098, 32024         | 51.....31099           |
| 763.....31451                | <b>Proposed Rules:</b>        | 745.....30889               | 54.....31516           |
|                              | 17.....31711                  | 1500.....32071              | 61.....31099           |
| <b>33 CFR</b>                | <b>39 CFR</b>                 | 1501.....32071              | 73.....30901, 31516    |
| 100.....30860, 31047, 31883  | 3001.....31258                | 1502.....32071              | 74.....30901           |
| 117.....31048, 31452, 31659, | 3004.....31258                | 1503.....32071              |                        |
| 31886                        | 3007.....31258                | 1504.....32071              |                        |
| 165.....30862, 30863, 30865, | <b>Proposed Rules:</b>        | 1505.....32071              | <b>49 CFR</b>          |
| 30866, 30869, 30871, 30872,  | 111.....31712                 | 1506.....32071              | <b>Proposed Rules:</b> |
| 30875, 30877, 31048, 31050,  | 113.....31713                 | 1507.....32071              | Ch. II.....31944       |
| 31052, 31054, 31055, 31057,  | 3050.....31344, 31346, 31713, | 1508.....32071              | Subchp. B.....31944    |
| 31059, 31060, 31062, 31886,  | 32069                         |                             |                        |
| 31887, 31889, 31891          | <b>40 CFR</b>                 | <b>44 CFR</b>               | <b>50 CFR</b>          |
| <b>Proposed Rules:</b>       | 52.....31064, 31068, 31072,   | 59.....31337                | 635.....30884, 31677   |
| 100.....31913                | 31328, 31330, 31332, 31454,   | 61.....31337                | 648.....30887, 31684   |
| 165.....31344                | 32062, 32064                  | 64.....31075                | 679.....31340, 31460   |
| <b>34 CFR</b>                | 63.....30879                  | <b>47 CFR</b>               | <b>Proposed Rules:</b> |
| 300.....31306                | 81.....31334, 32064           | 51.....31659                | 635.....31517          |
| 600.....31296                |                               | 54.....30883, 30884, 31458  | 648.....31354, 31945   |
|                              |                               | 63.....31659                |                        |

---

**LIST OF PUBLIC LAWS**

---

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at <http://www.archives.gov/federal-register/laws>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the

Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at <http://www.gpo.gov/fdsys>. Some laws may not yet be available.

**H.R. 931/P.L. 115-194**

Firefighter Cancer Registry Act of 2018 (July 7, 2018; 132 Stat. 1506)

**H.R. 2229/P.L. 115-195**

All Circuit Review Act (July 7, 2018; 132 Stat. 1510)

**S. 1091/P.L. 115-196**

Supporting Grandparents Raising Grandchildren Act (July 7, 2018; 132 Stat. 1511)  
**Last List June 27, 2018**

---

**Public Laws Electronic Notification Service (PENS)**

---

**PENS** is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.